

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVING A REQUEST FOR CONSTRUCTION OF 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 AND REMANDING THE APPLICATION BACK TO
PLANNING COMMISSION WITH SPECIFIC DIRECTION**

**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. The Planning Commission approved the Architecture and Site application subject to conditions of approval;

WHEREAS, on January 17, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for construction of 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;

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

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

WHEREAS, the Town Council 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 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.

WHEREAS, the Mayor asked that the Planning Commission be provided with more detailed information regarding the circumstances under which the denial of a requested exception from Town standards will constitute a regulatory taking; and

WHEREAS, the Town Council directed staff to return to the Town Council with an updated resolution.

NOW, THEREFORE, BE IT RESOLVED:

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

1. The Planning Commission erred in approving the Architecture and Site application, because the application does not comply with the objectives of the Hillside Development Standards and Guidelines, specifically regarding constraints analysis and site selection, selecting sites to minimize susceptibility to fire hazards, and minimizing the bulk and mass of a building.
2. The appeal of the decision of the Planning Commission approval of a request for construction of 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 is granted and the application has been remanded back to the Planning Commission with specific direction.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of March 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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