



Planning Department
Community Development Department, Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

May 2, 2025

**Re: The Agahian Residence, 45 Reservoir Road, Los Gatos
Project Description/ Letter of Justification**

To Whom it May Concern:

On behalf of the property owner Ms. Farnaz Agahian, I once again present this project for an Architecture and Site application. The proposed project includes the construction of a new two-story residence with an attached two car garage, as well as an attached accessory dwelling unit (ADU).

Project History:

- Project was heard during a Planning Commission meeting on 1/3/2025. Project was approved subject to conditions of approval.
- Project was appealed by a neighboring resident on 1/17/2025. Project was submitted to the City Council for a public meeting on 3/4/2025. The appeal was granted with the resolution remanding the application back to the Planning Commission with specific direction including the following: **1) Reduce the building footprint in consideration of the least restrictive development area (LRDA) and 2) reduce the volume/massing of the residence.**

This letter, accompanied by the attached development plans, contains descriptions of the revision in an effort to address the directions. Refer to previously submitted plans and justification letter for the description of the original project and exceptions requested.

Reduce the volume/massing of the residence.

The original proposed design asked for two side setback reductions, yet we did not ask for extra floor area beyond what is allowed. The reason we wanted this extra 'width' was because we wanted to keep the building lower in height and less visible to the valley floor, and not some kind of split level or third story.

In this revision we reduced the width of the house and shaved off 2.5 ft across the entire building on the west side, plus a varying of 1ft to 3ft across the whole building on the east side which includes stepping the garage side wall back to conform to the side setback. This reduced the floor area (FAR) by 47sf and the whole structure by 244sf. We also pulled back the front porch wall by 2.5 ft, cutting back another 30sf of covered area. Together, we shrank the structure footprint (structural coverage) by 168sf and the residence is no longer encroaching into the side setbacks.

Reduce the building footprint in consideration of the least restrictive development area (LRDA)

The existing road takes up one-third of the building envelope and one of the two only LRDA on this lot. This not only pinches the remaining available building envelope, it also means the only LRDA we could work with is the one within the rear yard. Because of this, we are continuing to propose a part of the house to encroach into the rear yard with a reduced rear setback varying from 19.5ft to 21.5ft. This portion of the encroachment is exacerbated by the acute angle of the lot shape, but it will not be visible from the road and there will still be plenty of distance to the rear fence. Further it moves the house away from the road and allows us to place more of the residence within the LRDA. Potentially we could move the house even farther back, but then this would further increase the amount of grading and trigger another retaining wall height exception that we prefer to avoid.

Dia 1.0 Floor plan exhibit showing the areas of house size reduction



Exceptions:

Besides from the two responses to the City Council directions, we also want to take this opportunity to provide further justification to other exception requests.

Most of the time the hillside guidelines are used on hillside zoned lots that in generally are a lot bigger (a min of 40,000sf). Our lot is zoned R-1-20, but is only 10,000sf. This severely difference in size plus the set of unique conditions (road, LRDA, slope, etc) have made conforming to all the hillside guidelines extremely difficult and in our case impossible. The only way we can make any development viable, and to quote the guidelines 'select the best area on the property for the development' relies on getting reasonable exceptions.

As mentioned in the original proposal, the hair pin turn in front of 36 Rogers Street could not be accessible by the Fire Trucks. According to Matt McKenna, Senior Deputy Fire Marshal of the Santa Clara County Fire Department, even if they come in from Reservoir Road, the chance of them being stuck blocking the road and egress will pose a great threat to everyone. There has to be a turn-around area to allow them to fight fires and maneuver, while allowing the residents to evacuate. Even without a house, such an area is needed and the only way to create it is through grading and retaining walls.

There has to be some exceptions permitted to create the minimum amount of space to allow the construction of any structure and life-saving spaces on this sub-standard lot. We identified the following exceptions as part of the must-haves in order to achieve that, regardless of the size of the house;

- 1) Grading fill (over 3ft) exceeding the hillside standard (for the turn-around)
- 2) Retaining wall height exceeding the hillside standard (for the turn-around)
- 3) Development outside of the LRDA zone (for any size house)
- 4) Entire roadway (in this case the entire private portion of Reservoir Road) required to be at min of 18ft wide.

However, with this revision, these previously requested exceptions are removed:

- 5) Not having two full size parking spaces in the garage - the floor plan is modified to provide 2 full size parking spaces.
- 6) Reduced side setback - size of the house is reduced and the proposed design is no longer encroaching into the side setback.

These are the remaining exceptions directly related to the house that are still needed:

- 7) Reduced rear setback due to limited building envelope, the angle of the rear property line, the need to move the house away from the road and make better use of the LRDA.
- 8) Grading cut exceeding the hillside standard along the rear walkway in order to create an egress and circulation path for the exit doors.
- 9) A shorter than typical driveway (less than 18ft) exiting the garage
- 10) Not being able to provide 4 guest parking spaces on site per the Hillside Specific Plan.

Private Road:

We acknowledge the comments regarding the house being close to the private road, but with the road cutting through the lot, any proposed house is going to be close to the road. We cut back the front porch in the revision. The tightest point went from just 18 inches to now 3.5ft to the road, from there it flares out to 4-8 feet.

A majority of this road will also be multi-tasked as the fire truck turn-around and the back-up space for the garage. Our civil engineer has explored many configurations with the Fire Department, and we were approved with a modified turn-around area (shown on civil sheet 4). This large flat area needs to be created with grading/fill and retaining walls. It is also the reason we don't have room for 4 guest parking spaces on our lot and why our driveway is shorter than the required 18ft length. Moving the road any more than proposed will not only take away the turn-around area, it will create more problems for our neighbors since we will need to extend the grading work well into their properties.

Tree Removal:

This is a never been developed lot and there are trees throughout the property. About half of them are in poor condition and quite a few ones criss-crossing the existing PG&E overhead lines. Aside from the trees for being in the way and having potential fire hazard, a number of these trees are of poor condition and will not survive the construction. Instead, we proposed to plant native replacement trees (such as oaks and toyon or similar fire tolerant types) at carefully selected locations to enforce a 5ft defensible space around the structure.

The appeal brought up a rumored tree violation left behind by the previous property owners. Since the hearing Ms Agahian has reached out to the Code Compliance Officer Mr Allen Meyer about this. He confirmed that such violation was resolved by the previous owners and all fines were paid. Any related exhibit presented on this matter should not be used against Ms Agahian's application.

We are also working with PG&E to re-install portion of the PG&E line running through our property to an underground line, including a branch line going to 60 Rogers Street, to further mitigate potential fire risk.

Impervious Areas and Drainage:

The reduced footprint of the structure (as tabulated on sheet A1) takes up only 21% of the lot. The circulation around the house takes up another 10.68 %, but the majority of the impervious area comes from the road and the turn-around, which takes up about 32% of the total lot area. Even with a differently-sized house, the impervious areas for the circulation, road and fire truck turn-around will still be required to take up the same amount of space.

One change we did make is instead of using an infiltration trench uphill of the 2 remaining oak trees, we replaced it with 2 retention chambers and located them underneath the turn-around area instead. These chambers are large enough to capture the site run off and allow it to be slowly re-absorbed on site. This relieves the impact on the existing oak trees and free up space for new ones.

In Summary

We have been working with the owner, staff and neighbors to make this development possible on this uniquely shaped and sub-standardly sized lot. Despite our greatest effort there are some exceptions that are inevitable for any economically viable development. While not perfect and exception free, every decision of this project was made to minimize the impact to our neighbors and be a responsible and fire safe development on the hillside. This lot has been vacant and unimproved for a long time, with neglected trees, overgrown wild bushes, uncontrolled run off,

intertwined overhead power lines and sub-standard fire access. This project will invest the much needed improvements that this property needs.

EXCEPTION REQUESTS AND JUSTIFICATIONS

Below is a list of our effort of minimizing the exceptions requested for the project and our justifications.

EXCEPTION TO TOWN CODE REQUIREMENTS:

1. Setback Encroachment: (refer to architectural site plan on A1)
 - As explained earlier, we reduced the building footprint to eliminate the side setback exception. But we are continuing to ask for a rear yard encroachment for a small part of the house because of the cut-short building envelope, the road and the LRDA.

EXCEPTIONS TO HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

1. Retaining wall height exception at the fire truck turn-around: (refer to architectural site plan on A4 and civil sheet C4)
 - The required turn-around space, with even a modified footprint, requires an area of roughly 40ft by 50ft and a slope of no more than 5%. It needs to be on the same level as the existing road and expands towards the downhill area. Retaining walls that are needed to create this pad will vary between 5ft to 15.5ft high. They can be constructed out of soldier pile and wood lagging, which has a natural rustic appearance that is commonly seen in the hillside area. It also allows for natural drainage and avoids the need of complex drainage lines that is normally required for concrete wall construction.
 - In addition of the retaining wall appearance, 4ft of landscape buffer zones are planned around the turn-around area to screen the walls from neighbors.
2. Grading (Fill) exception at the fire truck turn-around: (refer to architectural site plan on A4 and civil sheet C4)
 - Fill areas of up to 15.5 ft is necessary for the construction of the turn-around area. While this is a significant height and will require an exception, it can significant offset and amount of soil off-haul created by the house grading.
3. Grading (Cut) exception along the rear retaining wall and walkway (refer to arch site plan on A4 and section)
 - A cut depth of roughly 7'-6" ft is needed at this area to create a circulation walkway around the house and to the keep the house back and away from the road. This cut depth is also chosen to allow for the 2 stepped retaining walls at allowable height and not trigger another exception.
4. Structure outside of the least restrictive development area (LRDA): (refer to sheet A3 and A4)

There are only 2 LRDA on this lot and the road takes up one of them. The only remaining LRDA we could use is within the rear yard and outside of our building envelope. We proposed to put the building as far back as we could and partially encroaching into the rear yard, to allow for more of the residence to be on the LRDA.

EXCEPTIONS TO HILLSIDE SPECIFIC PLAN

1. Guest parking spaces at Hillside Specific Plan: the size and configuration of the lot has made it challenging to provide all the hillside specific street parking, and we want to prioritize

getting ingress/egress and fire truck access while being sensitive with grading and road expansion. So instead of the 4 required spaces we are requesting to reduce it to 1 parking space.

EXCEPTIONS TO TOWN CODE:

SEC 29.10.155(c)(2) Driveway/ access road must be a minimum of 18 feet in width for the full length to Reservoir Road:

1. The creation of the access road granted a 12 ft easement for ingress and egress purposes across the 5 neighboring properties. While our property owner can make improvements on her property, she has no control over her neighbors' portion of the road.
2. We have to prioritize spaces for fire access and maneuvering, off street parking, tree preservation and visibility screening, all along a very limited road frontage. We have widened about 60% of our road, including the choke point at the 2 brick pillars, to get at least a 12 ft wide road as well as a space for a fire truck turn-around. The rest of the road is widened as much as possible to accommodate some parking, while leaving us about 15'-9" of egress width, some space for tree preservation and drainage management.
3. The current road varies from 12 to 24 ft in width and has separate, widened parking and maneuvering space in front of each property it serves, providing turn-out spaces that have worked well with these residences for years.

Sincerely,



Gary Kohlsaatt
Architect C19245