



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 03/18/2025

ITEM NO: 6

---

DATE: March 13, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for the 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 Matter to the Planning Commission. **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 Kohlsaat, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

RECOMMENDATION:

Adopt a resolution (Attachment 1) granting an appeal of a Planning Commission decision to approve an Architecture and Site Application for the 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 decision to the Planning Commission with specific direction.

DISCUSSION:

On March 4, 2025, 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.

PREPARED BY: Sean Mullin, AICP  
Planning Manager

---

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

---

PAGE 2 OF 2

SUBJECT: 45 Reservoir Road/S-22-048

DATE: March 13, 2025

The Council made the findings, in accordance with Town Code Section 29.20.295, that 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 the constraints analysis and site selection, selecting sites to minimize susceptibility to fire hazards, and minimizing the bulk and mass of a building.

There was also a request 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.

A resolution granting the appeal and remanding the application back to the Planning Commission with direction is included as Attachment 1.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Draft Resolution Granting the Appeal and Remand the Application Back to the Planning Commission with Specific Direction