



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/28/2026

ITEM NO: 2

DATE: January 23, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval for Site Improvements Requiring a Grading Permit and a Conditional Use Permit for a Vineyard Greater than 3,000 Square Feet on Property Zoned HR-2½. **Located at 16135 Cerro Vista Drive.** APN 537-30-018. Architecture and Site Application S-25-036 and Conditional Use Permit Application U-25-006. Exempt Pursuant to the CEQA Section 15303(a): New Construction or Conversion of Small Structures, and Section 15304: Minor Alterations to Land. Property Owner: Ruben Caballero. Applicant: Gary Kohlsaas. Project Planner: Suray Nathan.

RECOMMENDATION:

Consider a request for approval for site improvements requiring a Grading Permit and a Conditional Use Permit for the construction of a vineyard greater than 3,000 square feet on property zoned HR-2½.

PROJECT DATA:

General Plan Designation: Hillside Residential (0 to 1 dwelling unit/acre)
Zoning Designation: HR-2½ - Hillside Residential
Applicable Plans & Standards: General Plan, Hillside Specific Plan, and Hillside Development Standards and Guidelines
Parcel Size: 10.22-acres (445,125 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-1
South	Residential	Hillside Residential	HR-2½
East	Residential	Hillside Residential	HR-2½ and HR-1
West	Residential	Hillside Residential	HR-2½ and HR-1

PREPARED BY: Suray Nathan
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures, and Section 15304: Minor Alterations to Land.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures, and Section 15304: Minor Alterations to Land.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
- As required by Section 29.40.0320 of the Town Code for granting a Fence Height Exception.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project complies with the Hillside Development Standards and Guidelines except for the requested exception to height of finished floor above existing grade.
- The project complies with the Hillside Specific Plan.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the west side of Cerro Vista Drive, approximately 0.4 miles south of Shannon Road (Exhibit 1). All surrounding properties are zoned Hillside Residential and developed with single-family residential uses. The property has a gross lot size of 445,125 square feet with an average slope of 39 percent. The resulting net lot size is 178,050 square feet when reduced by slope pursuant to the Hillside Development Standards and Guidelines (HDS&G).

On January 24, 2025, the Town received a complaint regarding a vineyard installed on the site and a fence taller than the maximum allowed height constructed around the perimeter of the vineyard without the required permits. On January 27, 2025, the Town issued a violation for the unpermitted work and requested that the applicant apply for a Conditional Use Permit (CUP).

On July 21, 2025, the applicant applied for an Architecture and Site application for site improvements requiring a Grading Permit and a CUP for the recently planted 14,300-square

foot vineyard. The project scope also includes a new detached accessory building (outdoor kitchen), a fence height exception for a portion of eight-foot tall deer fencing, and new patios and pool decking. The project plans show a new accessory dwelling unit (ADU), which is subject to ministerial review and not the subject of this application, consistent with state law.

As required by the Town Code, the Planning Commission is considering the project due to the creation of a vineyard requiring a CUP.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of Cerro Vista Drive, approximately 0.4 miles south of Shannon Road (Exhibit 1). All surrounding properties are zoned Hillside Residential and developed with single-family residential uses.

B. Project Summary

The applicant is requesting approval of an Architecture and Site application for site improvements requiring a Grading Permit, a CUP for a 14,300-square foot vineyard, and a Fence Height Exception for eight-foot tall deer fencing (Exhibit 10). The project scope also includes a new detached accessory building (outdoor kitchen) and new patios and pool decking.

C. Zoning Compliance

The proposed project includes site improvements with grading quantities exceeding 50 cubic yards, which requires a Grading Permit. Architecture and Site approval is required for a Grading Permit pursuant to Town Code Section 12.20.020.

A vineyard larger than 3,000 square feet is permitted in the Hillside Residential (HR) zone, subject to CUP approval. The CUP process was established due to concerns about the clearance of large hillside areas to create vineyards or orchards. The area of the subject lot where the vines are planted previously contained tall grass, required no tree removal, and required minimal grading (Exhibit 10).

Fences in the Hillside Area are limited to a maximum height of six feet. The project includes a portion of eight-foot-tall deer fencing adjacent to the vineyard. Town Code Section 29.40.0320 provides for an exception to the fence height limitations, subject to specific findings.

Accessory structures are permitted in the HR-2½ zone. The proposed outdoor kitchen complies with the applicable Town Code for building height and setback requirements.

DISCUSSION:A. Architecture and Site AnalysisGrading:

The applicant proposes site work with cumulative grading quantities exceeding 50 cubic yards, which requires a Grading Permit. The Grading Plan shows that areas of fill are proposed to expand the pool deck and patio areas along the downhill slopes west of the pool. The expanded patio would tie into the proposed ADU, stepping down to a large patio adjacent to the pool equipment pad. An additional five cubic yards of cut is proposed for the vineyard. The following table provides a summary of the proposed grading quantities that count toward a Grading Permit.

Site Grading Summary (cubic yards)		
	Cut	Fill
Porch Patio	10	45
Vineyard	5	0
Pool Decking	0	63
Total	15	108

The Grading Plan includes a limited area with a finished floor height for the outdoor kitchen that is greater than three feet above the existing grade, requiring an exception to the HDS&G. This triangular area is within the footprint of the outdoor kitchen and adjacent patio (Exhibit 10, Sheet A-5). The applicant provided a Letter of Justification that notes the limited footprint and extent of the area requiring the exception (Exhibit 6).

Accessory Structure:

The applicant also proposes construction of a new 576-square foot detached outdoor kitchen structure, with no walls at the front and large openings on three sides. The site is located in a hillside neighborhood with large lots and many mature trees. The proposed outdoor kitchen is designed to complement the existing Mediterranean style house, with stucco siding and a brown tile roof (Exhibit 10, Sheet A-6.5). The outdoor kitchen is not included in the floor area calculation as it does not meet the Town's definition of floor area since it is not enclosed. The proposed kitchen structure is 15 feet tall at its most restrictive point, where 15 feet is allowed by Town Code. The proposed structure is not visible per the HDS&G's visibility analysis criteria.

An ADU is also included in the development plan. Pursuant to state law, the ADU is not the subject of this discretionary application, as it may be permitted through a ministerial Building Permit.

B. Conditional Use Permit

The applicant is requesting approval of a CUP for a vineyard larger than 3,000 square feet. The vineyard is 14,300 square feet on a 445,125-square foot parcel. The vineyard area is located on a sloped area in the northeast corner of the property, with 18 rows of vines, each vine planted five feet apart (Exhibit 10, Sheet A-3.1). The vineyard area will be maintained by the owner and a professional landscape team. A drip system was installed to provide water for the vineyard. No trees were affected, as there were none within the vineyard area.

The applicant submitted a Project Description and Letter of Justification (Exhibit 4) and site plan (Exhibit 10) describing the proposal.

The following findings must be made by the deciding body in order to grant approval of a Conditional Use Permit:

1. The proposed use of the property is essential or desirable to the public convenience or welfare; and
2. The proposed use would not impair the integrity and character of the zone; and
3. The proposed use would not be detrimental to public health, safety or general welfare; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

Regarding the first finding, planting grape vines on a steep slope would provide erosion control by anchoring the undulating land to reduce soil erosion. Regarding the second finding, the vineyard would not impair the integrity of the zone, as its use would be compatible with the existing single-family residential use of the hillside property and consistent with the allowable uses in the zone. Regarding the third finding, the vineyard would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit would maintain the welfare of the community. Regarding the final finding, the vineyard would be in harmony with the various elements and goals of the General Plan to preserve the natural beauty and ecological integrity of the Santa Cruz Mountains (CD14, CD15, and LU-1.3), as well as with the purposes of the Town Code discussed in this report.

C. Fence Height Exception

The vineyard is enclosed with visually open wire fencing attached to wood posts to protect the vines from deer (Exhibits 5 and 10). The seven-foot tall fences on the north and east sides of the vineyard existed prior to this project. A new section of six-foot tall fencing atop a stone retaining wall is located on the west side of the vineyard. An eight-foot tall section of fencing is located on the south side of the vineyard. This eight-foot tall fence requires approval of a Fence Height Exception as it exceeds the maximum height permitted by Town

Code. This approximately 95-foot long section of fence is comprised of six-foot tall wire fencing atop a two-foot tall stone landscape wall.

Town Code Section 29.40.0320 provides the findings for granting a Fence Height Exception. The request exception appears to align with finding (b)(2):

A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

In addition to the Town Code, the Site Elements Section of the HDS&G includes a standard requiring that deer fencing up to a maximum height of eight feet be limited to areas around ornamental landscaping. However, larger areas shall not be enclosed unless specific reasons for keeping deer out have been demonstrated to the satisfaction of the decision-making body. The 14,300-square foot vineyard is a small portion of the 445,125-square foot property, consistent with this standard. The applicant notes in the Letter of Justification that for the grape vines to thrive, adequate deer fencing is required (Exhibit 5). The applicant requests an exception to allow the deer fence to be eight feet tall.

D. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist (Exhibit 9). As the subject lot is 10.22-acres, the Consulting Arborist surveyed only the areas within the proposed construction sites. The inventory of trees includes six large protected trees and nine protected trees, comprising two species: nine coast live oaks; and six blue oaks. The Consulting Arborist noted that two trees (#179 and #190) have been highly impacted by the proximity to the improvements made prior to the inventory analysis. The Consulting Arborist provided standard recommendations for tree preservation and protection (Exhibit 9).

E. Neighbor Outreach

The applicant has been in communication with many of the surrounding neighbors regarding the proposed project. A summary of their outreach efforts is included as Exhibit 8. At the time of preparation of this report, no public comments have been received.

F. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures, and Section 15304: Minor Alterations to Land.

PUBLIC COMMENTS:

Story poles are not required for this project pursuant to the Town's Story Pole Policy (Resolution 2024-017), and project signage was installed on the subject property prior to the mailing of notices for the public hearing. Written notice was sent to property owners and residents within 500 feet of the subject property. At the time of preparation of this report, no public comments have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site Application for site improvements requiring a Grading Permit and a Conditional Use Permit for the construction of a vineyard greater than 3,000 square feet on property zoned HR-2½. The project scope also includes a new detached accessory building (outdoor kitchen), a Fence Height Exception for a portion of eight-foot tall deer fencing, new patios and pool decking requiring an exception to the HDS&G. The applicant has provided a Letter of Justification discussing the requested exceptions (Exhibits 4, 5 and 6). Aside from the requested exception, the project complies with the Zoning Code, HDS&G, and Hillside Specific Plan.

B. Recommendation

Based on the summary above, staff recommends approval of the Architecture and Site and CUP applications subject to the recommended conditions of approval included as Exhibit 3. If the Planning Commission finds merit in the request, it should:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures, and Section 15304: Minor Alterations to Land (Exhibit 2);
2. Make the finding as required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit (Exhibit 2);
3. Make the finding as required by Section 29.40.0320 of the Town Code for granting a Fence Height Exception (Exhibit 2);
4. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
5. Make the finding that the project complies with the Hillside Development Standards and Guidelines except for the requested exception to height of finished floor above existing grade (Exhibit 2);
6. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
7. Approve Architecture and Site Application S-25-036 and Conditional Use Permit Application U-25-006 with the recommended conditions of approval contained in Exhibit 3 and the development plans in Exhibit 9.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, Conditional Use Permit
5. Letter of Justification, Fence Height Exception
6. Letter of Justification, Grade Height Exception
7. Site Photos
8. Consulting Arborist's Report, dated August 26, 2025
9. Applicant's Response to Neighborhood Outreach
10. Development Plans