



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 12/08/2021

ITEM NO: 2

**DATE:** December 3, 2021  
**TO:** Planning Commission  
**FROM:** Joel Paulson, Community Development Director  
**SUBJECT:** Requesting Approval for Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence, and Site Work Requiring a Grading Permit on Property Pre-Zoned R-1:8. Located at 16010 Winterbrook Road. APN 523-26-017. Architectural and Site Application S-20-016. Property Owner: Drew and Kari Brown. Applicant: Gary Kohlsaat. Project Planner: Ryan Safty.

**RECOMMENDATION:**

Consider approval of a request for demolition of an existing single-family residence, construction of a new single-family residence, and site work requiring a grading permit on property pre-zoned R-1:8, located at 16010 Winterbrook Road.

**PROJECT DATA:**

General Plan Designation: Low Density Residential  
Zoning Designation: Pre-Zoned R-1:8  
Applicable Plans & Standards: General Plan, Residential Design Guidelines, and Hillside Development Standards and Guidelines  
Parcel Size: 0.95 acres (41,394 square feet)  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	Pre-R-1:8
East	Residential	Low Density Residential	R-1:8 and Pre-R-1:8
West	Residential	Low Density Residential	R-1:8

**PREPARED BY:** RYAN SAFTY  
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
  1. The Town's housing stock will be maintained as the single-family residence will be replaced.
  2. The existing structure has no architectural or historical significance.
  3. The property owner does not desire to maintain the structures as they exist; and
  4. The economic utility of the structures was considered.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the applicable portions of the Hillside Development Standards and Guidelines.
- The project design is in compliance with the Residential Design Guidelines in that the Town's Consulting Architect has reviewed the proposal and determined that the proposed house is very well designed with an identifiable architectural style and details and appears to meet the Town's Residential Design Guidelines. While the proposed home is very large compared to most others in the immediate neighborhood, the site is also large and shielded from most surrounding views.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

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

BACKGROUND:

The subject property is located along the northern edge of the Winterbrook Road cul-de-sac (Exhibit 1). The property is 41,394 square feet with an existing 2,394-square foot, two-story residence with a 795-square foot attached garage. The average slope of the property exceeds ten percent and is therefore subject to certain portions of the Hillside Development Standards and Guidelines. The immediate low-density residential neighborhood contains one- and two-story residences.

The subject property, along with three other neighbors in the immediate neighborhood, is currently located within Santa Clara County jurisdiction. The subject property is in the process of being annexed into the Town. Town Council reviewed and approved the annexation on November 2 and November 16, 2021. The property will be officially annexed into the Town once the State's Local Agency Formation Commission (LAFCO) issues certification. Per Draft Condition of Approval 15 (Exhibit 3), the property must be officially annexed and certified by LAFCO prior to building permit issuance for the proposed work.

On June 17, 2020, the applicant submitted an Architecture and Site application for the demolition of an existing single-family residence, construction of a new two-story residence, and site work requiring a grading permit.

The proposed project meets all technical requirements including parking, height, floor area, building coverage, and setbacks.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the northern edge of the Winterbrook Road cul-de-sac (Exhibit 1). The surrounding properties in the low-density residential neighborhood contain one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to construct a new 5,463-square foot, two-story single-family residence with an attached 795-square foot garage (Exhibit 11). The proposed residence would be the largest in terms of floor area in the immediate neighborhood.

PROJECT DESCRIPTION (continued):

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The property is greater than 30,000 square feet (41,394 square feet) and is therefore subject to the hillside floor area regulations. The maximum allowed floor area is 6,000 square feet, with a 400-square foot garage credit. The proposed home would be 5,463 square feet with a 795-square foot attached garage. With the 400-square foot garage credit, the proposal is 5,858 square feet.

The proposed residence is in compliance with the allowable floor area, building coverage, setbacks, height, and on-site parking requirements for the property. No exceptions are requested.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing demolition of the existing 2,394-square foot two-story residence and 462-square foot attached garage and is proposing construction of a new two-story single-family residence with 5,463 square feet of living space and a 795-square foot attached garage. Below-grade square footage is proposed under the new first-floor, creating a 2,873-square foot cellar area that will be completely below-grade and thus does not count towards the maximum allowed floor area for the site (Exhibit 11).

In addition to the proposed excavation for the new residence footprint and below-grade square footage, the applicant is requesting a grading permit for 1,010 cubic yards of cut and fill area for the driveway modifications, on-site parking, fire-truck turnaround, landscape areas, and access around the proposed new footprint. The proposed cut and fill amounts and retaining walls throughout the property comply with the Town's Hillside Development Standards and Guidelines.

The maximum height of the proposed residence is roughly 28.5 feet, where a maximum of 30 feet is allowed. The existing two-story residence on the site is 29.5 feet tall, measured to grade below. The applicant is proposing to lower the grade around the residence footprint by roughly two feet, resulting in a height-reduction of roughly three feet when viewing the property from the public right-of-way.

DISCUSSION (continued):

The proposed residence would be of a traditional farmhouse style, with a dark grey composition shingled roof and standing seam metal roofing used for the covered porches, white horizontal siding, dark-sashed windows, and stone accents throughout (Exhibits 4 and 11). The applicant has provided a Project Description and Letter of Justification detailing the project (Exhibit 9). The project plans show a future Accessory Dwelling Unit to the south of the proposed residence. The Accessory Dwelling Unit is not being reviewed as a part of this Architecture and Site Application per State law.

The request is being considered by the Planning Commission because the proposed home would be the largest in terms of floor area in the immediate neighborhood. However, as discussed below in the Neighborhood Compatibility section of the report, the subject property is over twice the size of the neighboring properties in the immediate neighborhood and would be the second smallest in terms of floor area ratio. The property is also a flag lot and the proposed residence would be almost completely shielded from view from Winterbrook Road.

B. Building Design

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design. The site is located on a large flag lot accessed by Winterbrook Road with substantial landscaping surrounding the site.

In the Issues and Concerns section of the Consulting Architect's report (Exhibit 5), the Consulting Architect noted that the proposed house is very well designed with an identifiable architectural style and details. While the proposed home is very large compared to most others in the immediate neighborhood, the site is also large and shielded from most surrounding views. The proposed house would be roughly the same height as the existing home on the site that it would replace; however, it would be much wider.

The Consulting Architect noted that there could potentially be some impact on the two neighbors to the rear, along Stephanie Lane, but noted that the impact will likely be minimal. For the home at 15981 Stephanie Lane, it appears that impacts would not be any greater than the current condition. For the home at 15991 Stephanie Lane, they could potentially experience some impact, but the proposed design of the new house has an increased second floor setback at the adjacent edge which would mitigate the proposed building height.

The Consulting Architect concluded that the proposed house appears to meet the Town's Residential Design Guidelines and did not have any recommended changes to the design.

DISCUSSION (continued):C. Neighborhood Compatibility

The immediate low-density residential neighborhood contains one- and two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,640 square feet to 3,951 square feet. The floor area ratios range from 0.13 to 0.35. The proposed residence would be 5,463 square feet with a floor area ratio of 0.13. Pursuant to Town Code, the maximum allowable square footage for the 41,394-square foot lot is 6,000 square feet with a maximum floor area ratio of 0.14. The table below reflects the current conditions of the immediate neighborhood.

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
<b>16010 Winterbrook Rd (Ex)</b>	R-1:8 PRE	2,394	462	2,856	41,394	0.06	2
<b>16010 Winterbrook Rd (Prop)</b>	R-1:8 PRE	<b>5,463</b>	795	5,858	41,394	<b>0.13</b>	2
16041 Winterbrook Rd	R-1:8	3,455	459	3,914	13,071	<b>0.26</b>	1
16031 Winterbrook Rd	R-1:8	1,988	360	2,348	12,218	<b>0.16</b>	1
16021 Winterbrook Rd	R-1:8	<b>3,951</b>	518	4,469	11,186	<b>0.35</b>	1
16011 Winterbrook Rd	R-1:8	1,640	460	2,100	10,455	<b>0.16</b>	1
16000 Winterbrook Rd	R-1:8	2,249	400	2,649	14,464	<b>0.16</b>	1
16016 Winterbrook Rd	R-1:8 PRE	2,504	676	3,180	20,000	0.13	1
16012 Winterbrook Rd	R-1:8 PRE	2,441	368	2,809	8,580	<b>0.28</b>	1
16020 Winterbrook Rd	R-1:8	2,796	610	3,406	9,709	<b>0.29</b>	2
16030 Winterbrook Rd	R-1:8 PRE	2,437	440	2,877	12,580	<b>0.19</b>	1

The proposed residence would comply with the maximum allowed floor area on the site, would not be the first two-story home, and would not be the largest home in the immediate neighborhood in terms of floor area ratio. However, the proposed residence would be the largest in terms of floor area in the immediate neighborhood by 1,512 square feet.

The subject property is over twice the size of the second largest property and is the only property in the immediate neighborhood that is subject to the hillside floor area regulations because it is larger than 30,000 square feet. The existing residence on the subject property is already two-stories and is taller than what is currently proposed. There is also one other two-story residence in the immediate neighborhood. Due to the large size of the property, the proposed project would be the second smallest in the immediate neighborhood in terms of floor area ratio.

The property is a flag lot and is accessed via an existing 20-foot wide ingress and egress easement, shared with the neighbor to the south, fronting along Winterbrook Road. The front of the property contains several mature trees that are proposed to remain, and the proposed house footprint is located approximately 200 feet from Winterbrook Road (Exhibit 6). The proposed residence at 16010 Winterbrook Road would be almost completely shielded from view along Winterbrook Road.

DISCUSSION (continued):

D. Tree Impacts

The Town's Consulting Arborist prepared a report for the site and made recommendations for the project (Exhibit 7). The project site contains 23 protected trees. The applicant is proposing to remove a total of 10 protected trees within or adjacent to the proposed footprint and grading work, and each of the trees proposed for removal has a Tree Conservation Suitability Rating within the "poor" range.

The remaining 13 trees would be preserved in accordance with the procedures and recommendations specified in the Consulting Arborist report. The applicant has submitted a Response to Consulting Arborist Report letter explaining how each of these recommendations will be addressed (Exhibit 8).

The 10 trees proposed for removal require a total of 37 24-inch box replacement trees. The Town Arborist can approve replacement sizes and/or in-lieu fees at the time of building permit submittal. The applicant's conceptual landscape plans (Exhibit 11) propose a total of 55 replacement trees, ranging in size from 15-gallon to 36-inch box. The applicant also proposes 62 15-gallon shrubs throughout the property. As noted in the applicant's Project Description and Letter of Justification (Exhibit 9), the locations and sizes were chosen to provide privacy screening between neighbors. The replacement species, sizes, and locations will be reviewed by the Town Arborist at time of building permit to ensure adequate replacement of lost canopy on the site.

E. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 10).

F. Environmental Review

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, December 3, 2021 are included as Exhibit 12.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence, construction of a new single-family residence, and site work requiring a grading permit. The project is in compliance with the Town Code. The project would result in the largest home in the immediate neighborhood in terms of floor area, but is on the largest lot and would be the second smallest in terms of floor area ratio.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, 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: New Construction or Conversion of Small Structures (Exhibit 2);
2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
4. Make the finding as required by the Town's Hillside Development Standards and Guidelines that the project is in compliance with the applicable portions of the Hillside Development Standards and Guidelines (Exhibit 2);
5. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (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-20-016 with the conditions contained in Exhibit 3 and the development plans in Exhibit 11.

C. Alternatives

Alternatively, the Commission can:

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



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SUBJECT: 16010 Winterbrook Road/S-20-016

DATE: December 3, 2021

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Color and Materials Board, received January 12, 2021
5. Consulting Architect Report, dated January 27, 2021
6. Property Pictures, received April 8, 2021
7. Consulting Arborist Report, dated August 12, 2021
8. Applicant's response to the Consulting Arborist Report, received September 14, 2021
9. Project Description and Letter of Justification, received September 14, 2021
10. Applicant's neighborhood outreach efforts, received September 24, 2021
11. Development Plans, received October 14, 2021
12. Public Comments received prior to 11:00 a.m., Friday, December 3, 2021

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