



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/05/2025

ITEM NO: 18

ADDENDUM

DATE: August 4, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Consider an Appeal of a Planning Commission Decision to Approve 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. 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 Kohlsaas, Architect. Project Planner: Sean Mullin.**

REMARKS:

Attachment 12 includes additional information provided by the property owner.

ATTACHMENTS:

Attachments Distributed with the Staff Report:

1. June 11, 2025, Planning Commission Staff Report, with Exhibits 1 through 10
2. June 11, 2025, Planning Commission Desk Item
3. June 11, 2025, Planning Commission Action Letter with Conditions of Approval
4. June 11, 2025, Planning Commission Verbatim Minutes
5. Appeal of the Planning Commission Decision, received June 23, 2025
6. Applicant's response to the appeal
7. Property owner's response to the appeal
8. Letter from Appellant, received July 30, 2025
9. Applicant's response to the appeal
10. Draft Resolution to Deny Appeal and Approve Project

PREPARED BY: Sean Mullin, AICP
Planning Manager

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

PAGE 2 OF 2

SUBJECT: 45 Reservoir Road/S-22-048

DATE: August 4, 2025

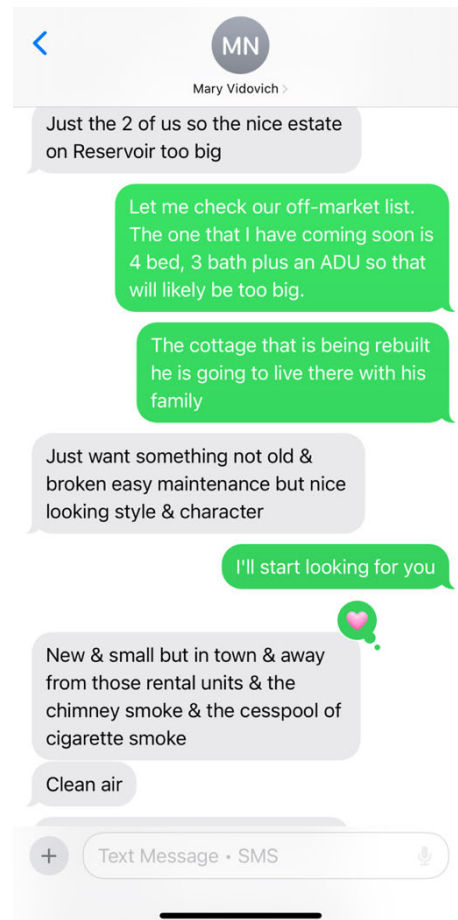
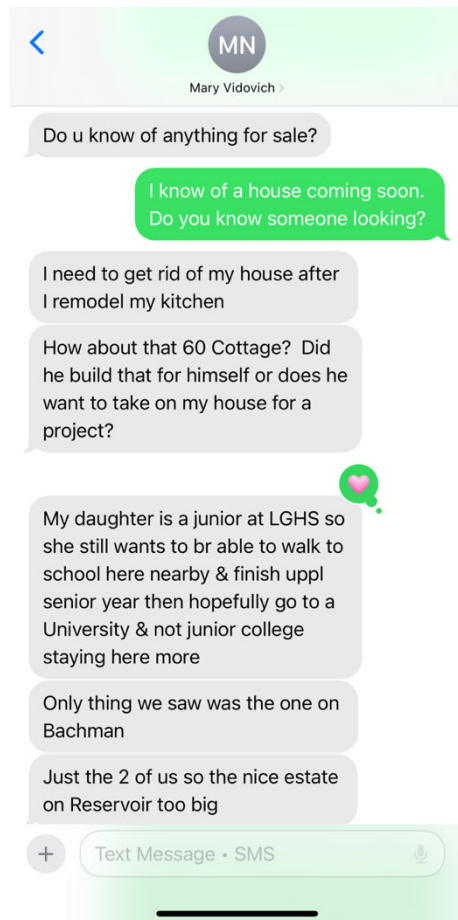
11. Public comments received between 11:01 a.m., Wednesday, June 11, 2025, and 11:00 a.m., Thursday, July 31, 2025

Attachment distributed with this Addendum:

12. Additional information from the property owner

Supporting Documents for 45 Reservoir, Los Gatos

Text messages to a Real Estate Agent Showing Mary Vidovich's Intention to Sell the House



*** Mary Vidovich's goal appears to be keeping the land vacant while she prepares to list her home, and she is now trying to delay construction simply because she doesn't want any building activity nearby during that time.

Unauthorized Use of My Property

Placing a porta-potty on my
property without permission
(May 26, 2025)



Using my property for construction vehicles
without permission (2024)

*** Using my property without permission during her lengthy remodeling. This includes regularly parking on my land **due to limited space on her own property**. No wonder she doesn't want anything built here—she's been freely using the space.

False Information in the Appeal Package

Letter in the
Second appeal
package

ADDENDUM

RE: APPLICATION #S-22-040
ADDRESS: 45 RESERVOIR RD, LOS GATOS, CA

ON THE DATE OF THE FIRST HEARING,
NEIGHBOR BARATZADEH, SPoke IN FAVOR
OF THE BUILDING PERMIT BEING APPROVED.

UNDISCLOSED WAS THE BARATZADEH'S
HAVE A VESTED INTEREST IN APPROVAL
DUE TO THE FACT THEY NEED ELECTRICAL
THROUGH A UNDERNEATH (UNDER GROUND)
OF THE CONTIGUOUS PROPERTY OF 45 RESERVOIR
RD'S APPROVAL FOR BARATZADEH'S POOL.

THE BARATZADEH'S CONTIGUOUS PROPERTY
ADDRESS IS 60 ROGERS RD, WE BELIEVE?

EMILY BARATZADEH IS A LICENSED REAL
ESTATE SALESPERSON WITH COLDWELL BANKER.

THANK YOU,

MARY VIDOVICH
[REDACTED]
LOS GATOS

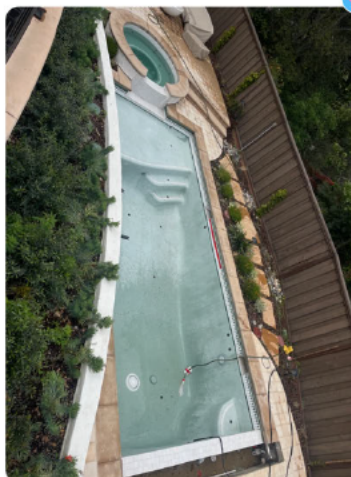


Photo of the pool (60
Rogers) which is being filled
on March 2025

Hi Farnaz, I'm so sorry for not responding. I had such a crazy week this week with work and personal projects like our pool! It is now being filled with water and we will be able to use it in three weeks. You are so sweet to check in on us and I'm sorry that I didn't respond.

Baratzadeh's Family (60 Rogers) Response to Vidovich's False Claims

From: Emily Baratzadeh <XXXXXX@XXXXXX.com>
Sent: Wednesday, July 16, 2025 11:15 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Kia Baratzadeh <XXXXXX@XXXXXX.com>
Subject: 45 Reservoir Project

[EXTERNAL SENDER]

Dear Sean and Council Members,

My husband, Kia Baratzadeh, and I would like to express why we are in support of the home project at 45 Reservoir Rd. It appears there was a letter in the most recent appeal stating that our pool project is contingent on the support of Farnaz and her project. However, our pool project was finalized with the Town of Los Gatos and this is false information. We are in support of her project because we feel it will benefit the whole neighborhood. For one, having a vacant lot behind our yard is not ideal as it encourages wild animals to surface. There have been multiple coyote sightings on Reservoir Rd. We are also in support of the project because adding a home here will increase the value of our neighborhood. And finally, but most importantly, this new home will bring with it friendly neighbors. We have formed great relationships with our neighbors on 26 Rogers and 55 Rogers Rd and look forward to our new neighbors at 45 Reservoir.

Thank You,

Emily and Kia Baratzadeh

Immediate Neighbors' Support

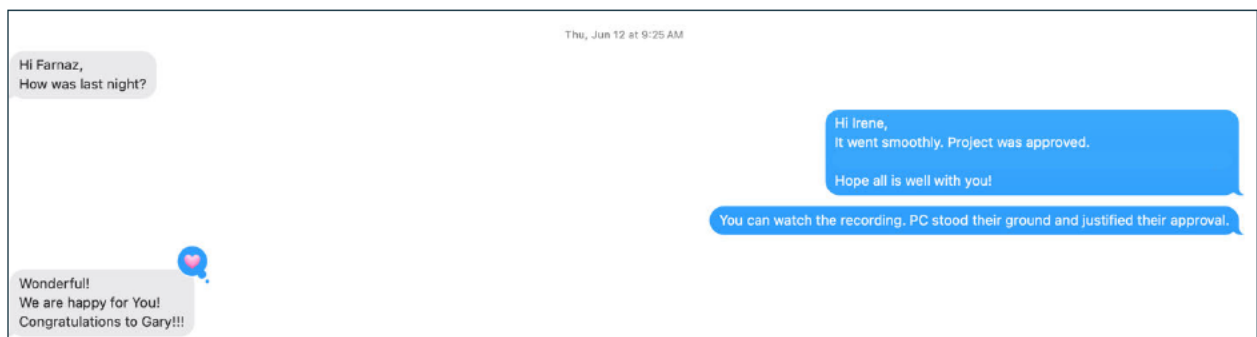


The text exchange with **Dinesh Mishra** ([REDACTED])

This family kindly granted me a **water easement**, and the text was exchanged on the day the installation was complete, **Jan 2025**.

I always had their blessing and support, unlike what Mary V has mentioned in her last appeal

The text exchange with **Irene Upson** ([REDACTED] , next-door neighbor) on 12 Jun 2025, the day after Planning Commission hearing



Document from Los Gatos Public Records Office showing Mary Vidovich False Testimony on March 4th Hearing

Request Details

Request Number: PRA-2025-9

Internal Fields

PRA_TypeofRequestor

Request Fields

Name

Mary J. Vidovich

Email

GC §7922.000

Phone

Address

City

State

Zip

Type_Of_Records_PD_or_PRA

OtherRecords

Description

(45 Reservoir Road Lot (former owner Xu & before that Cochran)) I need Code Enforcement documentation in my timely appeal window this week for council the illegal oak tree removal in April 2021 by the Xu owner. In addition, the replacement trees are dead. The new owner has two mature oaks on the perimeter of the lot for her plans that the architect proposes to remove. Five immediate surrounding neighbors do not want these mature majestic oak trees removed. Mary J. Vidovich

GC §7922.000

GC §7922.000

Checkboxes

electronic

*** On March 4 hearing, Mayor Hudes inquired about the removal of trees, specifically asking whether they were removed under the **current ownership**. Ms. Vidovich stated that they were.

However, I received a copy of her request to the Los Gatos Public Records Office, in which she herself clearly states that the trees were removed in **April 2021 by the Xu**—the previous owner (I purchased the property in 2022).