TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 06/11/2026

ITEM NO: 1

DATE: June 5, 2026

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval for the Subdivision of One Lot into Twelve Lots with a Vesting Tentative Map, Construction of a New Single-Family Residence on Each Lot, Site Work Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on Vacant Property Zoned RC. **Located at 178 Twin Oaks Drive.** APN 532-16-006. Architecture and Site Applications S-24-023 through -032 and S-24-059, Vesting Tentative Map Application M-24-013, and Mitigated Negative Declaration Application ND-25-001. A Recirculated Initial Study and Mitigated Negative Declaration Have Been Prepared. Property Owner/Applicant: Larry Dodge. Project Planner: Erin Walters.

BACKGROUND:

On December 17, 2025, the Planning Commission considered the project, received public testimony, and continued the item to a date uncertain to allow the applicant and staff additional time to respond to questions raised at the meeting which are discussed in the following sections of this report (Exhibit 32).

DISCUSSION:

A. Applicant's Responses to Planning Commission Questions

The applicant provided written responses to the following Planning Commission questions (Exhibit 33). The questions from the Planning Commission are provided on the following page, followed by the applicant's response in *italics*.

PREPARED BY: Erin M. Walters
Senior Planner

Reviewed by: Planning Manager, Community Development Director, Town Attorney

- **Is the applicant willing to stake the site and delineate the roadway and/or property corners prior to a site visit?**

  Applicant's Response: "Yes, the applicant is currently scheduling a survey crew in the beginning of January 2026 to provide construction staking for locations of pertinent relevance for the proposed project."

  Staff's Note: The applicant's team staked the site on February 6, 2026. Stakes denote the proposed property line's at the edge of the proposed road, proposed edge of the road, and proposed front building corners for Lots 1, 2, 3, 4, 5, 6, 8, 9, and 11.

- **Plans indicate stormwater discharge into Ross Creek. What are the anticipated impacts to the creek, and how are they being mitigated?**

  Applicant's Response: "The existing conditions of the site are currently draining to Ross Creek. The proposed site design measures do not delineate from draining to Ross Creek. With that said, the proposed site design measure improves the drainage pattern with a series of C3-mandated stormwater treatment measures (i.e. biotreatment basins, underground storm drain system and pervious pavers – with check dams) and hydromodification measures that capture, treat, detain, and release stormwater at post-development levels no greater than pre-development levels. In summary, the proposed improvements do not impact Ross Creek more than the existing condition. There will be no negative impacts to Ross Creek because of the proposed design. As previously noted, the existing site drains to Ross Creek. Proposed site design measures will not increase the stormwater drainage to Ross Creek from pre-development levels. The proposed C3 and hydromodification measures for the project will have a positive impact to Ross Creek."

- **Provide experience with pervious concrete.**

  Applicant's Response: "The design team has incorporated pervious pavers/concrete into numerous successful projects, including in the City of San Jose, City of Santa Clara, and Town of Los Gatos as it is an acceptable common practice to achieve C3 compliance (stormwater treatment) per SCVURPPP standards. Additionally, pervious paver/concrete is widely accepted by local fire agencies including the City of San Jose, City of Santa Clara, and Town of Los Gatos. Santa Clara County Fire Department has provided approval for pervious paver use for this project."

- **Demonstrate the pervious concrete's ability to support weight loads, including emergency vehicles.**

  Applicant's Response: "As noted on our Fire Access Plan sheet in all our submittals, all Fire Department access roadways including the private street, driveways and emergency

access shall be an all-weather surface designed to support the imposed load of 75,000 pounds. This weight is widely acceptable to local Fire Department agencies, including Santa Clara County Fire Department. A manufacturer specification sheet is included as a product sample that meets the weight load requirements. A pervious paver detail – with check dams - is also included in our plan sets. A supplemental spec showing pervious pavers compliant to the required loading is has been provided to the Town staff." See Exhibit 34.

- **Address long-term maintenance requirements for pervious concrete.**

  Applicant's Response: "Per the SCVURPPP C3 Guidelines, a Routine Maintenance Activity Schedule is to be followed for the pervious pavers/pavement. This schedule is included in our plan set (Stormwater Control Hydromodification Details sheet). The specific maintenance action items will be done by the owners of the individual lots for not only their lots but also the private street where pervious pavers are being proposed. Enforcement of said activities will be conveyed through project CC&R documents as well as the Operations and Maintenance Agreement with the Town."

- **Provide additional information on existing flooding of neighboring properties.**

  Applicant's Response: "It is our understanding from the project topography that the existing site surface drains down the hill ultimately into the ephemeral creek or will continues downhill to an existing earth swale that directs storm drain runoff to existing storm drain inlets."

- **Explain how the proposed drainage design addresses the flooding issues, particularly along Lots 4 and 5.**

  Applicant's Response: "The proposed drainage design introduces multiple measures strategically located throughout the project site. Bioretention basins are located on each Lot and pervious pavers/concrete is being proposed for some Lot driveways and a portion of the private street. These proposed design measures capture the downhill surface drainage, detain it, provide water quality treatment, and provide flow-duration control (as described in the BAHM report prepared by Balance Hydrologics) which addresses the hydromodification management for the project site. Overall, these proposed measures drastically reduce the amount of surface drainage for the site which will greatly benefit the downhill adjacent property owners by capturing the stormwater runoff sooner and directing it to and underground storm drain system. A series of proposed terraced retaining walls along the west side of Lots 4 & 5 will provide additional remediation measures for the said property owners. The small area of landscape between the western-most retaining wall and the property line will be hydroseeded per guidelines to provide a binding measure of the soil to reduce runoff.

Due to Fire Department requirements pertaining to tree density, adding more trees in this area is not allowable."

- **Applicant to clarify whether open space easements and/or trails or trail easements can be implemented in the proposed project. If the applicant's position is that open space easements and/or trails or trail easements are cost-prohibitive, provide detailed cost estimates so the Planning Commission can evaluate that position.**

  Applicant's Response: "Please see new exhibit depicting proposed open space and trail easements." See Exhibit 35.

  Staff's Note: The applicant is no longer seeking the incentives to waive the requirement for private open space easements or requirement for trail easements. Instead, the applicant now proposes Private Open Space Easements and Trail Easements for Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12 as depicted in Exhibit 35. Conditions of Approval #8 and #9, Exhibit 42, have been revised to reflect this modification.

- ***Address privacy concerns through tree placement and buffering with native species.***

  Applicant's Response: "HMH (Applicant's Landscape Architecture Consultant) can add shrubs and propose trees to create a stronger vegetative buffer in the area discussed. Please reference updated Lots 5 and 6 planting plan." See Exhibit 36.

  Staff's Note: The proposed tree planting plan provides additional privacy screening through the placement of oak trees between the neighboring rear properties and Lot 6; however, the plan provides minimal screening between the neighboring rear properties and Lot 5 (Exhibit 36).

- **Encourage the applicant to consider alternative trail options. The existing trail alignment may be challenging and costly due to lot crossings, slope, and the need for off-site easements. Consider alternatives such as: Routing through Brook Acres and/or adding a pedestrian easement over the EVA and providing a connection to Twin Oaks**

  Applicant's Response: "Please see new exhibit depicting proposed open space and trail easements." See Exhibit 35. *"There are two trail easement areas that overlap with open space easements as depicted in the exhibit. One goes from Cerro Vista to the EVA that ties to Brook Acres. The other goes from the new private road to Hillbrook School property line. The applicant will not build the trail, and the HOA will not maintain the public trails."*

Staff's Note: Exhibit 35 identifies areas shaded in green on Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12 as public trail easements. Condition of Approval #9 in Exhibit 42 has been revised to reflect this change.

The subdivision proposes dedication of public trail easements, but does not include construction of the trails as required by the Hillside Development Standards and Guidelines (HDS&G) and the Hillside Specific Plan. The project site is also located within the County and Town of Los Gatos Trails Plan area.

The applicant is no longer requesting incentives to waive the requirement to provide trail easements. Instead, the applicant is requesting an incentive from the requirement to construct and maintain the trails.

The applicant has requested an incentive under State Density Bonus Law (Government Code Section 65915) to waive the requirement to construct and maintain public trails. Justification for this request is provided in the applicant's Project Description and Letter of Justification (Exhibit 5), and additional justification is provided in Section E of this report.

B. Town's Environmental Consultants Responses to Planning Commission Questions

The project's Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town of Los Gatos for public review from September 19, 2025, through October 8, 2025 (Exhibit 1). Following the public review period, the Town prepared responses to comments (Exhibit 13), and the project was considered by the Planning Commission on December 17, 2025.

During the Planning Commission meeting, environmental concerns were raised by Commissioners and summarized by Town staff. Those comments are addressed by the Town's environmental consultant, Raney, in the Responses to Planning Commission Comments document included as Exhibit 37. A Recirculated IS/MND was circulated for public review from April 17, 2026, through May 18, 2026. The responses in Exhibit 37 refer to the Recirculated IS/MND (Exhibit 38), which is the current version of the environmental document.

Under CEQA Guidelines Sections 15073 and 15074, the Town is required to consider all comments received on the IS/MND; however, written responses are not required for a Mitigated Negative Declaration. At the Town's request, Raney prepared written responses to the Planning Commission comments for the record.

Raney's responses to Planning Commission questions are included in Exhibit 37 and are provided on the following page, followed by responses in *italics*.

- **A Commissioner observed specific plants in special conditions in the field. No specific species were provided.**

  Raney's Response: "It is unclear which specific plants and special conditions are being referred to in the comment. The project site contains many species of common plants, which are not protected, nor required to be analyzed pursuant to CEQA; only special-status plants require review under CEQA (page 42 of the IS/MND defines special-status plants). Potential impacts of the proposed project on special-status species, including special-status plant species, are addressed in Section IV, Biological Resources, of the Recirculated IS/MND. As noted on page 45 of the Recirculated IS/MND (Exhibit 38), the site only provides marginally suitable habitat for Santa Clara red ribbons and bent-flowered fiddleneck. Full rare plant surveys in 2012 and 2013 during the various blooming periods, along with the ongoing disturbance associated with annual mowing for fire abatement, confirms that the site lacks suitable habitat for special-status plants. Thus, the proposed project is not anticipated to result in adverse effects to special-status species and the conclusions of the Recirculated IS/MND remain adequate."

- **Did the biologists map the vegetation and when? Where are the areas of soil saturation? Where is standing or seasonal water present? Where is the edge/boundary of these areas?**

  Raney's Response: "A field survey of the project site was conducted by Live Oak Associates (LOA) on December 19, 2024, as part of the Biological Evaluation, to identify on-site habitats and to determine the likelihood of any occurrences of special-status species. An additional site visit was conducted on May 14, 2025, to confirm the characteristics of the on-site ephemeral feature. Further, as stated on page 7 of the Recirculated IS/MND (Exhibit 38), in response to public comments and input at the Planning Commission hearing, LOA conducted additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral feature. LOA's follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint." Also see responses to Comment 10 below. "Figures 15 and 16 of the Recirculated IS/MND show the on-site habitats, including on-site aquatic resources, as well as the 15-foot buffer (Exhibit 38, Figures 15 and16)," as mentioned in response to Comment 10 below. "Page 52 of the Recirculated IS/MND (Exhibit 38) states that the USACE jurisdiction only extends to the 342-square-foot (sf) concrete-lined drainage considered a seasonal wetland in the northwestern corner of the project site, and that the ephemeral stream is considered a water of the State under the jurisdiction of the RWQCB. The "ephemeral" classification indicates that the stream flows with water during or shortly after a rain event. The lack of a clear incised channel along the entire length of the ephemeral stream is a clear indication of the limited water flow most of the year."

- **Explain the origin and rationale for the proposed 10-foot buffer at the ephemeral swale. Identify and justify any areas where the buffer is less than 10 feet, including the criteria used and any supporting analysis.**

  Raney's Response: "The 10-foot buffer shown on the project plans is proposed by the applicant and assumed to be based on Mitigation Measure 4.3-8 identified in the Draft EIR previously prepared for the project site, but was never certified by the Town. Mitigation Measure 4.3-8 in the uncertified Draft EIR required a minimum riparian setback of 10 feet from the top of bank of the incised portion of the ephemeral swale and outer oak canopy edge. The buffer is inaccurate and unrelated to the updated analysis of biological resources, as presented in the Biological Evaluation prepared for the project by LOA and Recirculated IS/MND. As discussed on page 52 of the Recirculated IS/MND (Exhibit 38):

  > *The on-site ephemeral feature historically supports water only during and shortly after storm events. The Town of Los Gatos follows the Guidelines and Standards for Land Use By Streams document ("Guidelines and Standards"). The Town Council adopted a resolution implementing the Guidelines and Standards at its meeting on February 20, 2007. What had previously been identified in this IS/MND as an "ephemeral drainage" has portions with an incised channel and portions without. According to the definition of a stream in the Guidelines and Standards (Chapter 2, subsection E), only the portions of the feature having a channel meet the definition of a stream, and therefore, only those portions need a buffer. Notwithstanding, for purposes of this recirculated environmental document, the entire on-site feature will be referred to as an ephemeral stream.*
  >
  > *Given that there is no riparian habitat associated with this ephemeral stream, the buffer is from the "top of bank" of the sections of the ephemeral stream where it has an incised channel. The Guidelines and Standards does not identify a stream or riparian setback per se; the only setback identified is a "Slope Stability Protection Area", which is 10-15 feet for ephemeral streams with the addition of 5 feet for properties over 10,000 square feet. Although the Guidelines and Standards does not identify a stream or riparian setback, it is reasonable to use the Slope Stability Protection Area as a proxy. The habitat value of the ephemeral stream is low, as it only flows during and just after storms and does not support any wetlands; therefore, LOA has determined that a buffer of 15 feet would be reasonable to reduce the potential for impacts to this feature.*

  As further stated on page 53 of the Recirculated IS/MND (Exhibit 38) and shown on Figure 16 therein, the majority of the proposed project would be designed to avoid the

ephemeral stream and comply with the required 15-foot buffer from the "top of bank" of the incised channel sections of the ephemeral stream. The exception to this consists of the northerly extent of the ephemeral stream, which would be impacted by proposed construction activities associated with the internal roadway and the residential development on Lot 5. Such construction activities would require fill of the northern extent of the ephemeral stream, which is presumed to be a water of the State. Therefore, the Recirculated IS/MND includes Mitigation Measures IV-10 and 11 to reduce the associated impact to a less-than-significant level."

- **Explain the baseline used for the noise analysis.**

  Raney's Response: "Under CEQA, the baseline is generally defined as the physical environmental conditions as they exist at that the time the Notice of Preparation for an EIR is published, or when the environmental analysis begins. Although the lead agency has the discretion to use a different baseline for a CEQA analysis, such as a defined historical condition of the site or where the existing conditions at a site are unrepresentative or tend to fluctuate, use of the physical conditions occurring at the time the environmental analysis begins is common practice. Thus, the baseline condition used throughout the analysis within the Recirculated IS/MND, including for the noise analysis, is the existing physical environmental conditions at the site."

- **Describe how noise impacts will be mitigated if required.**

  Raney's Response: Project impacts related to noise are addressed under Section XIII, Noise, of the Recirculated IS/MND. As discussed therein, the proposed project would not result in any significant impacts related to project operational noise. However, noise levels associated with project construction at the nearest existing single-family residences could exceed the applicable noise level standards. Thus, Mitigation Measure XIII-1 requires the implementation of construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors: use electric tools, which create less noise than non-electric; and use mobile construction equipment with smart back-up alarms, which automatically adjust their volume instead of using a fixed volume. Such measures are consistent with Mitigation Measure N-1 in the Town's General Plan EIR and would reduce potential impacts related to construction noise to a less than-significant level."

- **Commissioners raised questions regarding the riparian habitat on-site.**

  "According to LOA, riparian habitat is not present along the ephemeral stream based on the traditional definition from the U.S. Fish and Wildlife Service (USFWS), which is the standard definition for ecologists. The Regional Water Quality Board (RWQCB) uses an atypical and distinct, more inclusive definition of riparian vegetation. As noted on page

51, the Recirculated IS/MND relies on a more typical definition of riparian vegetation sourced from the USFWS. The full definition is as follows:

> *Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics:*
>
> 1. *Distinctly different vegetative species than adjacent areas.*
> 2. *Species similar to adjacent areas but exhibiting more vigorous or robust growth forms.*

While a small area of the ephemeral stream (approximately 100 to 150 feet) at the terminus of the stream would be impacted by the project, no shrubs or trees along the length of the on-site ephemeral stream would be impacted. In other words, only upland herbaceous vegetation, away from the ephemeral stream, within the proposed development areas, would be impacted by the project. Therefore, even under the RWQCB's more inclusive riparian definition, the conclusions presented in the Recirculated IS/MND would not change, as all of the shrubs and trees (e.g., RWQCB riparian) along the ephemeral stream would be retained after project buildout.

The ephemeral stream has previously been disclaimed by the U.S. Army Corps of Engineers (USACE) and under the new Water Rule based on the Supreme Court's May 2023 Sackett Decision, will clearly disclaim it as a water of the U.S. in the future, as it lacks a continuous surface flow to a downstream navigable water. Accordingly, page 52 of the Recirculated IS/MND (Exhibit 38) states that the USACE jurisdiction only extends to the 342-square foot (sf) concrete-lined drainage considered a seasonal wetland in the northwestern corner of the project site, and that the ephemeral stream is considered a water of the State under the jurisdiction of the RWQCB and, as such, discharge of fill into the ephemeral stream is regulated by the RWQCB.

The following describes the additional on-site field investigation of the ephemeral feature and the revisions made to the IS/MND as a result as provided by Raney:

"The 'ephemeral' classification indicates that the stream flows with water during or shortly after a rain event. The lack of a clear incised channel along the entire length of the ephemeral stream is a clear indication of the limited water flow most of the year. Nonetheless, as stated on page 7 of the Recirculated IS/MND (Exhibit 38), in response to public comments and input at the Planning Commission hearing, LOA conducted additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site

ephemeral feature. This follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND was revised and recirculated to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and included new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11).

The "Compensation" portion of Mitigation Measure IV-10 requires that the project mitigate impacts through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near impacted areas at a 1:1 minimum replacement-to-loss ratio. Mitigation Measure IV-10 further notes that it is anticipated that all compensation measures can be accommodated on-site within the existing ephemeral stream, for which an important consideration is to remove the existing culvert in the upper area of the stream."

- **Commissioners raised questions regarding the study methodology and number of field visits for the Biological Evaluation. Questions were raised on whether the report relied on prior reports done by others over 10 years ago and if the report relied on the partial recirculated DEIR by Kimley-Horn in 2017.**

  "While the prior reports were considered as part of the preparation of the Biological Evaluation, contrary to the comment, LOA did in fact conduct their own, separate surveys of the site. A field survey of the project site was conducted on December 19, 2024, as part of the Biological Evaluation, to identify on-site habitats and to determine the likelihood of any occurrences of special-status species. An additional site visit was conducted on May 14, 2025, to confirm the characteristics of the on-site ephemeral feature, and in response to public comments and input at the Planning Commission hearing, including this comment, LOA conducted additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral feature. Additional surveys are not needed; the objective of a biological survey for CEQA review is not to compile a comprehensive list of every wildlife or plant species that occurs or may occur on a site. Instead, the goal is to provide a description of existing biological resources (e.g., common and special-status plant and wildlife species, and waters of the U.S./State) and to identify potentially suitable habitats that may be impacted, and, thus, lead to impacts that could affect sensitive biological resources as a result of the proposed project, which is what was done in the IS/MND and is appropriate for the purpose of CEQA."

C. Requested Incentives, Waivers, and Exceptions

The applicant was originally seeking the following four incentives under SDBL, as described below:

Requested Incentives	
Not Installing Story Poles and Netting per the Visibility Analysis requirements of the Hillside Development Standards and Guidelines	Project wide
Not Providing Sidewalks	Project wide
Not Providing Trail Easement and Constructing Trail	Project wide
Not Providing Open Space Easements	Project wide

The applicant is no longer seeking the incentives to waive the requirement to provide a private open space easement or to waive providing a trail easement. Instead, the applicant now proposes open space and public trail easements for Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12, as depicted in Exhibit 35.

The applicant continues to request an incentive from constructing the trails. The applicant provides, "The project is overbudget already. So any dollar impact beyond where we stand today could prevent the project from being developed at the density proposed and the subsequent loss of three affordable units that are a part of the project. The design and construction of trails were never contemplated in the budget therefore under state housing law we are protected from this requirement being imposed. Because the Planning Commission asked us to look at it again and stated they would be satisfied with reserving area for future trails to be funded and built by other agencies, we undertook the effort and cost to design the trail easements per the exhibit."

The applicant is now requesting three incentives under SDBL, where state law would allow up to five.

The legal framework for Senate Bill 330, Housing Accountability Act (HAA), SDBL, Builder's Remedy and applicant's requests for incentives, waivers, and exceptions are described in December 17, 2025, Planning Commission staff report.

The applicant submitted a Project Description Letter and Letter of Justification (Exhibit 5) describing the project and requested entitlements. Proposed development plans are included in Exhibits 15 through 27, as well as new Exhibits 35 (Open Space Easements and Future Trail Easements) and 36 (Lots 5 and 6 Vegetation Buffer).

D. CEQA Determination

The project's Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town for public review from September 19, 2025, through October 8, 2025. Following the public review period, the Town prepared responses to comments, and the project was considered by the Planning Commission on December 17, 2025.

In response to public comments and input at the Planning Commission hearing, LOA conducted an additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral feature. This follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND was revised and recirculated to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and included new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11).

A Recirculated IS/MND was circulated for a 30-day public review from April 17, 2026, through May 18, 2026 (Exhibit 38).

Under CEQA Guidelines Sections 15073 and 15074, the Town is required to consider all comments received on the IS/MND; however, written responses are not required for a Mitigated Negative Declaration. At the Town's request, Raney prepared written responses to comments received during the public review period as found in Exhibit 40.

The Recirculated Initial Study and Mitigated Negative Declaration concluded that the project will not have a significant impact on the environment with adoption of the Recirculated MND and Revised MMRP to mitigate potential impacts to a less-than-significant level.

Each of the 21 mitigation measures identified in the Recirculated MND (III-1, IV-1, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-8, IV-9, IV-10, IV-11, IV-12, V-1, V-2, V11-1, X-1, X111-1, X111-2, XVII-1, and XVIII-1) are included in the Revised MMRP (Exhibit 39) and Revised Conditions of Approval (Exhibit 42).

PUBLIC COMMENTS:

Project identification signage was installed on the Twin Oaks Drive, Brooke Acres Drive, and Cerro Vista Court frontages by September 17, 2024, consistent with Town policy. Visual simulations were completed by the Town's consultant and posted to the Town's website by September 1, 2025 (Exhibit 10). Written notice was sent to property owners and tenants within

1,000 feet of the subject property and notice of public hearing signage was installed on the street frontages by May 29, 2026, in anticipation of the June 11, 2026, Planning Commission hearing.

Staff conducted outreach through the following media and social media resources, for the availability of the visual simulations; public review of the Recirculated Initial Study and MND; and notice of the public hearing:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

Public comments received between 11:01 a.m., Wednesday, December 17, 2025, and 3:00 p.m., Friday, June 5, 2026, are included as Exhibit 43.

As part of the public comments, staff received a question regarding vector control review of the project's proposed bio-retention ponds (Exhibit 43). Public Works staff provided the following response:

> "The Town does not coordinate with Vector Control during review of bio-treatment basins, as they are designed to fully drain within 72 hours and therefore should not pose a significant mosquito risk. However, once constructed, the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) will coordinate with Vector Control as part of the annual reporting process to notify them of these new facilities. The Town of Los Gatos will include all newly installed bio-treatment areas in its Annual Stormwater Report, and SCVURPPP will share that information with Vector Control."

CONCLUSION:

A. Summary

The applicant is requesting approval for the subdivision of one lot into 12 lots with a Vesting Tentative map, construction of a new single-family residence on each lot, site work requiring a grading permit, and removal of large protected trees under SB 330 on a vacant property zoned RC, located at 178 Twin Oaks Drive.

As detailed above, the application was submitted and is being processed under SB 330. The applicant seeks approval for the proposed residential project utilizing both SDBL (CA Gov. Code § 65915) and the Builder's Remedy provisions under the HAA [CA Gov. Code § 65589.5

(d)(5)]. The project qualifies for five incentives and unlimited waivers under SDBL. The application meets the definition of a Builder's Remedy project and the applicant has requested a number of exceptions to Town standards pursuant to Builder's Remedy. The deviations from the Town's standards included in the project are requested through both SDBL and Builder's Remedy for which the applicant has provided justification summarized in the body of this report and in Exhibit 5.

B. Recommendation

With the revisions described in the staff report, Staff recommends that the Planning Commission consider the request and, if merit is found with the proposed project, forward a recommendation that the Town Council approve the Architecture and Site applications, Subdivision application, and Mitigated Negative Declaration application by taking the following actions:

1. Adopt the Recirculated Mitigated Negative Declaration (ND-25-001) and Recirculated Mitigation Monitoring and Reporting Program (Exhibits 38 and 39) and make the finding that the project, with adoption of the Recirculated Mitigated Negative Declaration and Recirculated Mitigation Monitoring and Reporting Program, will not have a significant effect on the environment per CEQA;
2. Make the finding that the project is consistent with the General Plan with the incentives and waivers requested pursuant to State Density Bonus Law and granting of the requested exceptions to the maximum allowed density pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);
3. Make the finding that the proposed project complies with Section 66474 of the State Subdivision Map Act with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act and make affirmative findings to approve the subdivision (Exhibit 41);
4. As required for tentative or parcel maps approved in state responsibility areas (SRA) or very high fire hazard severity zones (VH), findings are required to be made to the State Board of Forestry and Fire Protection (Board) pursuant to 14 CCR Section 1266.02 (Exhibit 41);
5. Make the finding that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the incentives and waivers requested pursuant to State Density Bonus Law and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);
6. Make the finding that the project complies with the Hillside Development Standards and Guidelines with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);
7. Make the finding that the project complies with the Hillside Specific Plan with the incentives and waivers requested pursuant to State Density Bonus Law and granting of

the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);

8. Make the affirmative findings as required by State Density Bonus Law for granting an incentive pursuant to California Government Code Section 65915 (d) and for granting waivers pursuant to California Government Code Section 65915 (a)(2) (Exhibit 41);
9. Make the finding that, as required by California Government Code Section 65589.5 (d) of the California Housing Accountability Act, none of the findings for denial of a Builder's Remedy project can be made (Exhibit 41);
10. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 41); and
11. Approve Architecture and Site Applications S-24-023 through S-24-033 and S-24-059, Subdivision Application M-24-023, and Recirculated Mitigated Negative Declaration Application ND-25-001 with the recommended revised conditions contained in Exhibit 42 and the development plans in Exhibits 15 through 27, Exhibit 35, and Exhibit 36.

C. Alternatives

Alternatively, the Planning Commission can:

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

EXHIBITS:

Previously Received with the December 12, 2025, Staff Report:

1. Initial Study and Mitigated Negative Declaration with Appendices A through E (available online at **https://www.losgatosca.gov/178TwinOaksDr**)
2. Required Findings and Considerations
3. Recommended Conditions of Approval – M-24-013, S-24-023 to -033 and S-24-059
4. Location Map
5. Project Description and Letter of Justification
6. Consulting Architect's Report
7. Applicant's Response to Consulting Architect's Report
8. Final Arborist Report
9. Consulting Arborist's Peer Review
10. Visual Renderings
11. Public comments received by 11:00 a.m., Friday, December 12, 2025
12. Mitigation Monitoring and Reporting Program
13. Public Comments and Responses Regarding the Mitigated Negative Declaration
14. Initial Study/ Mitigated Negative Declaration Errata Sheet

15. Development Plans – Subdivision
16. Development Plans – Lot 1
17. Development Plans – Lot 2
18. Development Plans – Lot 3
19. Development Plans – Lot 4
20. Development Plans – Lot 5
21. Development Plans – Lot 6
22. Development Plans – Lot 7
23. Development Plans – Lot 8
24. Development Plans – Lot 9
25. Development Plans – Lot 10
26. Development Plans – Lot 11
27. Development Plans – Lot 12

Previously Received with the December 15, 2025, Addendum Report:

28. Public comments received between 11:01 a.m., Friday, December 12, 2025, and 11:00 a.m., Monday, December 15, 2025

Previously Received with the December 16, 2025, Addendum 2 Report:

29. Responses to the Santa Clara Valley Bird Alliance and Sierra Club Loma Prieta Chapter Letter
30. Public comments received between 11:01 a.m., Monday, December 15, 2025, and 11:00 a.m., Tuesday, December 16, 2025

Previously Received with the December 17, 2025, Desk Item Report:

31. Public comments received between 11:01 a.m., Tuesday, December 16, 2025, and 11:00 a.m., Wednesday, December 17, 2025

Received with the June 11, 2026, Staff Report:

32. Planning Commission Meeting Minutes, December 17, 2025
33. Applicant's Response to December 17, 2026, Planning Commission Comments
34. Technical Note, Belgard Pavers Fire Truck Loading
35. Open Space Easements and Future Trial Easements
36. Lots 5 and 6 Vegetation Buffer
37. Raney's Response to December 17, 2026, Planning Commission Comments
38. Recirculated Initial Study and Mitigated Negative Declaration with Appendices A through F (available online at **https://www.losgatosca.gov/178TwinOaksDr**)
39. Recirculated Mitigation Monitoring and Reporting Program
40. Public Comments and Responses Regarding the Recirculated Mitigated Negative Declaration
41. Revised Required Findings and Considerations
42. Revised Recommended Conditions of Approval – M-24-013, S-24-023 to -033 and S-24-059
43. Public comments received between 11:01 a.m., Wednesday, December 17, 2025, and 3:00 p.m., Friday, June 5, 2026

MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING DECEMBER 17, 2025

The Planning Commission of the Town of Los Gatos conducted a Special Meeting on Wednesday, December 17, 2025, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Emily Thomas, Vice Chair Kendra Burch, Commissioner Susan Burnett, Commissioner Steve Raspe, Commissioner Joseph Sordi
Absent: Commissioner Jeffrey Barnett (recused), Commissioner Rob Stump

Chair Thomas indicated that Commissioner Barnett was recused from participation in the public hearing regarding Item 1, 178 Twin Oak Drive, due to his residence's proximity to the subject site.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

Anonymous
Touched on potential legal issues pertaining to projects on the hillside.

PUBLIC HEARINGS

1. **178 Twin Oaks Drive**
   Architecture and Site Applications S-24-023 through -032, and S-24-059
   Vesting Tentative Map Application M-24-013
   Mitigated Negative Declaration Application ND-25-001
   APN 532-16-006
   Property Owner/Applicant: Larry Dodge
   Project Planner: Erin Walters

   Consider a request for approval for the subdivision of one lot into twelve lots with a Vesting Tentative Map, construction of a new single-family residence on each lot, site work requiring a Grading permit, and removal of large, protected trees under Senate Bill 330 (SB 330) on vacant property zoned RC. An Initial Study and Mitigated Negative Declaration have been prepared.

Chair Thomas disclosed that she is familiar with the area and has friends who live in the neighborhood, but it would not prevent her from making an impartial decision on the matter.

Erin Walters, Senior Planner, presented the staff report.

Gabrielle Whelen, Town Attorney, provided a presentation on the regulatory framework.

Opened Public Comment.

Jim Foley

- A similar project came before the Town Council in 2018 that was denied because the property was in the Williamson Act, but that expired in January 2025 and the project is now before the Planning Commission. This project would bring some of the first new affordable units for sale to Los Gatos since Bellaterra at North Forty, and every unit counts toward Los Gatos' Housing Element. We could have proposed a much denser project and abused the Builder's Remedy, but that is not the Dodge family's intent. We have strived to comply with as many of the various potentially applicable development standards that could have been in place for the project zoning. We also considered many public comments including road alignment, home orientation, headlight pollution, etc. There was tremendous additional study and updating of the technical reports and studies that added to the anticipated application preparation time.

Cindy Clark

- I live at 16326 West La Chiquita Avenue. I will make two points in opposition to the development plans: 1) Builder's Remedy and SB 330 are about building more housing, yet the developer is asking to use 17 acres of rare, wooded land to build three token below market homes, and nine giant homes. These are homes for the very rich to be used as second or third homes and an investment opportunity; and 2) If the development proceeds, the Town should deny permits to remove the 223 protected trees that are not at all replaceable, are considered keystone species, and are vital to a healthy ecosystem in Los Gatos.

Gus Who

- The public would want a road connected, because there is a lot of traffic, so it would be better to have a loop in the two roads instead of the one. Another thing was when I built, I designed a 3,500-square foot house and it was too small for the neighborhood and I had to double it. You can probably limit the size of the house. It's 14 acres, so you can probably up it a couple houses, but a loop around there for safety reasons would be the most important thing. Even if nobody builds there, you should have a road connecting that high up, to try to work a deal with the builders. A road between the two for safety issues is my biggest concern.

John Witkin

- I live at 188 Twin Oaks Drive, next door to the development. That hillside, with an oak forest and a Ross Creek feeder stream at the base, is not feasible for a subdivision for multiple home tracts. Similar developments in California have all had issues, because when we cut down 250 trees, move 200 loads of dirt, and pave over a riparian corridor, what can we anticipate? Last year the hillside was recategorized as a high fire danger zone, and eventually we will have a flood, earthquake, or fire and these altered landscapes will fail and we will experience landslides, massive property damage, and a major safety hazard. It is not safe to build these structures and it will not reduce any of the housing crisis in California. We need existing open space to remain in order to keep Los Gatos beautiful.

Bill Meleyco

- I live at 189 Longmeadow Drive, adjacent to the proposed project at the border with Hillbrook School. Our major concern is privacy, trees, noise, and the drainage. These new homes would look down into our backyard and windows. There is a discrepancy between the applicant's rendering that shows 35 new trees being installed, but the plans show them installing only seven trees. They are removing six protected trees along the properly line with Hillbrook that do not interfere with the construction, or anything. From a privacy standpoint, we request the Planning Commission to require the developer to add these 35 trees. Hillbrook's noise studies, done for it to receive a CUP, stated the sound level at our home was at the threshold of unacceptable. The cumulative effect of Hillbrook and the proposed houses would put the sound above an unacceptable level. This hillside drains entirely towards our property, and the catch basin at the corner will overflow with the drainage created by the project.

Monica Herzi

- I live at 185 Longmeadow Drive, three houses from the proposed development and facing Twin Oaks Drive. Proposals like this one tend to keep people from retiring here. From my home I have seen owls, coyotes, deer, rabbits, foxes, turkeys, hawks, etc., and that will all go away with this project. California needs affordable housing, but I agree with the former speakers who asked if these houses will be second homes. Will they produce ADUs on each site, or will they be subdivided and sold as individual lots? I also worry about safety and the limited access to the site.

Jill Fordyce

- I live at 191 Longmeadow Drive. When we bought our property in 1999 the Town staff told us the subject site was resource conservation space that would not likely be developed in our lifetimes. Now we face a new reality, it is no long resource conservation space, there are Builder's Remedy laws, and loss of the Williamson Act protection. I request the project be denied, because it would result in adverse impacts such as wildfire and evacuation; erosion causing mudslides and landslides on the project site; and flooding, water quality degradation and pollution; and harms associated with the proposed bioretention plan.

These risks are acknowledged in the Negative Declaration, but the mitigation of each is vague, uncertain, deferred, and potentially unenforceable.

Craig Fordyce

- I also live at 191 Longmeadow Drive. In our opinion, an EIR is required, as we have not been given necessary information to understand the environmental impact of the proposed development. The Mitigated Negative Declaration approach suggests environmental review is secondary to entitlement, which is legally incorrect. The MND relies on an outdated, uncertified EIR from 2017. The proposal is not the same as the one considered in 2018, with a key difference being the 13 percent increase of the scope of development, as well as different lots, number of homes, home sites, and ingress and egress. An uncertified EIR cannot legally be relied upon for the adoption of an MND. The Sierra Club, the Santa Clara Valley Bird Alliance, and the San Francisco Regional Bay Regional Water Control Board each site multiple issues not addressed by the MND that may have significant environmental impacts.

Chris Bayoric

- I live at 120 Clover Way near the proposed development. My main concern is the development exceeds the drainage capability of that land. The mitigating requests are to build at least three bioretention basins, basically wetlands, or ponds, to catch the effluence from that drainage of that property, and ponds are a health concern with the presence of West Nile Virus in our community and the fact that ponds breed mosquitos that transfer the virus. My second concern is the proposal is vague regarding who is going to be responsible for maintaining those wetlands, the Town or owner. The scope of this development must be downsized to avoid dependence on these wetlands.

Lee Quintana

- I am here not to speak on the project, but to speak on the environmental review, relying on 15 years of experience working for the City of San Jose doing environmental review. Two things paramount in project review: 1) Provide decision makers with information to make informed decisions as to significant impacts and mitigation to those impacts; and 2) Make documents bulletproof, meaning to achieve the first purpose and provide all the studies and information before a document is released. In this case, there is an incompleteness in those studies, deferred mitigation, and lack of consultation with agencies having jurisdiction over Los Gatos lands. Conducting studies and consultations after approving a project limits what can be done, and full mitigation may not be achieved, so it is important to have those studies up front, and for that reason I would not support approving the Mitigated Negative Declaration.

Jan Schwartz

- I live at 15966 Cerro Vista Drive on the other side of the hill. We will have one or two houses on our side, more will be on the other side, and I am concerned for my neighbors regarding flooding, landslides, and mosquitoes, which are significant risks. My concern is

also for the abundant wildlife we have here that will disappear. I love Los Gatos, but I know progress moves on with the North Forty and other developments, but I hope we can maintain the wildlife and riparian corridor near the property that we have right now.

Anne Griffin

- I have had the back yard of my home flooded by Ross Creek twice, and I live up the road from the subject site. My concern is safety. Twin Oaks Drive, Clover Way, and Blueberry Hill Drive travel onto Longmeadow to exit. We would be adding two cars to every home, most of which will go through Longmeadow. During the day there are service trucks and cars parked on the street, as well kids riding bikes, and people walking dogs. I am concerned about safety because I would like an emergency vehicle to be able to come to my home if I should need it.

Jim Foley

- There is extensive language in the conditions of approval regarding best practices for safety, access during construction, etc. The bioretention areas are engineered and widely accepted, have all gone through the process. There are many requirements in the conditions of approval for who is going to manage CC&Rs, ongoing access review, and proactive reporting to the Town, so how we created that and the drainage for the neighborhood was well thought out. Regarding wildlife concerns, we still have the ephemeral swale through the site. It is the main feature where you will find wildlife and protected areas, and there is still a lot of that being preserved with this project. A lot of effort went into the EIR. Raney Planning Management took prior and new information, updated, and ensured all the technical studies were adequate.

Reopened Public Comment

Question to applicant followed.

Reclosed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion** by **Vice Chair Burch** to continue the public hearing for 178 Twin Oaks Drive to a date uncertain. **Seconded** by **Commissioner Raspe.**

VOTE: **Motion passed unanimously.**

ADJOURNMENT
The meeting adjourned at 10:42 p.m.

This is to certify that the foregoing is a true
and correct copy of the minutes of the
December 17, 2025 meeting as approved by the
Planning Commission.

_____
/s/ Vicki Blandin

February 21, 2026

Re: Surrey Farms – Planning Commission Hearing Comments – Narrative Response
HMH Project Number: 4185.10

The following is a narrative response to the 2025-12-17 Planning Commission Hearing comments:

- **PC Hearing Comment: Site Visit** - Is the applicant willing to stake the site and delineate the roadway and/or property corners prior to a site visit?
  - **Response:** yes, the applicant is currently scheduling a survey crew the beginning of January 2026 to provide construction staking for locations of pertinent relevance for the proposed project.

- **PC Hearing Comment: Ross Creek & Stormwater**
  - Plans indicate stormwater discharge into Ross Creek
    - **Response:** The existing conditions of the site are currently draining to Ross Creek. The proposed site design measures do not delineate from draining to Ross Creek. With that said, the proposed site design measure improves the drainage pattern with a series of C3-mandated stormwater treatment measures (i.e. biotreatment basins, underground storm drain system and pervious pavers – with check dams) and hydromodification measures that capture, treat, detain and release stormwater at post-development levels no greater than pre-development levels. In Summary the proposed improvements do not impact ross creek more than the existing condition.
  - What are the anticipated impacts to the creek, and how are they being mitigated?
    - **Response:** There will be no negative impacts to Ross Creek because of the proposed design. As previously noted, the existing site drains to Ross Creek. Proposed site design measures will not increase the stormwater drainage to Ross Creek from pre-development levels. The proposed C3 and Hydromodification measures for the project will have a positive impact to Ross Creek.

- **PC Hearing Comment: Pervious Concrete**
  - Provide experience with pervious concrete.
    - **Response:** The design team has incorporated pervious pavers/concrete into numerous successful projects, including City of San Jose, City of Santa Clara and Town of Los Gatos as it is an acceptable common practice to achieve C3 compliance (stormwater treatment) per SCVURPPP standards. Additionally, pervious paver/concrete is widely accepted by local fire agencies including City of San Jose, City of Santa Clara and Town of Los Gatos. Santa Clara County Fire Department has provided approval for pervious paver use for this project
  - Demonstrate its ability to support weight loads, including emergency vehicles.

        - **Response:** As noted on our Fire Access Plan sheet in all our submittals, “All Fire Department access roadways including the private street, driveways and emergency access shall be an all-weather surface designed to support the imposed load of 75,000 pounds”. This weight is widely acceptable to local Fire Dept. agencies, including Santa Clara County Fire Department. A manufacturer specification sheet is included as a product sample that meets the weight load requirements. A Pervious paver detail – with check dams - is also included in our plan sets. A supplemental spec showing pervious pavers compliant to the required loading is has been provided to the town staff.
    - Address long-term maintenance requirements.
        - **Response:** Per the SCVURPPP C3 Guidelines, a Routine Maintenance Activity Schedule is to be followed for the pervious pavers/pavement. This schedule is included in our plan set (Stormwater Control Hydromodification Details sheet). The specific maintenance action items will be done by the owners of the individual lots for not only their lots but also the private street where pervious pavers are being proposed. Enforcement of said activities will be conveyed through project CC&R documents as well as the Operations and Maintenance Agreement with the Town.
- **PC Hearing comment: Flooding and Drainage**
    - Provide additional information on existing flooding of neighboring properties.
        - Response: It is our understanding from the project topography that the existing site surface drains down the hill ultimately into the ephemeral creek, or will continues down hill to and existing earth swale that directs storm drain runoff to existing storm drain inlets.
    - Explain how the proposed drainage design addresses these issues, particularly along Lots 4 and 5.
        - Response: The proposed drainage design introduces multiple measures strategically located throughout the project site. Bioretention basins are located on each Lot and pervious pavers/concrete is being proposed for some Lot driveways and a portion of the private street. These proposed design measures capture the downhill surface drainage, detain it, provide water quality treatment, and provide flow-duration control (as described in the BAHM report prepared by Balance Hydrologics) which addresses the hydromodification management for the project site. Overall, these proposed measures drastically reduce the amount of surface drainage for the site which will greatly benefit the downhill adjacent property owners by capturing the stormwater runoff sooner and directing it to and underground storm drain system. A series of proposed terraced retaining walls along the west side of Lots 4 & 5 will provide additional remediation measures for the said property owners. The small area of landscape between the western-most retaining wall and the property line will be hydroseeded per guidelines to provide a binding measure of the soil to reduce runoff. Due to Fire Department requirements pertaining to tree density, adding more trees in this area is not allowable.
- **PC Hearing comment: Open Space Easement and Trails- Feasibility and Cost**
    - Applicant to clarify whether open space easement and/or trails or trail easements can be implemented in the proposed project.

        - Please see new exhibit depicting proposed open space and trail easements.
    - If the applicant's position is that open space easement and/or trails or trail easements are cost-prohibitive, provide detailed cost estimates so the Planning Commission can evaluate that position
        - Please see new exhibit depicting proposed open space and trail easements.

- **PC Hearing comment: Trees and Privacy**
    - Address privacy concerns through tree placement and buffering with native species.
        - Response: HMH can add shrubs and propose trees to create a stronger vegetative buffer in the area discussed. Please reference updated lot 5 & 6 planting plan.

- **PC Hearing comment: Trails – Alternative Options**
    - Encourage the applicant to consider alternative trail options.
    - The existing trail alignment may be challenging and costly due to lot crossings, slope, and the need for off-site easements.
    - Consider alternatives such as:
    - Routing through Brook Acres
    - Adding a pedestrian easement over the EVA and providing a connection to Twin Oaks
        - Please see new exhibit depicting proposed open space and trail easements.

Additionally, please review the HMH memorandum illustrating our narrative responses to the last comments received from the third-party C3 reviewer as well as the BAHM report prepared by Balance Hydrologics, which addresses hydromodification management for the proposed site. Site runoff will be directed to one of nine proposed bioretention basins that provide both water quality treatment and flow-duration control. Each bioretention area has been designed in accordance with the standard design criteria outlined in the SCVURPPP C.3 Stormwater Handbook.

Each facility is modeled with 6 inches of surface ponding, 18 inches of biotreatment soil media, and 12 inches of drain rock. A 4-inch underdrain will collect the treated water, which will then be metered through a 2-inch orifice integrated into the storm drain overflow structure. The 2-inch orifice is required to meet the hydromodification management criteria. Again, for additional details, refer to the "Summary of BAHM Modeling for the Surrey Farms Project, Town of Los Gatos" report dated July 31, 2025.

End of Narrative Response

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BELGARD
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DESIGN CONSIDERATIONS FOR CONCRETE PAVER SURFACED ACCESS LANES - SUBJECTED TO FIRE TRUCK LOADING

A common question posed by design professionals is the ability of interlocking concrete pavers (ICPs) and permeable interlocking concrete pavers (PICPs) to withstand fire truck loading. This is due to the relatively large axle weights they exert along with the fact that fire trucks are critical service vehicles that must be able to access sites in emergency situations.

In terms of structural design for entry, access lane and roadway applications, pavements must be designed to resist rutting, bearing capacity of the supporting pavement system and resistance to repeated axle load applications. Pavement design procedures typically utilize information which describe the strength of the subgrade soils, axle loadings and frequency, and strength of the various layered pavement components. The actual design procedures for flexible and rigid pavements are well documented in Civil Engineering texts with ICPs & PICPs well recognized to behave and follow the design procedures set forth for "flexible" pavement design. References for ICP and PICP pavement design are provided in this Technical Note (AASHTO 1993, ASCE 2016 & 2018, Caltrans 2016).

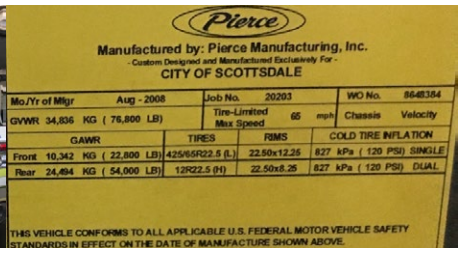
While not a comprehensive primer on pavement design, the focus of this report is to demonstrate that ICP and PICPs are not adversely affected by heavily loaded vehicles and are suitable for use in vehicular areas exposed to fire truck loadings. The primary discussion herein will focus on fire truck loadings on ICP/PICP systems as they relate to:

- **Design ESALs applied to the pavement system.**
- **Fire truck wheel and axle loads relative to the strength of the paver**
- **Point loads that may occur when the stabilizer outriggers are in place.**

Because this document focuses on fire truck loading, data on a typical heavily loaded fire truck was obtained for a "ladder truck" used by the City of Scottsdale, AZ. The vehicle chosen is one of the heaviest vehicle in a typical Fire Department's fleet and is considered on the upper end of the fire vehicle loading spectrum. A few images of the vehicle and its characteristics are provided below:

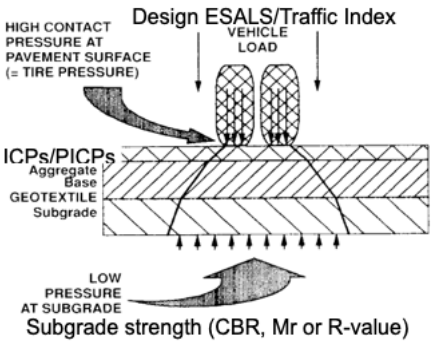






Ladder Engine: Pierce Manufacturing ID Decal; GVWR - 76,800 lbs.
GAWR – Front = 22,800 lbs. = 11,400 lbs./tire:
GAWR - Rear = 54,000 lbs. = 27,000 lbs./axle; 6750 lbs./tire
Cold Tire Inflation Pressure – 120 psi (single and dual)
Max Load per Single Tire – 11,400 lbs.

DESIGN ESALs



Structural Pavement Section function of Subgrade Strength, Traffic Loadings and Strength of Pavement Section Components

Design references have been developed by several credible organizations including AASHTO, ASCE and Caltrans as shown below. In almost all cases, the design guidelines for the structural aspects of the pavements are based on the 1993 AASHTO Guide for Design of Pavement Structures (AASHTO 1993). As with the design references for ICP and PICPs, the 1993 AASHTO document calculates the thickness of a roadway cross section required to withstand the applied loads for the given lifespan based on the native soils strength and traffic loading. The supporting soil strength is typically described by a CBR value (California Bearing Ratio), Mr (Resilient Modulus), R-value or some other geotechnical measurement describing the strength of the supporting soil. The traffic loading is typically described by TI (Traffic Index), ESALs (Equivalent Single Axle Loads) or other measurement to express the traffic type and equivalent damage (VLF, Vehicle Load Factor) created by each type of vehicle as compared to the passage of a "standard" 18,000-pound axle load (one 18,000 lb. ESAL provides a unit value of 1.0). For perspective on ESALs, passenger cars have a Vehicle Load Factor (VLF) of 0.0004

DESIGN CONSIDERATIONS FOR CONCRETE PAVER SURFACED ACCESS LANES - SUBJECTED TO FIRE TRUCK LOADING

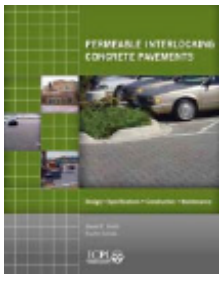
whereas a fully loaded fire truck as shown above would have a VLF of about 10. Hence, it would take over 20,000 cars to affect the same level of deterioration on the pavement as 1 pass of a fire ladder truck. It should be noted that not all fire trucks exhibit this same degradational effect on pavements as most are lighter and exhibit considerably lower axle loads than the Ladder Truck which has a GVWR (Gross Vehicle Weight Rating) of 76,800 lbs.

Although it is evident by the VLFs shown above that fire trucks can exert high ESALs on the pavement surface, it is important to note that typical roads are designed around hundreds of thousands of ESALs, so the impact of the occasional fire truck is relatively small on those pavements. Notable in the design procedure is that the axle/tire loads applied to the completed pavement system is transferred through the pavement to the subgrade via a series of structural layers which distribute the vehicle loads to a relatively large area of the subgrade. The distribution of the loads through the pavement system enables relatively weak subgrades to support very high concentrated axle/wheel loads much like a snowshoe or wide tracks of low ground pressure vehicles to traverse low strength materials which would otherwise not support the weight of applied loads. Along those same lines, pavement design isn't so much about how much a vehicle weighs but rather the load transfer of axle loads through the pavement system and how many passes can be achieved prior to development of unacceptable rutting or excessive pavement deterioration.



To further expand on this subject, pavement sections for standard asphaltic concrete (AC) and aggregate base systems and interlocking concrete pavement (ICP) systems are essentially identical in thickness with the wearing course being the primary difference in the systems. In essence, an 80mm (3-1/8") thick paver laid on 1" of bedding sand provides a structural number of 1.82 for the pavement layer which is the same as 4-1/8" of asphaltic concrete having a layer coefficient of 0.44/inch (0.44 x 4-1/8 = 1.82). Therefore, a 101.6 mm (4") thick paver laid on 1" of bedding sand provides a structural number of 2.20 for the pavement layer, which is comparable to 5" of asphaltic concrete. The aggregate base and subbase section used to distribute the wearing course loads provide the same support to either an AC or ICP system. The above analogy can be verified by comparing section thicknesses for designs done in accordance with AASHTO (AASHTO 1993) and ICPI (ICPI 2011) or ASCE (ASCE 2016) methods.

Permeable Interlocking Concrete Pavement systems (PICPs) employ essentially the same wearing surface (typically an 80mm paver underlain by 2" of No. 8 stone) and open graded load transfer/water storage/conveyance layer aggregate (No. 57 and No. 2 stone). Because of the introduction of water and the somewhat less dense structure of the base layers, a somewhat lower structural coefficient is employed for the components that make up the PICP system than what is used for conventional ICP systems, but the design concept is identical.



ICPI -Permeable Interlocking Concrete Pavements



Caltrans – Porous Pavement Design Guidance

TIRE CONTACT PRESSURES

In terms of being able to withstand the surface pressure exerted by fire truck tires, the gross axle weight rating (GAWR) on a two tire (steering) axle and tandem axle (rear axles) for the 76,800 lb. fire truck referenced above is 22,800 lbs. and 54,000 lbs., respectively. Each tire is rated at a max load rating of 11,400 lbs. at a cold inflation tire pressure of 120 psi. By definition, the maximum applied contact pressure is then 120-psi.

Any concrete paver offered under the Belgard line is made in accordance with ASTM C936, which requires an average compressive strength of 8,000 psi with no individual unit being less than 7,200 psi. So, simply put, the pavers are on average 8000/120 > 60 times stronger in compression than required to withstand the surface pressure that would be exerted under the extreme loading conditions imposed by a fire truck.

POINT LOADS

When the stabilizer outriggers are in place, a point load of as much as 45,000 pounds can be applied to the pavement surface. Although significant, when distributed over an "un-factored" stabilizer plate surface area of 0.97 square feet (area of 10x14 inches), this equates to a surface pressure of 322 psi, which again is well within the compressive strength capabilities of Belgard pavers.

PAVER DAMAGE

As a final thought, should one or more pavers become damaged, individual units can be removed and replaced without compromising the structural integrity of the system (instruction manual available upon request).

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Technical Note

DESIGN CONSIDERATIONS FOR CONCRETE PAVER SURFACED ACCESS LANES - SUBJECTED TO FIRE TRUCK LOADING

EXAMPLE PROJECTS

In order to demonstrate the acceptance of Belgard pavers in the local market, a sample list of permeable interlocking concrete paver (PICP) installations is provided. The list includes project from CA which are in fire access lanes and subject to heavy vehicle loadings. Similar lists are available for ICPs upon request.

- **Shearwater Creek Townhomes 72,000 SF** | Pujol St, Temecula / Entrances and interior streets – Fire Truck rated
- **Villa Catalina Condos 4,100 SF** | 616 Catalina Ave, Redondo Beach – Entrance and shared motor courtyard – Fire truck rated
- **Villa Catalina Condos 5,600 SF** | 618 Catalina Ave, Redondo Beach – entrance and shared motor courtyard – Fire truck rated
- **Hilton Garden Inn 5,700 SF** | 4216 El Camino Real, Palo Alto – Entrance Fire truck rated
- **Buffalo Wild Wings 7,900 SF** | 845 East Ave, Chico – parking Fire truck rated
- **Tahizzle Communities 7,600 SF** | Truckee, Tahoe
- **San Jose Downtown Health Center 12,000 SF** | 777 E Santa Clara St, San Jose – Drive Entrance/Parking areas/Travel Lanes
- **Wisdom Way 8,900 SF** | 1898 Wisdom Way, Modesto – Parking Lot with Heavy Vehicle Access
- **Avanti 64,000 SF** | 23600 Park Sorrento Calabasas – Entrances and interior streets – Fire Truck rated
- **Wren Avenue & Byer St. Pedestrian Crosswalk 9,000 SF** | Wren Ave. & Byer St, Gilroy – Street crosswalks – Fire truck rated
- **Vista Rio Apartments 46,000 SF** | 3901 Briggs St, Jurupa Valley – Entrances and interior streets – Fire truck rated
- **Siena Apartments 69,000 SF** | 7801 Juniper Ave, Fontana – Entrances and interior streets – Fire truck rated.
- **4100 Del Rey Apartments 7,600 SF** | 4100 Del Rey Ave, Marina Del Rey – Parking areas – Fire truck rated.
- **Fountain Valley Town Center 6,500 SF** | Fountain Valley – Parking/Fire Truck Rated
- **Aldi Store #19 6,200 SF** | 112 Lakewood Blvd, Downey – Parking Lot/Drive Entrances
- **Chick Fil A Restaurant 3,200 SF** | 3771 E Thousand oaks Blvd, Thousand Oaks – Parking areas – Fire truck rated
- **ColRich Camel Row 24,000 SF** | Camel Country Rd & Camel Mtn. Rd, San Diego – Community Roadways – Fire Truck Rated
- **San Leandro Tech Campus 10,000 SF** | 1333 Martinez, San Leandro – Entrance to University Parking Lot/Heavy Traffic/Entrance to Parking Garage
- **Gateway Shopping Center / Sprouts Market 20,000 SF** | 1300 Pinole Valley Rd, Pinole – Shopping Center Entrance/Parking/Drive Aisles
- **Bardis Homes – 60,000 SF** | Sacramento, CA – Entrances, Streets all pavements through-out new residential development – Fire Truck Rated.
- **Northwest Land Park – 90,000 SF** | Sacramento, CA – Community Entrances, streets and drive lanes of new housing development – Fire Truck Rated.
- **Calvin Christian Church – 6,000 SF** | Escondido – Fire Lane access to rear of building.

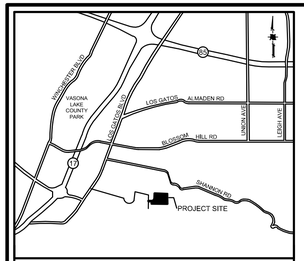
REFERENCES

1. *AASHTO 1993. Guide for Design of Pavement Structures, American Association of State Highway and Transportation Officials, Washington, DC.*
2. *ASCE 2016. Structural Design of Interlocking Concrete Pavement for Municipal Streets and Roadways, ASCE/T&DI/ICPI Standard 58-16, American Society of Civil Engineers, Reston , VA.*
3. *Caltrans 2016. Pervious Pavement Design Guidance, California Department of Transportation, Division of Design, Office of Storm Water Management, Sacramento, CA.*
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5. *UC Davis 2010. Research Report – Laboratory Testing and Modeling for Structural Performance of Fully Permeable Pavements Under Heavy Traffic: Final Report, U.C. Davis, Department of Civil and Environmental Engineering (CTSW-RT-10-249.04), Davis, CA.*

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VICINITY MAP
NOT TO SCALE

LINE TABLE		
LINE	LENGTH	BEARING
L1	732.09'	S8°53'22"W
L2	1165.83'	N79°26'52"W
L3	149.91'	N15°25'52"E
L4	52.98'	N53°00'00"W
L5	185.71'	N90°26'52"W
L6	235.64'	S80°25'52"E
L7	7.83'	S3°56'05"E
L8	125.07'	N64°33'25"E
L9	56.06'	N53°34'10"E
L10	93.26'	N17°04'10"E
L11	21.53'	N29°11'49"E
L12	307.67'	N12°28'26"E
L13	921.11'	S77°35'36"E
L14	108.65'	N66°32'40"W
L15	13.00'	N83°19'02"E
L16	12.91'	N29°11'49"E

LINE TABLE		
LINE	LENGTH	BEARING
L17	8.62'	N29°11'49"E
L18	143.56'	S34°48'31"E
L19	139.44'	S34°48'31"E
L20	130.71'	S34°48'31"E
L21	13.00'	S37°11'51"E
L22	13.00'	S39°01'24"E
L23	13.00'	S15°30'58"E
L24	13.00'	S28°30'34"E
L25	13.00'	S4°16'40"E
L26	139.48'	N80°28'47"W
L27	203.33'	N79°28'51"W
L29	132.91'	N79°28'53"W
L30	138.72'	S10°34'40"W
L31	144.07'	N10°28'53"E
L32	13.00'	N89°16'51"E
L33	118.33'	S46°50'36"E

LINE TABLE		
LINE	LENGTH	BEARING
L34	41.41'	S60°46'24"W
L35	31.44'	N55°03'23"E
L36	56.20'	N63°51'54"E
L37	113.81'	N52°36'08"W
L38	170.89'	N72°35'51"W
L39	276.84'	N4°42'35"E
L40	149.44'	S11°48'10"W
L41	163.21'	S77°35'36"E
L42	287.58'	S35°07'48"E
L43	267.79'	S77°35'36"E
L44	490.08'	S77°35'36"E
L45	675.44'	N35°05'14"W
L46	371.18'	S23°05'47"E
L47	327.18'	N79°28'52"W
L54	502.40'	N79°28'52"W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	40.84'	250.00'	9°21'37"
C2	41.65'	21.40'	111°30'30"
C3	36.31'	57.00'	36°30'00"
C4	106.66'	221.62'	27°34'25"
C5	22.38'	250.00'	5°07'42"
C6	18.46'	249.11'	4°14'49"
C7	188.69'	260.00'	41°34'49"
C8	41.13'	260.00'	9°03'46"
C9	82.92'	185.00'	25°40'54"
C10	66.40'	100.00'	38°02'45"
C11	192.07'	185.00'	59°29'03"
C12	89.51'	62.02'	82°41'04"
C13	34.71'	100.00'	19°53'20"

COVENANTS SHALL BE REQUIRED FOR MAINTENANCE OF THE PRIVATE ROAD BINDING EACH LOT OWNER AND ALL SUBSEQUENT LOT OWNERS, SUCH THAT BY ACCEPTANCE OF A DEED OR OTHER CONVEYANCE, IS DEEMED TO COVENANT AND AGREE THAT IF AT ANY TIME THE TOWN OF LOS GATOS CONCLUDES THAT MAINTENANCE OF THE ROADWAY INCLUDED IN THE COMMON PROPERTY IS NECESSARY AND HAS NOT BEEN DONE BY THE ASSOCIATION, THE TOWN OF LOS GATOS MAY PERFORM SUCH MAINTENANCE AS AGENT FOR THE ASSOCIATION, AND THE TOWN OF LOS GATOS WILL CHARGE THE ASSOCIATION FOR THE COST OF ANY SUCH MAINTENANCE, WHICH CHARGE SHALL BE AN OBLIGATION OF THE ASSOCIATION. SUCH REIMBURSEMENT SHALL BE A COST SUBJECT TO ASSESSMENT, AND THERE SHALL BE A LIEN ON THE PROPERTY, WHICH MAY BE PLACED ON THE TAX BILL AND COLLECTED AS ORDINARY TAXES BY THE TOWN.

0 25 50 100

1 INCH = 50 FEET

NOTE: SEE INDIVIDUAL SITE & ARCHITECTURE REVIEW PACKAGES (S-24-023 THROUGH S-24-033, -059) FOR SITE & BUILDING DETAILS FOR EACH LOT

LEGEND

- PROJECT BOUNDARY
- LOT LINE (EXISTING)
- LOT LINE (PROPOSED)
- EASEMENT (EXISTING)
- EASMENT (PROPOSED)
- YARD (REQUIRED)
- RIPARIAN AREA
- BIORETENTION AREA
- WETLAND AREA
- STORMDRAIN CULVERT STRUCTURE

ABBREVIATIONS

(E)	EXISTING
(P)	PROPOSED
ESMT	EASEMENT
SSE	SANITARY SEWER EASEMENT (PUBLIC)
SDE	STORM DRAIN EASEMENT (PUBLIC)
EAE	EMERGENCY ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PAE	PEDESTRIAN ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT

OPEN SPACE EASEMENT

EARTH / CONCRETE SWALE AT EDGE OF PROPERTY.

1. COMPACTED EARTHEN SWALE (SLOPE 3:1 MAX)
2. ENKAMAT (OR APPROVED EQUAL) FOR EROSION PROTECTION. SEE EROSION CONTROL PLAN SHEETS 10 & 11 FOR LOCATION.
3. PROPOSED MASS GRADE

TYP EARTHEN SWALE DETAIL
NTS

50' OPEN SPACE AND FUTURE TRAIL EASEMENT

125' OPEN SPACE AND FUTURE TRAIL EASEMENT

EXISTING WETLAND AREA TO REMAIN

EXCLUSION FENCE

532-11-011 LANDS OF HILLBROOK SCHOOLS EXISTING SCHOOL

537-30-010 LANDS OF LIU EXISTING RESIDENTIAL

CERRO VISTA COURT

26.0' ACCESS EASEMENT (E) RECORDED DOCUMENT 25880870

ROAD ESMT (E) 311 OR 381

532-16-008 LANDS OF MELEYCO EXISTING RESIDENTIAL

532-16-007 LANDS OF FORDYCE EXISTING RESIDENTIAL

532-16-003 LANDS OF WITKEN EXISTING RESIDENTIAL

532-16-002 LANDS OF WITKIN EXISTING RESIDENTIAL

ROCK WALL TO REMAIN

TWIN OAKS DRIVE

SURREY FARMS HILL (P)

VALLEY WATER'S 110' FLOODPLAIN EASEMENT

532-16-005 LANDS OF DODGE EXISTING RESIDENTIAL

EXISTING STORMDRAIN CULVERT STRUCTURE

25' RIPARIAN SETBACK

EAST ROSS CREEK IN EX. 36-INCH RCP

532-18-034 LANDS OF DUGGINS EXISTING RESIDENTIAL

532-18-038 LANDS OF INO EXISTING RESIDENTIAL

532-18-039 LANDS OF BERTOLOTTI EXISTING RESIDENTIAL

537-30-007 LANDS OF TFR MANAGEMENT GROUP INC EXISTING RESIDENTIAL

537-30-006 LANDS OF URALSKY EXISTING RESIDENTIAL

537-30-013 LANDS OF SMITH EXISTING RESIDENTIAL

10' BUFFER FROM TREE CANOPY (TYP.)

APPROXIMATE RIPARIAN LIMIT (TYP.)

REQUIRED YARD (TYP.) - SEE INDIVIDUAL PACKAGES

125 ft

50 ft

LOT 1 S-24-023
LOT 2 S-24-024
LOT 3 S-24-025
LOT 4 S-24-026
LOT 5 S-24-027
LOT 6 S-24-028
LOT 7 S-24-029
LOT 8 S-24-030
LOT 9 S-24-031
LOT 10 S-24-032
LOT 11 S-24-033
LOT 12 059

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Land Surveying
Stormwater Compliance
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

SURREY FARM ESTATES

178 TWIN OAKS DRIVE

DEVELOPMENT REVIEW & TENTATIVE MAP

M-24-013

NO	DATE	DESCRIPTION
6	10/24/25	PER CITY COMMENTS
5	09/15/25	PER CITY COMMENTS
4	07/25/25	PER CITY COMMENTS
3	04/18/25	PER CITY COMMENTS
2	01/08/25	PER CITY COMMENTS

PROJECT NO:	4185.10
CAD DWG FILE:	418510SP.DWG
DESIGNED BY:	RH
DRAWN BY:	MD/AV
CHECKED BY:	RH
DATE:	AUGUST XX, 2025
SCALE:	AS SHOWN

© HMH

OVERALL SITE PLAN

2.0

EXHIBIT 35

S:\PROJECTS\4185\10\PLN\PERMIT_SITE\PERMIT\4185SP.DWG

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GRAPHIC SCALE

20 0 10 20 40 80

(In Feet)
1 inch = 20 feet

TREE LEGEND

SYMBOL	BOTANICAL NAME
	ARBUTUS UNEDO
	CERCIS OCCIDENTALIS
	FEIJOA SELLOWIANA
	LAGERSTROEMIA INDICA 'NATCHEZ'
	PLATANUS ACERIFOLIA 'COLUMBIA'
	QUERCUS AGRIFOLIA
	QUERCUS DOUGLASII

SHRUB LEGEND

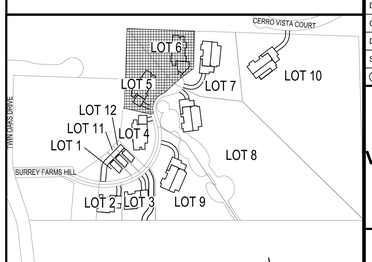
SYMBOL	BOTANICAL NAME
	ACHILLEA MILLEFOLIUM 'MOONSHINE'
	ANIGOZANTHOS FLAVIDUS 'BIG RED'
	ARCTOSTAPHYLOS 'HOWARD MCMINN'
	CAREX DIVULSA
	CEANOTHUS 'CONCHA'
	CEANOTHUS 'DARK STAR'
	EPILOBIUM CANUM
	HETEROMELES ARBUTIFOLIA
	LEUCADENDRON DISCOLOR
	MIMULUS AURANTICAS
	MUHLENBERGIA RIGENS
	NEPETA X FAASSENII
	RHAMNUS CALIFORNICA
	SALVIA SPATHACEA
	WESTRINGIA FRUTICOSA

GROUNDCOVER LEGEND

SYMBOL	BOTANICAL NAME
	ARCTOSTAPHYLOS UVA-URSI
	BARK MULCH
	SLOPE STABILIZING - NATIVE HYDROSEED

BIOTREATMENT LEGEND

SYMBOL	BOTANICAL NAME
	JUNCUS PATENS



KEY MAP

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Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

SURREY FARMS ESTATES
TWIN OAKS DRIVE, LOS GATOS
DEVELOPMENT REVIEW PLAN SET
LOT 5 & 6 | APP #S-24-027

NO	DATE	DESCRIPTION
6	10/17/2025	PER CITY COMMENTS
5	9/15/2025	PER CITY COMMENTS
4	7/25/2025	PER CITY COMMENTS
3	4/18/2025	PER CITY COMMENTS
2	3/31/2025	PER CITY COMMENTS
1	1/8/2025	PER CITY COMMENTS

PROJECT NO:	4185.10
CAD DWG FILE:	BUFFER LOT 5 & 6.DWG
DESIGNED BY:	JN
DRAWN BY:	JN
CHECKED BY:	ST
DATE:	JUNE 6, 2025
SCALE:	1"=20'

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LOT 5 & 6 VEGETATION BUFFER EXHIBIT

10.0

EXHIBIT 36

S:\PROJECTS\4185\01\ALIE\EXHIBITS\CONCEPT\BUFFER\ LOT 5 & 6.DWG
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PLANTING PLAN NOTES

CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO FURNISH AND INSTALL PLANT MATERIAL AS SHOWN ON THE DRAWINGS AND AS DESCRIBED IN THE SPECIFICATIONS.

UNLESS DESIGNATED ON THE DRAWINGS OTHERWISE, STRUCTURAL IMPROVEMENTS AND HARDSCAPE SHALL BE INSTALLED PRIOR TO PLANTING OPERATIONS.

PLANT LIST ON THE DRAWINGS SHALL BE USED AS A GUIDE ONLY. CONTRACTOR SHALL TAKEOFF AND VERIFY SIZES AND QUANTITIES BY PLAN CHECK.

A SOIL MANAGEMENT REPORT SHALL BE PROVIDED BY LANDSCAPE CONTRACTOR AND SOIL AMENDMENTS SHALL BE FOLLOWED PER THE REPORT. PHYSICAL COPIES OF THE SOIL MANAGEMENT REPORT SHALL BE PROVIDED TO THE CLIENT, PROJECT LANDSCAPE ARCHITECT AND LOCAL AGENCY AS REQUIRED. THE SOIL MANAGEMENT REPORT SHALL CONFORM TO STATE AB1881 WATER EFFICIENT LANDSCAPE ORDINANCE (WELO) OR LOCAL AGENCY ADOPTED WELO. CONTRACTOR SHALL OBTAIN A SOILS MANAGEMENT REPORT AFTER GRADING OPERATIONS AND PRIOR TO PLANT INSTALLATION.

SAMPLES OF FERTILIZERS, ORGANIC AMENDMENT, SOIL CONDITIONERS, AND SEED SHALL BE SUBMITTED PRIOR TO INCORPORATION. CONTRACTOR SHALL FURNISH TO THE OWNER'S AUTHORIZED REPRESENTATIVE A CERTIFICATE OF COMPLIANCE FOR SUCH FURNISHED MATERIALS.

ALL WORK ON THE IRRIGATION SYSTEM, INCLUDING HYDROSTATIC, COVERAGE, AND OPERATIONAL TESTS AND THE BACKFILLING AND COMPACTION OF TRENCHES SHALL BE PERFORMED PRIOR TO PLANTING OPERATIONS.

LOCATIONS OF PLANT MATERIAL SHALL BE REVIEWED ON SITE BY THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLATION.

TREES SHALL BE PLANTED NO CLOSER THAN TEN FEET (10') FROM UTILITIES.

TREES PLANTED WITHIN FIVE FEET (5') OF HARDSCAPE OR STRUCTURES SHALL BE INSTALLED WITH A ROOT BARRIER AS APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.

ONTRACTOR MUST CONTACT THE CITY OF LOS GATOS ARBORIST TO VERIFY SPECIES (EVEN IF SHOWN ON THE PLANS), LOCATIONS, AND QUANTITIES OF ALL STREET TREES PRIOR TO ORDERING MATERIAL. IF STREET TREES ARE TO BE PLANTED IN TREE WELLS, FINAL LOCATION OF TREE WELLS SHALL BE DETERMINED BY THE ARBORIST PRIOR TO INSTALLATION OF SIDEWALK.

ALL PLANTING AREAS TO RECEIVE 3" THICK BARK MULCH LAYER. CONTRACTOR SHALL PROVIDE SAMPLE OF PROPOSED BARK MULCH FOR APPROVAL. BARK MULCH SHALL BE LYNGSO SMALL FIR BARK (3/4" TO 1-1/2") OR APPROVED EQUAL.

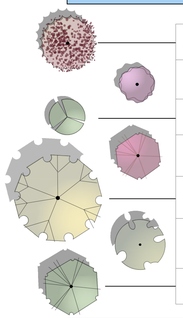
ALL PLANT MATERIAL SHALL BE SELECTED IN ACCORDANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1)
FOR STANDARD FORM TREES, CALIPER SIZE SHALL BE MEASURED 6" ABOVE THE SOIL LINE FOR CALIPERS EQUAL TO OR LESS THAN 4" FOR CALIPERS GREATER THAN 4", CALIPER SHALL BE MEASURES 12" ABOVE THE SOIL LINE. FOR MULTI-TRUNK TREES THE CALIPER SHALL BE ESTABLISHED BY TAKING THE AVERAGE OF THE CALIPER OF THE TWO LARGEST TRUNKS.
CALIPER IS MEASURED 6" ABOVE ORIGINATION POINT OF THE SECOND LARGEST TRUNK OR 6" ABOVE GROUND IF ALL TRUNKS ORIGINATE FROM THE SOIL.

CALIPER SIZES STANDARDS:
15 GALLON: 0.75-1.25"
24" BOX: 1.25-2"
36" BOX: 2-3.5"
48" BOX: 3.5-5"
60" BOX: 4-6"

WATER NEEDS CATEGORY BASED ON WUCOLS IV (JANUARY 2014) LANDSCAPE COEFFICIENT METHOD:

CATEGORY	*PERCENTAGE OF ETo*
(H) HIGH:	0.7-0.9
(M) MEDIUM:	0.4-0.6
(L) LOW:	0.1-0.3
(VL) VERY LOW:	<0.1

PROPOSED PLANT PALETTE



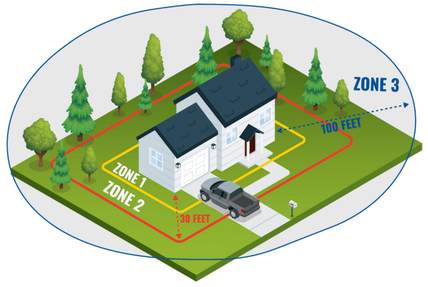
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	HxW	WUCOLS	NOTES	HDS&G RECOMMENDED	OTHER FIRE RESISTANT PLANTS
TREES									
	2	ARBUTUS UNEDO **	STRAWBERRY TREE	24" BOX	20' X 20'	L	STANDARD FORM	X	
	1	CERCIS OCCIDENTALIS *	WESTERN REDBUD	24" BOX	15' X 10'	VL	TREE FORM ONLY		X
	0	FEIJOA SELLOWIANA **	PINEAPPLE GUAVA	24" BOX	20' X 15'	VL	MULTI-TRUNK		X
	0	LAGERSTROEMIA INDICA 'NATCHEZ' **	NATCHEZ CRAPE MYRTLE	24" BOX	25' X 15'	L	MULTI-TRUNK		
	2	PLATANUS ACERIFOLIA 'COLUMBIA' **	COLUMBIA LONDON PLANE	36" BOX	60' X 30'	M	STANDARD FORM		
	4	QUERCUS AGRIFOLIA *	COAST LIVE OAK	36" BOX	50' X 15'	M	STANDARD FORM	X	
	2	QUERCUS DOUGLASII *	BLUE OAK	36" BOX	60' X 30'	VL	STANDARD FORM	X	
SHRUBS									
	37	ACHILLEA MILLEFOLIUM 'MOONSHINE' *	YELLOW YARROW	1 GALLON	3' X 3'	L		X	
	15	ANIGOZANTHOS FLAVIDUS 'BIG RED' **	BIG RED KANGAROO PAWS	1 GALLON	2' X 2'	L			
	7	ARCTOSTAPHYLOS 'HOWARD MCMINN' *	HOWARD MCMINN MANZANITA	1 GALLON	8' X 10'	L		X	
	30	CAREX DIVULSA **	FOOTHILL SEDGE	1 GALLON	2' X 2'	L			X
	17	CEANOTHUS 'CONCHA' *	CONCHA CEANOTHUS	1 GALLON	6' X 8'	L		X	
	24	CEANOTHUS 'DARK STAR' *	DARK STAR CEANOTHUS	1 GALLON	5' X 6'	L		X	
	38	EPILOBIUM CANUM *	CALIFORNIA FUCHSIA	1 GALLON	3' X 3'	L			X
	38	HETEROMELES ARBUTIFOLIA *	TOYON	1 GALLON	8' X 5'	L		X	
	19	LEUCADENDRON DISCOLOR **	CONEBUSH	5 GALLON	6' X 6'	L			
	117	MIMULUS AURANTICAS *	STICKY MONKEY FLOWER	1 GALLON	4' X 4'	L			X
	34	MUHLENBERGIA RIGENS *	DEER GRASS	1 GALLON	4' X 4'	L			X
	31	NEPETA X FAASSENII **	CATMINT	1 GALLON	1' X 2'	L			
	18	RHAMNUS CALIFORNICA*	CALIFORNIA COFFEEBERRY	1 GALLON	8' X 8'	L		X	
	6	SALVIA SPATHACEA*	HUMMINGBIRD SAGE	1 GALLON	5' X 4'	L	UPRIGHT FORM		X
	25	WESTRINGIA FRUTICOSA **	COAST ROSEMARY	1 GALLON	4' X 4'	L			

				SPREAD	SPACING			
GROUNDCOVERS								
		ARCTOSTAPHYLOS UVA-URSI*	BEARBERRY	1 GALLON	1' X 4'	SET @ 36" O.C.	X	
		BARK MULCH	BARK MULCH					
		SLOPE STABILIZING - NATIVE HYDROSEED	HYDROSEED					
BIOTREATMENT				SPREAD				
	222	JUNCUS PATENS *	CALIFORNIA GRAY RUSH	1 GALLON	2' X 2'			

NOTES:
1. *NATIVE PLANT
2. ** ADAPTIVE PLANT
3. BARK MULCH: ALL PLANTING AREAS TO RECEIVE A 3" THICK LAYER OF BARK MULCH.
4. BIOTREATMENT PLANTING AREAS TO RECEIVE A 3" THICK LAYER OF NON-FLOATABLE BARK MULCH.
5. TREE SPECIES TO BE APPROVED BY TOWN ARBORIST.

Defensible Space Zones

Following are guidelines from Santa Clara County Fire Department on how to create and maintain effective defensible space zones:



Zone 1, extends 0 to 5 feet out: The Noncombustible Zone

- Remove all plants and vegetation, especially those touching your home.
- Clean roofs and gutters of dead leaves, debris and pine needles that could catch embers.
- Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration.
- Reduce embers that could pass through vents in the eaves by installing 1/8 inch metal mesh screening.
- Clean debris from exterior attic vents and install 1/8 inch metal mesh screening to block embers.
- Repair or replace damaged or loose window screens and any broken windows.
- Screen or box-in areas below patios and decks with wire mesh to prevent debris and combustible materials from accumulating.
- Move any flammable material away from wall exteriors – mulch, flammable plants, leaves and needles, firewood piles – anything that can burn. Remove anything stored underneath decks or porches.
- Mandated for new construction

Zone 2, extends 30 feet out: The Clean and Green Zone

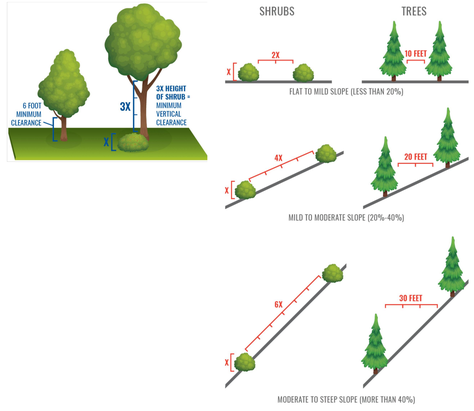
- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trim trees regularly to keep branches a minimum of 10 feet from other trees.
- Remove branches that hang over your roof and keep dead branches 10 feet away from your chimney.
- Create a separation between trees, shrubs and items that could catch fire, such as patio furniture, wood piles, swing sets, etc.

Zone 3, extends 100 feet out: The Reduced Fuel Zone

- Create horizontal spacing between shrubs and trees. (See diagram below)
- Create vertical spacing between grass, shrubs and trees. (See diagram below)
- Dispose of heavy accumulations of ground litter/debris.
- Remove dead plant and tree material.
- Remove small conifers growing between mature trees.
- Remove vegetation adjacent to storage sheds or other outbuildings within this area.
- Trees 30 to 60 feet from the home should have at least 12 feet between canopy tops.
- Trees 60 to 100 feet from the home should have at least 6 feet between the canopy tops.

Plant and Tree Spacing

For vertical spacing remove all tree branches at least 6 feet from the ground. If there is a shrub near the tree, the branch clearance needs to be 3 times the height of the shrub. *Example: A 5-foot shrub is growing near a tree. 3×5 = 15 feet of clearance needed between the top of the shrub and the lowest tree branch.*



HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

SURREY FARMS ESTATES
TWIN OAKS DRIVE, LOS GATOS
DEVELOPMENT REVIEW PLAN SET
LOT 5 | APP #S-24-028

NO	DATE	DESCRIPTION
6	10/17/2025	PER CITY COMMENTS
5	9/15/2025	PER CITY COMMENTS
4	7/25/2025	PER CITY COMMENTS
3	4/18/2025	PER CITY COMMENTS
2	3/31/2025	PER CITY COMMENTS
1	1/8/2025	PER CITY COMMENTS

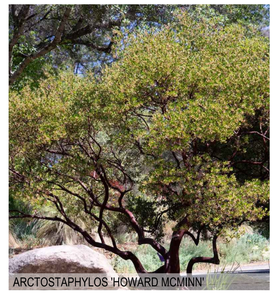
PROJECT NO:	4185.10
CAD DWG FILE:	BUFFER LOT 5 & 6.DWG
DESIGNED BY:	HMH
DRAWN BY:	JN
CHECKED BY:	ST
DATE:	JUNE 6, 2025
SCALE:	NONE

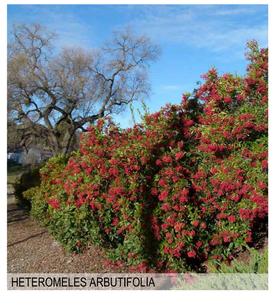
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LOT 5 & 6 PLANTING LEGEND AND NOTES

10.1

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ARCTOSTAPHYLOS 'HOWARD MCMINN'


HETEROMELES ARBUTIFOLIA

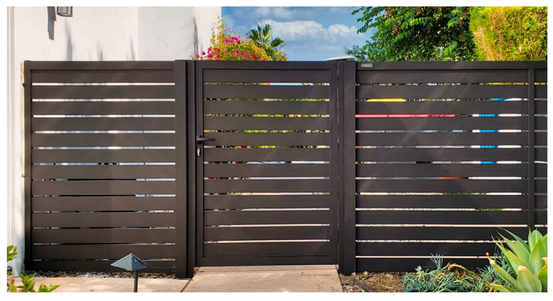


D 6' CLEAR VIEW FENCE
COLOR SHALL BE BLACK


CEANOTHUS 'CONCHA'


RHAMNUS CALIFORNICA

B PLANTING PALETTE



C 6' ALUMINUM PRIVACY FENCE AND GATE
COLOR SHALL BE BLACK



A RETAINING WALL
SHALL BE VARIEGATED CMU WITH WALL CAP FROM ORCO BLOCK AND HARDSCAPE
COLOR SHALL BE BORREGO
SPLIT FACE ON EXPOSED SURFACE
LRV SHALL BE MAX 30%

Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

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San Jose, CA 95131
(408) 487-2200
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SURREY FARMS ESTATES
TWIN OAKS DRIVE, LOS GATOS
DEVELOPMENT REVIEW PLAN SET
LOT 5 | APP #S-24-027

NO	DATE	DESCRIPTION
6	10/17/2025	PER CITY COMMENTS
5	9/15/2025	PER CITY COMMENTS
4	7/25/2025	PER CITY COMMENTS
3	4/18/2025	PER CITY COMMENTS
2	3/31/2025	PER CITY COMMENTS
1	1/8/2025	PER CITY COMMENTS

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DESIGNED BY:	HMH
DRAWN BY:	HMH
CHECKED BY:	ST
DATE:	JUNE 6, 2025
SCALE:	NONE

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CONCEPT IMAGERY

10.2

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RESPONSES TO PLANNING COMMISSION COMMENTS

INTRODUCTION

The Surrey Farms Estates Subdivision Project Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town of Los Gatos on September 19, 2025, for public review and comment until October 8, 2025. Following the public review period, the Town prepared responses to public comments pertaining to the environmental analysis and the project was considered by Planning Commission on December 17, 2025. During the Planning Commission meeting on December 17, 2025, comments related to environmental concerns associated with the proposed project were received from the Planning Commission and were summarized by Town staff. The summary of Planning Commission comments prepared by Town staff are provided below, and responses to each are provided within this Responses to Planning Commission Comments document.

Subsequent to the Planning Commission meeting on December 17, 2025, a Recirculated IS/MND was circulated for public review from April 17, 2026 to May 18, 2026. As such, the responses herein refer to the most current IS/MND, which is the Recirculated IS/MND.

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during review periods together with the IS/MND. However, unlike with an Environmental Impact Report (EIR), comments received on an IS/MND are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. While written responses to the Planning Commission comments are not required, at the Town's request, Raney has prepared the following written responses to the Planning Commission comments for the record.

The comments have been bracketed and given a number to indicate how the comments have been divided. The response to each comment will reference the comment number.

SURREY FARMS ESTATES SUBDIVISION PROJECT
PLANNING COMMISSION COMMENT SUMMARY

General Comments from the Planning Commission:

1	• Commissioner observed specific plants in special conditions in the field.
2	• Did the biologists map the vegetation and when? • Where are the areas of soil saturation? • Where is standing or seasonal water present? • Where is the edge/boundary of these areas?
3	• Explain the origin and rationale for the proposed 10-foot buffer at the ephemeral swale. • Identify and justify any areas where the buffer is less than 10 feet, including the criteria used and any supporting analysis.
4	• Explain the baseline used for the noise analysis.
5	• Describe how noise impacts will be mitigated if required.

RESPONSES TO THE PLANNING COMMISSION COMMENT SUMMARY

Response to Comment 1

It is unclear which specific plants and special conditions are being referred to in the comment. The project site contains many species of common plants, which are not protected, nor required to be analyzed pursuant to CEQA; only special-status plants require review under CEQA (page 42 of the IS/MND defines special-status plants). Potential impacts of the proposed project on special-status species, including special-status plant species, are addressed in Section IV, Biological Resources, of the Recirculated IS/MND. As noted on page 45 of the Recirculated IS/MND, the site only provides marginally suitable habitat for Santa Clara red ribbons and bent-flowered fiddleneck. Full rare plant surveys in 2012 and 2013 during the various blooming periods, along with the ongoing disturbance associated with annual mowing for fire abatement, confirms that the site lacks suitable habitat for special-status plants. Thus, the proposed project is not anticipated to result in adverse effects to special-status species and the conclusions of the Recirculated IS/MND remain adequate.

Response to Comment 2

A field survey of the project site was conducted by Live Oak Associates (LOA) on December 19, 2024, as part of the Biological Evaluation, to identify on-site habitats and to determine the likelihood of any occurrences of special-status species. An additional site visit was conducted on May 14, 2025, to confirm the characteristics of the on-site ephemeral feature. Further, as stated on page 7 of the Recirculated IS/MND, in response to public comments and input at the Planning Commission hearing, LOA conducted additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral feature. LOA's follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. Please also see Responses to Comments 3 below. Figures 15 and 16 of the Recirculated IS/MND show the on-site habitats, including on-site aquatic resources, as well as the 15-foot buffer, as mentioned in Response to Comment 3 below, respectively.

Page 52 of the Recirculated IS/MND states that the USACE jurisdiction only extends to the 342-square-foot (sf) concrete-lined drainage considered a seasonal wetland in the northwestern corner of the project site, and that the ephemeral stream is considered a water of the State under the jurisdiction of the RWQCB. The "ephemeral" classification indicates that the stream flows with water during or shortly after a rain event. The lack of a clear incised channel along the entire length of the ephemeral stream is a clear indication of the limited water flow most of the year.

Response to Comment 3

The 10-foot buffer shown on the project plans is proposed by the applicant and assumed to be based on Mitigation Measure 4.3-8 identified in the Draft EIR previously prepared for the project site, but was never certified by the Town. Mitigation Measure 4.3-8 in the uncertified Draft EIR required a minimum riparian setback of 10 feet from the top of bank of the incised portion of the ephemeral swale and outer oak canopy edge. The buffer is inaccurate and unrelated to the updated analysis of biological resources, as presented in the Biological Evaluation prepared for the project by LOA and Recirculated IS/MND.

As discussed on page 52 of the Recirculated IS/MND:

> The on-site ephemeral feature historically supports water only during and shortly after storm events. The Town of Los Gatos follows the Guidelines and Standards for Land Use By Streams document ("Guidelines and Standards"). The Town Council adopted a resolution implementing the Guidelines and Standards at its meeting on February 20, 2007. What had previously been identified in this IS/MND as an "ephemeral drainage" has portions with an incised channel and portions without. According to the definition of a stream in the Guidelines and Standards (Chapter 2, subsection E), only the portions of the feature having a channel meet the definition of a stream, and therefore, only those portions need a buffer. Notwithstanding, for purposes of this recirculated environmental document, the entire on-site feature will be referred to as an ephemeral stream.
>
> Given that there is no riparian habitat associated with this ephemeral stream, the buffer is from the "top of bank" of the sections of the ephemeral stream where it has an incised channel. The Guidelines and Standards does not identify a stream or riparian setback per se; the only setback identified is a "Slope Stability Protection Area", which is 10-15 feet for ephemeral streams with the addition of 5 feet for properties over 10,000 square feet. Although the Guidelines and Standards do not identify a stream or riparian setback, it is reasonable to use the Slope Stability Protection Area as a proxy. The habitat value of the ephemeral stream is low, as it only flows during and just after storms and does not support any wetlands; therefore, Live Oak has determined that a buffer of 15 feet would be reasonable to reduce the potential for impacts to this feature.

As further stated on page 53 of the Recirculated IS/MND and shown on Figure 16 therein, the majority of the proposed project would be designed to avoid the ephemeral stream and comply with the required 15-foot buffer from the "top of bank" of the incised channel sections of the ephemeral stream. The exception to this consists of the northerly extent of the ephemeral stream, which would be impacted by proposed construction activities associated with the internal roadway and the residential development on Lot 5. Such construction activities would require fill of the northern extent of the ephemeral stream, which is presumed to be a water of the State. Therefore, the Recirculated IS/MND includes Mitigation Measures IV-10 and -11 to reduce the associated impact to a less-than-significant level.

Response to Comment 4

Under CEQA, the baseline is generally defined as the physical environmental conditions as they exist at that the time the Notice of Preparation for an EIR is published, or when the environmental analysis begins. Although the lead agency has the discretion to use a different baseline for a CEQA analysis, such as a defined historical condition of the site or where the existing conditions at a site are unrepresentative or tend to fluctuate, use of the physical conditions occurring at the time the environmental analysis begins is common practice. Thus, the baseline condition used throughout the analysis within the Recirculated IS/MND, including for the noise analysis, is the existing physical environmental conditions at the site.

Response to Comment 5

Project impacts related to noise are addressed under Section XIII, Noise, of the Recirculated IS/MND. As discussed therein, the proposed project would not result in any significant impacts related to project operational noise. However, noise levels associated with project construction at the nearest existing single-family residences could exceed the applicable noise level standards. Thus, Mitigation Measure XIII-1 requires the implementation of construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools, which create less noise than non-electric; and use mobile construction equipment with smart back-up alarms, which automatically adjust their volume

instead of using a fixed volume. Such measures are consistent with Mitigation Measure N-1 in the Town's General Plan EIR and would reduce potential impacts related to construction noise to a less-than-significant level.

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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Surrey Farms Estates Subdivision Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Recirculated Initial Study/Mitigated Negative Declaration (IS/MND) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the Recirculated IS/MND for the proposed project, prepared by the Town of Los Gatos. This MMRP is intended to be used by Town staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the Recirculated IS/MND that was prepared for the proposed project. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

The Recirculated IS/MND prepared for the proposed project presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the proposed project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the Town of Los Gatos. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The Town will be responsible for monitoring compliance.

MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the item number, the checklist questions the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
III. Air Quality					
III-a; III-b	Conflict with or obstruct implementation of the applicable air quality plan; or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	*III-1* *The project applicant shall show on Improvement Plans via notation that the project contractor shall restrict the construction of the off-site sidewalk improvements along the north side of Blossom Hill Road between Regent Drive and Union Avenue and along the north side of Fisher Avenue between Mitchell Avenue and Roberts Road from occurring simultaneously with the on-site construction of the proposed project.* *Alternatively, if simultaneous construction of the on-site and off-site components of the proposed project cannot be avoided, prior to the initiation of ground disturbance associated with the off-site sidewalk improvements, the project applicant shall show on project improvement plans via notation the following requirements:* • *The contractor shall ensure that all construction equipment greater than 50 horsepower to be used in the construction of the off-site sidewalk improvements, including owned, leased, and subcontractor vehicles, shall be Tier 4 final off-road construction equipment. In addition, all off-road equipment operating at the off-site construction site must be maintained in proper working condition according to manufacturer's specifications.* • *Idling shall be limited to five minutes or less in accordance with the In-Use Off-*	Town of Los Gatos Parks and Public Works Department	Prior to improvement plans approval or prior to the initiation of ground disturbance associated with the off-site sidewalk improvements	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site. • *Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.* *Conformance with the foregoing requirements shall be confirmed through review and approval of plans by the Town of Los Gatos Parks and Public Works Department.*			
IV. Biological Resources					
IV-a	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	California Red-Legged Frog *IV-1* *Within 48 hours prior to any ground disturbing activities or vegetation clearing within 50 feet of Ross Creek, a pre-construction survey for California red-legged frog shall be conducted by a qualified biologist. Survey results shall be submitted to the Town of Los Gatos Community Development Department.* *IV-2* *If California red-legged frog is encountered, activities shall cease until the animal moves out of any proposed work area on its own or is relocated by a permitted qualified biologist. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.*	Town of Los Gatos Planning Division Town of Los Gatos Planning Division	Within 48 hours prior to any ground disturbing activities or vegetation clearing within 50 feet of Ross Creek If California red-legged frog is encountered	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		IV-3 During construction activities, fiber netting such as silt fence or similar material shall be used for erosion control where appropriate throughout the project site and within 50 feet of Ross Creek to ensure that California red-legged frog does not get trapped. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department. <u>White-Tailed Kite and Other Nesting Raptors and Migratory Birds</u> *IV-4 If tree removal or ground disturbing activities are scheduled to commence during the nesting season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted by a qualified biologist within seven days prior to such activities to identify possible nesting activity. Survey results shall be submitted to the Town of Los Gatos Community Development Department. If active nests are not found further mitigation is not required. If one or more active nests are found, a construction-free buffer of suitable dimensions shall be established around any active raptor or migratory bird nest for the duration of the project, or until the qualified biologist has determined that the chicks have fledged and are foraging independently from their parents. The buffer shall be identified on the ground with flagging or fencing. The buffer distance shall be determined by the on-site qualified biologist based on the species, level of disturbance activity, location of the nest, and the topography between the nest and the*	Town of Los Gatos Planning Division Town of Los Gatos Planning Division	During construction activities Within seven days prior to tree removal or ground disturbing activities, if such activities are scheduled to commence during the nesting season (February 1st through August 31st)	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		construction activity; the construction-free buffer shall consist of a minimum starting distance of 250 feet for raptors and 25 feet for other birds. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.			
		Pallid Bat and Townsend's Big-Eared Bat			
		IV-5 Prior to the commencement of construction activities, a qualified biologist shall conduct a bat habitat assessment of all potential roosting habitat features, including trees within the proposed impact footprint within the project vicinity. The habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one year prior to the start of construction. The results of the assessment shall be submitted to the Town of Los Gatos Community Development Department.	Town of Los Gatos Planning Division	Up to one year prior to the commencement of construction activities	
		IV-6 If potential roosting habitat is identified (cavities in trees or potential roosts within structures) within the areas proposed for impact, the biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through March on days with temperatures in excess of 50 degrees Fahrenheit) within seven days prior to the start of construction activities to determine the presence of roosting bats. The surveys are recommended to be conducted utilizing methods that are considered acceptable by CDFW and bat experts. Methods may include evening emergence surveys, acoustic	Town of Los Gatos Planning Division	Within seven days prior to the start of construction activities, if potential roosting habitat is identified (cavities in trees or potential roosts within structures) within the areas proposed for impact	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		surveys, inspecting potential roosting habitat with fiberoptic cameras, or a combination thereof. *If a non-breeding bat colony is discovered, the individuals shall be humanely evicted via two-step removal under the direction of a qualified biologist to ensure that harm or take would not occur to any bats as a result of tree removal. Two-step removal can only occur during March 1 to April 15 and September 1 to October 15 to avoid harm to maternity and overwintering colonies.* *If a maternity colony is detected, then a qualified biologist shall determine an appropriate size for a construction-free buffer to be established around the tree and remain in place until the qualified biologist has determined that the nursery is inactive. Tree removal shall preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.* *Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.* San Francisco Dusky-Footed Woodrat *IV-7 A qualified biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests between 30 and 14 days prior to the onset of construction activities. The survey shall encompass all construction zones within the woodland habitat and developed areas, and surrounding lands within 25 feet.*	Town of Los Gatos Planning Division	Between 30 and 14 days prior to the onset of construction activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		Results of the assessment shall be submitted to the Town of Los Gatos Community Development Department. *Identified nests shall be avoided, where possible, and buffered by a minimum of 20 feet. If avoidance is not possible, the nest(s) shall be manually deconstructed by a qualified biologist when helpless young are not present, typically during the non-breeding season (October through January). If is the qualified biologist has determined that young may be present during the nest deconstruction, a suitable buffer of a minimum of 20 feet shall be established around the nest until a qualified biologist determines that the young are independent enough to successfully move from the deconstructed nest. Approximate age of the juveniles shall be recorded when observed and appropriate time shall be extrapolated out to when they would be independent from their parents; then the deconstruction can continue after the biologist confirms that the young are not present in the nest at the time. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.* <u>American Badger</u> *IV-8 During the course of the pre-construction surveys for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, other*	Town of Los Gatos Planning Division	During the course of the pre-construction surveys for other species	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		mitigations for the protection of badgers shall not be warranted. *If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once a qualified biologist has determined that badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impacts to individuals or natal/reproductive den abandonment. The monitor shall be present until is the qualified biologist has determined that young are of an independent age and construction activities would not harm individual badgers.* *Additionally, all workers shall attend a "tailgate" training that includes a description of the species, a brief summary of the species' biology, and minimization measures and instructions on what to do if American badger is observed.* *Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.*			

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		Burrowing Owl *IV-9* *A qualified biologist shall conduct a preconstruction survey for burrowing owl following the 2012 CDFW Guidelines, or the most recent guidelines, which includes two surveys, one within 14 days prior to the start of construction and the second within 24 hours prior to the start of construction. If a lapse in project-related work of 15 calendar days or longer occurs, an additional survey shall be required prior to reinitiation. A written summary of the survey results shall be submitted to the Town of Los Gatos Community Development Department before any construction permits are issued. If burrowing owls or active burrows/refugia are not found, then further mitigation measures are not necessary.* *Identified burrowing owls shall be avoided and active burrowing owl burrows shall be avoided with a 250-foot non-disturbance buffer until the burrow is abandoned. The project biologist shall conduct a weekly check-in to confirm the buffer is still intact and confirm the current activity of that burrow. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.*	Town of Los Gatos Planning Division	Within 14 days prior to the start of construction and within 24 hours prior to the start of construction	
IV-b; IV-c	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California	*IV-10* *Prior to initiation of any ground disturbance activities, the project applicant shall submit to the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the*	Los Gatos Community Development Department San Francisco Bay Regional	Prior to initiation of any ground disturbance activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
	Department of Fish and Wildlife or US Fish and Wildlife Service; or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	*State. The project proponent shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable SFRWQCB permit, which may include but not necessarily be limited to the following minimization and compensation measures.* ***Minimization.*** *Because full avoidance is not possible, actions shall be taken to minimize impacts to the ephemeral stream (e.g., potentially waters of the State and under the jurisdiction of both RWQCB and CDFW). Measures taken during construction activities should include placing construction fencing around the ephemeral stream to be preserved to ensure that construction activities do not inadvertently impact these areas.* ***Compensation.*** *The proposed project would impact some small areas of the ephemeral stream. Therefore, the project shall replace the lost habitat value resulting from this impact through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near the impacted areas at a minimum of a 1:1 replacement-to-loss ratio as well as reseeding or replanting of vegetation in temporarily disturbed areas. The final mitigation amounts will be based on actual impacts to be determined during the design phase. If impacts are lessened, then the amount of mitigation should be appropriately reduced.*	Water Quality Control Board (SFRWQCB) California Department of Fish and Wildlife (CDFW)		

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
Item Number	**Checklist Question**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
		It is anticipated that all compensation measures can be accommodated on-site within the existing ephemeral stream. An important consideration is to remove the existing culvert in the upper area of the stream. An on-site habitat mitigation and monitoring plan (HMMP) would need to be developed with the goal of creating, restoring, and/or enhancing the ephemeral stream with habitat functions and values greater than or equal to those existing in the impact zone. At a minimum, the HMMP should include: • *The location of all enhancement and/or restoration activities;* • *Planting specifications;* • *Site maintenance and management requirements;* • *Monitoring requirements;* • *Final success criteria; and* • *Adaptive management procedures.* *Written verification of the 401 Water Quality Certification or Waste Discharge Requirements shall be provided to the Town of Los Gatos Community Development Department, prior to initiation of any ground disturbance activities.*			
		IV-11 *The CDFW maintains jurisdiction over the bed and bank of the bed, channel, and banks of any river, stream, or lake (Fish and Game Code Section 1602) and impacts to such areas may require a Lake or Streambed Alteration Agreement (LSAA). Prior to initiating*	Los Gatos Community Development Department CDFW	Prior to initiating construction activities and/or ground disturbance activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT						
Item Number	**Checklist Question**	**Mitigation Measure**		**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
			construction activities, the project shall notify CDFW of the intentions of the project to determine if an LSAA is required. If required, mitigation may include restoration or enhancement of resources on-site as specified in Mitigation Measure IV-10. Written verification of the Section 1600 LSAA or, if a LSAA is not required, written correspondence from CDFW to this effect, shall be provided to the Town of Los Gatos Community Development Department, prior to initiation of any ground disturbance activities.			
IV-e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	*IV-12*	*Prior to the start of construction activities, the applicant shall comply with the Town of Los Gatos Tree Protection Ordinance and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree. If the trees proposed for removal are found to be in good condition, and the tree removal permit is granted primarily for the convenience of the applicant, then the full cost and responsibility of such removal shall be borne by the applicant, including planting of replacement trees. According to the Tree Mitigation and Protection Plan prepared for the proposed project, the project would not meet the required on-site tree replacement requirement; thus, the project applicant shall pay the appropriate in-lieu fees, pursuant to the requirements of Division II of Chapter 29.10 of the Town's Municipal Code. The above noted requirements shall be completed to the satisfaction of the Town of Los Gatos Planning Division.*	Town of Los Gatos Planning Division	Prior to the start of construction activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
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V. Cultural Resources					
V-b; V-c	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5; or disturb any human remains, including those interred outside of dedicated cemeteries?	*V-1* *If historic, archaeological, or paleontological resources are encountered during subsurface excavation activities, all construction activities within a 100-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. The Town shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.* *If the resource is determined to be significant under CEQA, the Town and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file the report with the appropriate information center*	The Town of Los Gatos Community Development Department	During construction, if historic, archaeological, or paleontological resources are encountered during subsurface excavation activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
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		(California Historical Resources Information System), and provide for the permanent curation of the recovered materials.			
		V-2 *If human remains, or remains that are potentially human, are found during construction, all work shall be halted immediately within 100 feet, and a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Santa Clara County Coroner (pursuant to Section 7050.5 of the State Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill (AB) 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or MLD must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include*	Town of Los Gatos Community Development Department Santa Clara County Coroner NAHC, if the Santa Clara County Coroner determines remains are Native American	During construction, if human remains, or other remains that are potentially human, are found	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT						
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			either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to the Town's satisfaction.			
VII. Geology and Soils						
VII-aii; VII-aiii; VII-c; VII-d	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking; or seismic-related ground failure, including liquefaction; or be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial	*VII-1*	*Prior to approval of any grading or improvement plans for the project, a licensed engineer shall review the plans to ensure the engineering recommendations set forth in the site-specific Geotechnical and Geologic Hazard Investigation prepared for the proposed project by Cornerstone Earth Group are adequately incorporated, including all relevant CBSC standards, to the satisfaction of the Town's Engineer. All grading and improvement plans shall be reviewed and approved by the Town of Los Gatos Community Development Department and the Town's Engineer.*	Town of Los Gatos Town Engineer	Prior to approval of any grading or improvement plans for the project	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT						
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	direct or indirect risks to life or property?					
X. Hydrology and Water Quality						
X-a	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	*X-1*	*Prior to any ground-disturbing activities, the project applicant shall prepare and submit a final erosion and sediment control plan for review and approval by the Town of Los Gatos Engineering Division of the Parks and Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Prior to any ground disturbance, the on-site aquatic features (i.e., the ephemeral stream and Ross Creek) shall be flagged by a qualified biologist with highly visible flagging tape, or similar, to clearly demarcate the limits of the aquatic features, and interim erosion control measures shall be installed around the aquatic features, at a minimum. The project applicant shall submit a letter to the Town prepared by the qualified biologist confirming completion of the flagging for review and approval prior to commencement of any ground disturbance. Interim erosion control methods shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. The project contractor shall provide erosion control measures as needed to protect downstream water quality*	Town of Los Gatos Engineering Division Town of Los Gatos Building Department	Prior to any ground-disturbing activities	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
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		during winter months. The grading, drainage, erosion control plan and SWPPP shall be prepared in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) shall be developed 48 hours prior to any likely precipitation event, defined by a 50 percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (https://www.cpc.ncep.noaa.gov/) which shall accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division shall conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.			

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
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XIII. Noise					
XIII-a	Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	*XIII-1* *For any construction proposed within 25 feet of a noise-sensitive receptor, the proposed project shall implement construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools; use mobile construction equipment with smart back-up alarms; and implement additional noise attenuation techniques during the clearing, earth moving, grading, and foundation/conditioning phases of construction, such as temporary sound barriers between the construction site and the sensitive receptors. The foregoing requirements shall be included in the grading plan to the satisfaction of the Town's Engineer and shall be submitted for review and approval to the Town of Los Gatos Community Development Department.*	Town Engineer Town of Los Gatos Community Development Department	During any construction proposed within 25 feet of a noise-sensitive receptor	
XIII-b	Generate excessive groundborne vibration or groundborne noise levels?	*XIII-2* *Any compaction required within 26 feet of existing structures adjacent to the off-site improvement areas shall be accomplished by using static drum rollers, rather than vibratory compactors/rollers, which use weight instead of vibrations to achieve soil compaction. As an alternative, preconstruction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. The above requirements shall be included by way of notation on any future improvement plans approved for the off-site improvements to the satisfaction of the Town of Los Gatos Community Development Department.*	Town of Los Gatos Community Development Department	During any compaction required within 26 feet of existing structures adjacent to the off-site improvement areas	

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XVII. Transportation					
XVII-b	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	*XVII-1* *Concurrent with submittal of final project improvement plans, the project applicant shall also submit to the Town of Los Gatos Community Development Department for review and approval off-site improvement plans showing the construction of new sidewalks at the following intersections:* • *Along the north side of Blossom Hill Road between Regent Drive and Union Avenue; and* • *Along the north side of Fisher Avenue between Mitchell Avenue and Roberts Road.* *The improvement plans shall demonstrate, to the satisfaction of the Town Engineer, that the off-site sidewalk improvements would comply with all applicable design parameters and requirements set forth by the Town of Los Gatos. The off-site improvements shall be constructed prior to the issuance of any certificate of occupancy for the project.*	Town of Los Gatos Town Engineer	Concurrent with submittal of final project improvement plans	
XVIII. Tribal Cultural Resources					
XVIII-a; XVIII-b	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that	*XVIII-1* *Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	

MITIGATION MONITORING AND REPORTING PROGRAM SURREY FARMS ESTATES SUBDIVISION PROJECT					
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	is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

RESPONSES TO COMMENTS

INTRODUCTION

This Responses to Comments document contains comments received during the public review period of the Surrey Farms Estates Subdivision Project Recirculated Initial Study/Mitigated Negative Declaration (IS/MND).

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the IS/MND. However, unlike with an Environmental Impact Report (EIR), comments received on an IS/MND are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. Nonetheless, the lead agency has chosen to provide responses to the comments for consideration by the Town decision-makers.

BACKGROUND

The Town of Los Gatos used the following methods to solicit public input on the Recirculated IS/MND: a Notice of Completion of the Recirculated IS/MND was posted with the State Clearinghouse on April 17, 2026. The Recirculated IS/MND was distributed to applicable public agencies, responsible agencies, and interested individuals. In addition, copies of the document were made available at the Town of Los Gatos Town Hall, located at 110 East Main Street. Electronic copies of the Recirculated IS/MND were also available on the Town's website at the following page: https://www.losgatosca.gov/DocumentCenter/Index/2227. The public review period ended May 18, 2026.

LIST OF COMMENTERS

The Town of Los Gatos received 13 comment letters during the public review period of the Recirculated IS/MND for the proposed project. The comment letters were received from the following agencies, groups, and individuals, and are included in the Responses to Comments section below:

Agencies

Letter 1 ..... Department of Toxic Substances Control (DTSC)
Letter 2 ..... San Francisco Bay Regional Water Quality Control Board (RWQCB)

Groups

Letter 3 ..... Santa Clara Valley Bird Alliance (SCVBA) and Sierra Club Loma Prieta Chapter (SCLP)

Individuals

Letter 4 ..... Jill Fordyce (1 of 2)
Letter 5 ..... Jill Fordyce (2 of 2)
Letter 6 ..... Lotfi and Monica Herzi
Letter 7 ..... Jim Lyon
Letter 8 ..... William and Kathy Meleyco

Letter 9 .....George Montanari
Letter 10 .....Philip Shanker
Letter 11 ..... Camas Steinmetz
Letter 12 ..... Jon and Marsha Witkin
Letter 13 .....Grant Zamudio

RESPONSES TO COMMENTS

The Responses to Comments below include each comment letter received regarding the Surrey Farms Estates Subdivision Project Recirculated IS/MND, as well as responses to each comment. Each bracketed comment letter has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

Letter 1

Yana Garcia
Secretary for
Environmental Protection

Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

April 22, 2026

Erin Walters
Senior Planner
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030
EWalters@losgatosca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE SURREY FARMS ESTATES SUBDIVISION PROJECT DATED APRIL 17, 2026, STATE CLEARINGHOUSE NUMBER 2025090920

Dear Erin Walters,

1-1 The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Surrey Farms Estates Subdivision Project (Project). The 17.55-acre Project site (APN 532-16-006) is located on an undeveloped hillside at 178 Twin Oaks Drive in Los Gatos. Surrounding existing uses include single-family residences, as well as the Hillbrook School to the north. The General Plan designates the site as Agriculture and the site is zoned Resource Conservation. The Project would subdivide the site into 12 residential lots, ranging in size from approximately 0.1-acre to 5.48 acres. DTSC recommends and requests consideration of the following comments:

1-2 1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic

Letter 1, cont.

1-2 cont.

present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

1-3

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

1-4

3. The Town of Los Gatos should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the Town of Los Gatos address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for

Letter 1, cont.

1-4 cont.

Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.

1-5

DTSC appreciates the opportunity to comment on the MND for the Surrey Farms Estates Subdivision Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via CEQA Review email for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Letter 1, cont.

Erin Walters
April 22, 2026
Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
state.clearinghouse@lci.ca.gov

Angela DaRosa
Division Manager / Air Quality Specialist
Raney Planning and Management, Inc. / Consulting Firm
adarosa@raneymanagement.com

Jim Foley
Project Applicant
Pennant Properties
jimfoley@pennantproperties.com

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
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Scott Wiley
Analyst II
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Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

LETTER 1: DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Response to Comment 1-1
The comment does not address the adequacy of the Recirculated IS/MND.

Response to Comment 1-2
As stated on page 74 of the Recirculated IS/MND, the site has not been subject to past development or agricultural use. Therefore, the project site has not been subject to a past use that is associated with the presence of hazardous materials, such as those mentioned in the comment, and such materials are unlikely to be present on-site.

Response to Comment 1-3
Mitigation Measure VII-1, set forth on page 69 of the Recirculated IS/MND, ensures that the engineering recommendations included in the site-specific Geotechnical and Geologic Hazard Investigation (GGHI) prepared for the proposed project by Cornerstone Earth Group (Cornerstone) are adequately incorporated. Section 6.8.2 of the GGHI includes recommendations related to soil import similar to those noted in the comment.

Response to Comment 1-4
Please see Response to Comment 1-2.

Response to Comment 1-5
The comment is conclusionary and does not address the adequacy of the Recirculated IS/MND.

Letter 2

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR
YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

April 26, 2026

Town of Los Gatos
Attn: Erin Walters, Senior Planner
110 E. Main Street
Los Gatos, CA 95030
Email: EWalters@losgatosca.gov

Surrey Farms Estates Subdivision Project, Recirculated Initial Study / Mitigated Negative Declaration,
SCH No. 2025090920

2-1 This is the fourth comment letter provided by San Francisco Bay Regional Water Quality Control Board (Water Board) staff on proposals to develop a residential subdivision at 178 Twin Oaks Drive in the Town of Los Gatos (Project). We provided comments on the Draft Environmental Impact Report (DEIR) on October 8, 2015, comments on a recirculated DEIR on June 12, 2017, and comments on the Initial Study / Mitigated Negative Declaration (ISMND) on October 6, 2025. The *Surrey Farms Estates Subdivision Project, Recirculated Initial Study / Mitigated Negative Declaration,* (Recirculated ISMND) acknowledges that waters of the State subject to the jurisdiction of the Water Board and the California Department of Fish and Wildlife (CDFW) will be impacted by the Project. However, the Recirculated ISMND does not acknowledge the presence of riparian vegetation along the ephemeral channel. In addition, the Recirculated ISMND does not quantify the Project's impacts on waters of the State or demonstrate that it is feasible to mitigate the Project's impacts to waters of the State to a less than significant level.

Comment 1. The ISMND acknowledges that the Project will impact a creek that is subject to the jurisdiction of the Water Board and CDFW.
The Recirculated ISMND acknowledges the Project's proposed impacts on jurisdictional waters of the State on page 7.

2-2

> In response to public comments and input at the Planning Commission hearing, on February 12, 2026, Live Oak Associates conducted additional on-site field investigation of the ephemeral feature located on the project site after a storm event when water was flowing in the on-site ephemeral feature. This follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND has been revised and recirculated

Letter 2, cont.

to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and include new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11). Additional Town-initiated changes have been made consistent with the errata sheet included as Exhibit 14 of the Town's December 17, 2025, Planning Commission Staff Report.

2-2, cont. We appreciate the additional field work that was conducted to establish that the Project will impact jurisdictional waters of the State. The Recirculated ISMND notes that the northern end of the ephemeral creek channel has areas with an incised channel and areas without an incised channel. We consider areas without an incised channel that lie between areas with an incised channel to be portions of the jurisdictional creek, since water clearly flows between the incised reaches. Therefore, the complete flow path of the ephemeral creek to its northernmost incised channel is a water of the State. All impacts to this water of the State require mitigation. However, as discussed below in Comment 3, the mitigation measures in the Recirculated ISMND fail to establish that the Project's impacts to waters of the State can be mitigated to a less than significant level.

Comment 2. The definition of riparian areas in Section IV b,c, Biological Resources, is not consistent with the way in which the Water Board regulates riparian vegetation along ephemeral creek channels.

2-3 The definition of riparian vegetation in the Recirculated ISMND is not relevant to ephemeral creeks, which do not convey sufficient water to affect the type of vegetation growing along the creek channel. We consider vegetation that provides shade or allochthonous input to a creek channel to be riparian vegetation. We will require mitigation for any impacted vegetation along the ephemeral creek channel. The discussion of riparian vegetation does not quantify the extent of the Project's impacts to riparian vegetation and does not provide mitigation for the Project's impacts to riparian vegetation. Therefore, the Recirculated ISMND does not demonstrate that the Project's impacts to riparian vegetation can be mitigated to a less than significant level.

Comment 3. The Recirculated ISMND does not provide sufficient mitigation for the Project's impacts to waters of the State or riparian vegetation.

Proposed mitigation measures for the Project's impacts to the ephemeral creek and its associated riparian vegetation are presented on Page 53 of the Recirculated ISMND.

Mitigation Measure(s)

2-4 Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

IV-10. Prior to initiation of any ground disturbance activities, the project applicant shall submit to the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State. The

Letter 2, cont.

2-4, cont.

project proponent shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable SFRWQCB permit, which may include but not necessarily be limited to the following minimization and compensation measures.

Minimization. *Because full avoidance is not possible, actions shall be taken to minimize impacts to the ephemeral stream (e.g., potentially waters of the State and under the jurisdiction of both RWQCB and CDFW). Measures taken during construction activities should include placing construction fencing around the ephemeral stream to be preserved to ensure that construction activities do not inadvertently impact these areas.*

Compensation. *The proposed project would impact some small areas of the ephemeral stream. Therefore, the project shall replace the lost habitat value resulting from this impact through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near the impacted areas at a minimum of a 1:1 replacement-to-loss ratio as well as reseeding or replanting of vegetation in temporarily disturbed areas. The final mitigation amounts will be based on actual impacts to be determined during the design phase. If impacts are lessened, then the amount of mitigation should be appropriately reduced.*

It is anticipated that all compensation measures can be accommodated onsite within the existing ephemeral stream. An important consideration is to remove the existing culvert in the upper area of the stream. An on-site habitat mitigation and monitoring plan (HMMP) would need to be developed with the goal of creating, restoring, and/or enhancing the ephemeral stream with habitat functions and values greater than or equal to those existing in the impact zone. At a minimum, the HMMP should include:

- *The location of all enhancement and/or restoration activities;*
- *Planting specifications;*
- *Site maintenance and management requirements;*
- *Monitoring requirements;*
- *Final success criteria; and*
- *Adaptive management procedures.*

Written verification of the 401 Water Quality Certification or Waste Discharge Requirements shall be provided to the Town of Los Gatos Community Development Department, prior to initiation of any ground disturbance activities.

The proposed 1:1 mitigation ratio would only be sufficient if the mitigation for impacts to the ephemeral creek and its associate riparian vegetation were both in-kind and on-site. For the fill of a portion of an ephemeral creek, in-kind mitigation consists of creating or restoring an ephemeral creek channel. The Recirculated ISMND states that all compensation can be accommodated on-site within the existing ephemeral channel. This does not appear to be likely, since enhancement of an existing ephemeral creek

Letter 2, cont.

channel does not provide in-kind mitigation for filling a portion of that channel. The text of the Recirculated ISMND refers to an existing culvert over an upper portion of the ephemeral creek that could be removed as mitigation for fill of a portion of the ephemeral creek channel. Removal of a culvert from the creek may provide mitigation for the fill of a portion of the creek if the removed culvert is at least as long as the filled reach of the creek. However, the discussion of mitigation for impacts to the ephemeral creek is insufficient because the Recirculated ISMND does not provide the length of the ephemeral creek channel that will be impacted by the Project or the length of the culvert that would be removed from the creek channel.

The mitigation provided in the Recirculated ISMND consists of obtaining permits from the Water Board and CDFW. Applying for permits from the resource agencies prior to impacting jurisdictional waters is a legal requirement, but it is not a mitigation measure. The Recirculated ISMND lacks concrete proposals for mitigation. Therefore, the Recirculated ISMND fails to demonstrate that the project's impacts to waters of the State can be mitigated to less than significant levels. Without a revision that includes concrete mitigation proposals, it is likely that the Recirculated ISMND will not be adequate to support the issuance of State permits for impacts to the ephemeral creek channel.

2-4, cont.

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. While it is true that any impacts to waters of the State would require permit(s) from the Water Board, compliance with regulatory requirements is not in itself a mitigation measure. CEQA documents should identify impacts associated with a project and propose specific mitigation measures in sufficient detail for persons reviewing the CEQA document to assess the feasibility and adequacy of the proposed mitigation measures. This kind of assessment is not possible on the basis of the information provided in the Recirculated ISMND.

Sincerely,

Brian K. Wines

Brian Wines
Water Resource Control Engineer

LETTER 2: SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

The comment is introductory and presents the history of the commenter's letters provided on the various CEQA documentation for the project site and summarizes their concerns presented in more detail within the remainder of the letter. Please see Responses to Comments 2-2 through 2-4 for detailed responses to each of the commenter's specific concerns.

Response to Comment 2-2

Please see Response to Comment 2-4.

Response to Comment 2-3

According to Live Oak Associates (LOA), the RWQCB uses an atypical and distinct, more inclusive definition of riparian vegetation. As noted on page 51, the Recirculated IS/MND relies on a more typical definition of riparian vegetation sourced from the U.S. Fish and Wildlife Service (USFWS). The full definition is as follows:

> Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics:
>
> 1. distinctly different vegetative species than adjacent areas.
> 2. species similar to adjacent areas but exhibiting more vigorous or robust growth forms.

While a small area of the ephemeral stream (approximately 100 to 150 feet) at the terminus of the stream would be impacted by the project, no shrubs or trees along the length of the on-site ephemeral stream would be impacted. In other words, only upland herbaceous vegetation, away from the ephemeral stream, within the proposed development areas, would be impacted by the project. Therefore, even under the RWQCB's more inclusive riparian definition, the conclusions presented in the Recirculated IS/MND would not change, as all of the shrubs and trees (e.g., RWQCB riparian) along the ephemeral stream would be retained after project buildout.

Response to Comment 2-4

The commenter states in part that "The Recirculated ISMND lacks concrete proposals for mitigation. Therefore, the Recirculated ISMND fails to demonstrate that the project's impacts to waters of the State can be mitigated to less than significant levels." This statement reflects the commenter's professional opinion, which the Town respectfully acknowledges, but it does not reflect the CEQA Guidelines, for reasons articulated in the leading publication on CEQA practice, *Practice Under the California Environmental Quality Act*, as follows:[1]

> The need to defer formulation of the specifics of a mitigation measure often arises when a regulatory agency will be issuing a permit or other approval for a project and can be expected to impose mitigation requirements independent of CEQA as a condition of approval. These requirements are ordinarily worked out through a consultation and

[1] Stephen L. Kostka and Linda C. Klein. *Practice Under the California Environmental Quality Act, Volume 1*. CEB: March 2026 Update, Section 14.12.

> approval process that takes place after the EIR is completed. In such situations, it is often desirable to defer formulation of the specifics of mitigation measures so that they can be designed to meet the regulatory agency's requirements while also providing adequate mitigation under CEQA. When it is anticipated that a regulatory agency will impose its own mitigation requirements on a project, formulation of the details of mitigation measures identified in an EIR may be deferred if the EIR requires regulatory agency review, identifies methods the agency will consider for mitigating the impact, and indicates the expected outcome.

The preceding demonstrates that Mitigation Measures IV-10 and IV-11 of the Recirculated IS/MND are adequate pursuant to CEQA as they recognize the role that the regulatory agencies will play in determining specific mitigation requirements when issuing permits. Compliance with the applicable permit requirements would ensure that the proposed project would not have a substantial adverse effect on State-protected wetlands through direct removal, filling, hydrological interruption, or other means.

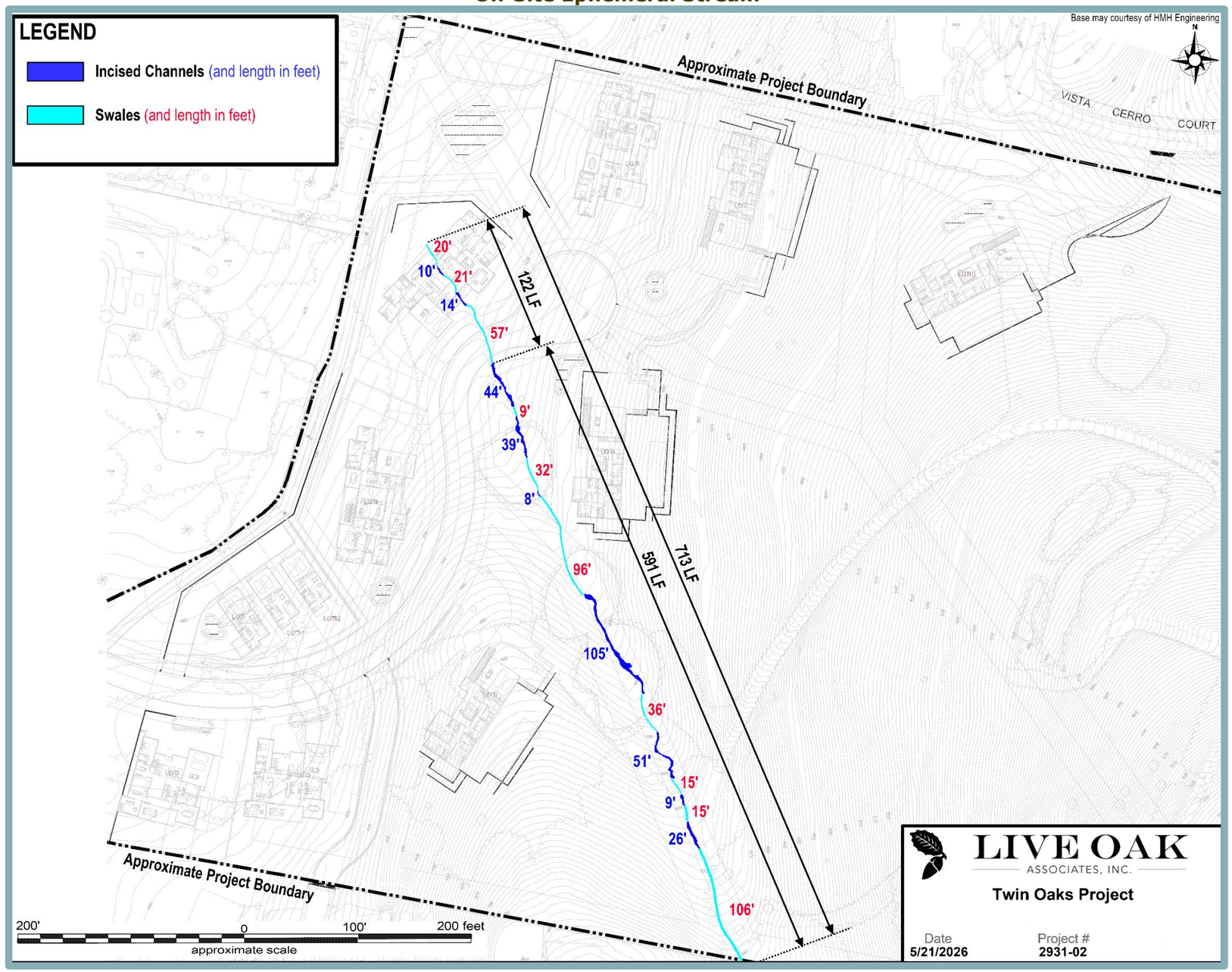
Notwithstanding the above, Mitigation Measures IV-10 and IV-11 of the Recirculated IS/MND go beyond simply requiring permits from the regulatory agencies by identifying potential ways of compensating for the portion of the ephemeral stream that would be impacted by the proposed project. The mitigation measures appropriately, however, recognize that the ultimate approach to mitigation will be determined in coordination with the regulatory agencies.

The "Compensation" portion of Mitigation Measure IV-10 requires that the project mitigate impacts through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near impacted areas at a 1:1 minimum replacement-to-loss ratio. Thus, the mitigation measure includes a clear performance standard. Mitigation Measure IV-10 further notes that it is anticipated that all compensation measures can be accommodated on-site within the existing ephemeral stream, for which an important consideration is to remove the existing culvert in the upper area of the stream.

The project would impact the lower approximately 122 lineal feet of 713 lineal feet of the ephemeral stream, 24 feet of which supports two small, incised channels within the on-site ephemeral stream (see Figure 1 below). Woody vegetation (i.e., shrubs or trees) does not occur along the 24-foot reach of the swale. That portion supports only upland herbaceous vegetation. Nearly 83 percent of the ephemeral stream (591 lineal feet) would be preserved, which would include all of the woody vegetation (e.g., upland shrubs and trees) that occurs along the ephemeral stream and a total of 282 lineal feet (or 92 percent) of the incised channels.

In order to compensate for the project's impact to an estimated 122 lineal feet of the northern portion of the ephemeral stream, pursuant to Mitigation Measure IV-10, ephemeral stream habitat could be restored (i.e., removal of the existing culvert upstream [approximately 15 feet in length]) and created by establishing additional incised sections of the ephemeral stream. As noted above, the project would impact an estimated 122 lineal feet of ephemeral stream, 24 feet of which is incised, and as mitigation could remove the existing 15-foot culvert and create a minimum of 122 lineal feet of incised channel, thereby improving the connectivity of the ephemeral stream. In addition to creating suitable incised features, the project could also install woody vegetation (e.g., shrubs and trees) along the ephemeral stream to provide additional shading. The aforementioned enhancements are feasible and would be capable of meeting the performance standard of a minimum 1:1 ratio and could approach 2 to 2.5:1.

Figure 1
On-Site Ephemeral Stream



Accordingly, the mitigation measure identifies feasible options for achieving the performance standards. The exact requirements that the project would be subject to are the ultimate decision of the RWQCB and the flexibility within the mitigation measures allows for the applicant and the RWQCB to agree on other mitigation requirements.

Based on the above, because Mitigation Measure IV-10 includes specific, enforceable performance standards and identifies potential actions necessary to achieve the standard, the mitigation measure meets the requirements of the CEQA Guidelines and the Recirculated IS/MND does not inappropriately defer mitigation.

It should be noted that similar mitigation has been included in many other certified CEQA documents and is accepted as feasible and effective by regulatory agencies. An example of a project within the region that is subject to a similar mitigation measure pursuant to the certified CEQA document prepared for the project would be the Podva Property Residential Development located within the Town of Danville, California, which is also under the jurisdiction of the San Francisco Bay RWQCB. The certified EIR prepared for that project (SCH # 2012102028) identified a significant impact related to the placement of fill within two jurisdictional upland seasonal channels and the loss or degradation of associated riparian habitat value. The EIR included Mitigation Measure 4.4-10a, which required either the creation of new habitat as replacement for habitat loss or enhancement of the quality of existing habitat for native plants and wildlife. More specifically, the measure required replacement of habitat at an acceptable replacement-to-loss ratio for permanent acreage impacts, as well as reseeding or replanting of vegetation in temporarily disturbed areas. In addition, Mitigation Measure 4.10c of the EIR required the project applicant to obtain the necessary regulatory permits from the RWQCB and CDFW. As a result of implementation of Mitigation Measure 4.4-10a, on-site restoration of a section of ephemeral stream channel through culvert and concrete riprap removal and planting of willows and the elongation of a created channel within the open space of the site occurred. Based on the Year 7 (2025) Monitoring Report for the project, the created ephemeral channel and vegetation cover within the channels continue to meet success criteria.

Letter 3

SCVBA
Santa Clara Valley
BIRD ALLIANCE

SIERRA
CLUB
LOMA PRIETA
CHAPTER

May 18, 2026 *Via email*

Erin Walters, Senior Planner
ewalters@losgatosca.gov

Planning Commission
planning@losgatosca.gov

Town of Los Gatos

Re: Comments on Recirculated Initial Study/Mitigated Negative Declaration – Surrey Farms Estates Subdivision Project (SCH No. 2025090920)

Dear Ms. Walters and Members of the Planning Commission,

The Santa Clara Valley Bird Alliance (SCVBA) and the Sierra Club Loma Prieta Chapter (SCLP) submit the following comments on the Recirculated Initial Study/Mitigated Negative Declaration (Recirculated IS/MND) for the Surrey Farms Estates Subdivision Project at 178 Twin Oaks Drive, Los Gatos. These comments supplement and incorporate by reference our October 2025 comment letter on the original IS/MND[1].

3-1

The Recirculated IS/MND substantively acknowledges one of the critical issues identified in prior public and agency comments, the impact on the northerly extent of the on-site ephemeral creek from the proposed internal driveway and Lot 5 footprint. It does not resolve the broader pattern of inadequate analysis documented by the San Francisco Bay Regional Water Quality Control Board, and it does not address biological, lighting, and procedural deficiencies identified by SCVBA, SCLP, and neighboring property owners.

[1] https://www.sierraclub.org/loma-prieta/initial-study-mitigated-negative-declaration-surrey-farms-estates

Letter 3, cont.

3-1, cont.

Most significantly, the RWQCB submitted a fourth comment letter on April 26, 2026, which finds the Recirculated IS/MND fails to quantify the project's impacts to waters of the State, and fails to demonstrate that impacts to waters of the State can be mitigated to a less-than-significant level. These are not marginal concerns; they go to the heart of CEQA's requirement that a mitigated negative declaration demonstrate that all significant impacts have been reduced to less-than-significant levels.

For the reasons set forth below, an Environmental Impact Report (EIR) is required.

Under the "fair argument" standard, an EIR is mandatory wherever substantial evidence in the record supports a reasonable possibility of significant environmental effect, regardless of the lead agency's contrary determination. Expert regulatory agency findings of unmitigated significant impacts, here from the RWQCB, constitute substantial evidence supporting preparation of an EIR.

I. THE RWQCB'S APRIL 26, 2026 COMMENT LETTER INDEPENDENTLY REQUIRES PREPARATION OF AN EIR

The RWQCB's April 26, 2026 comment letter supports the conclusion that a mitigated negative declaration is legally insufficient.

A. Permit Applications Are Not Mitigation Measures

The RWQCB states directly, "Applying for permits from the resource agencies prior to impacting jurisdictional waters is a legal requirement, but it is not a mitigation measure."

3-2

Mitigation Measure IV-10, the centerpiece of the Recirculated IS/MND's response to the ephemeral creek impact, relies primarily on future submission of a 401 Water Quality Certification application to the RWQCB prior to ground disturbance. This is a regulatory prerequisite, not a defined mitigation outcome. The RWQCB concluded that the IS/MND lacks concrete mitigation proposals and fails to demonstrate that impacts can be mitigated to less-than-significant levels.

This conclusion is consistent with established CEQA law. CEQA Guidelines § 15126.4(a)(1)(B) requires mitigation measures to include specific performance standards sufficient to ensure implementation and effectiveness. Deferring the substance of mitigation to a future permitting process, without specifying the nature, scope, or criteria for that mitigation, violates CEQA's requirement that the environmental document itself, not subsequent agency permits, evaluate the feasibility and adequacy of proposed remedies.

B. The Proposed 1:1 Mitigation Ratio Is Unverifiable and Likely Infeasible

3-3

Mitigation Measure IV-10 proposes a 1:1 habitat replacement ratio for impacts to the ephemeral creek. The RWQCB finds this ratio may be insufficient and, in any event, unverifiable because the Recirculated IS/MND does not disclose: (1) the linear length of ephemeral creek channel that will be filled, or (2) the length of the existing culvert proposed for removal as in-kind compensatory mitigation.

Letter 3, cont.

As the RWQCB explains: "Removal of a culvert from the creek may provide mitigation for the fill of a portion of the creek if the removed culvert is at least as long as the filled reach of the creek. However, the discussion of mitigation for impacts to the ephemeral creek is insufficient because the Recirculated IS/MND does not provide the length of the ephemeral creek channel that will be impacted by the Project or the length of the culvert that would be removed."

Without these measurements, the public, the lead agency, and decision-makers cannot evaluate whether the proposed mitigation ratio is adequate, whether the proposed on-site compensation area is sufficient, or whether the mitigation is actually feasible. CEQA requires that mitigation be presented in sufficient detail to allow meaningful public scrutiny. (CEQA Guidelines § 15126.4(a)(1); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1125.) The RWQCB concludes: "This kind of assessment is not possible on the basis of the information provided in the Recirculated IS/MND."

3-3, cont.

Furthermore, the RWQCB notes that enhancement of an existing ephemeral creek channel does not provide in-kind mitigation for filling a portion of that channel. The IS/MND mitigation discussion appears to assume that all compensation can be accommodated within the existing on-site ephemeral channel and is therefore both analytically unsupported and likely incorrect as a matter of wetland science.

II. BIOLOGICAL RESOURCE IMPACTS REMAIN INADEQUATELY ANALYZED

A. Wildlife Movement Corridors and Cumulative Habitat Fragmentation – Conclusory Analysis Unsupported by Substantial Evidence

3-4

The IS/MND concludes in a single sentence that the project site is not within an "identified regional movement corridor or landscape linkage" and that local urban species would remain able to cross the site after buildout. This conclusion is legally insufficient under CEQA because it relies on the absence of formal regulatory designation rather than analysis of actual ecological function and is inconsistent with the Town's own General Plan policies protecting hillside open space connectivity.

3-5

The IS/MND is inconsistent with the Town's own General Plan policies protecting hillside habitat connectivity. The Los Gatos 2040 General Plan recognizes the ecological importance of hillside open space and includes Goal OSPR-2 and associated policies requiring that development protect wildlife movement corridors and habitat connectivity. The project would introduce 12 residential structures, a paved internal road system, and permanent exterior lighting immediately adjacent to this drainage corridor, altering the ecological character of the interface zone. The IS/MND does not specifically analyze consistency with these General Plan policies or explain how conversion of this undeveloped hillside oak woodland to residential development is consistent with the Town's adopted habitat connectivity objectives. Potential inconsistency with adopted General Plan conservation policies warrants further analysis.

3-6

The cumulative loss of hillside woodland and corridor function is not analyzed. Even if the site-specific corridor impact were considered acceptable in isolation, which it is not, the IS/MND fails to analyze the

Letter 3, cont.

3-6, cont.

cumulative effect of this project's woodland removal and habitat conversion within the broader pattern of hillside development in the Ross Creek watershed. Habitat connectivity and wildlife corridor function degrade cumulatively; each increment of hillside clearing, road construction, and residential lighting reduces landscape permeability in ways that are only fully significant in the aggregate. CEQA Guidelines § 15130 requires that a negative declaration analyze cumulative impacts where a project's contribution, in combination with past, present, and reasonably foreseeable projects, may be cumulatively significant. The IS/MND lists related projects in its cumulative analysis but does not include a biological connectivity assessment for any of them, and does not evaluate the combined effect of incremental hillside woodland loss on the movement interface between the Santa Cruz Mountains and the South Bay lowlands. This omission is not cured by the General Plan EIR's programmatic analysis, which does not substitute for site-specific cumulative biological assessment at the project level. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 112.)

SCVBA and SCLP request that any EIR prepared for this project include a wildlife movement corridor and cumulative fragmentation analysis conducted by a qualified wildlife biologist, addressing the site's current function as a movement pathway within the regional hillside-to-riparian landscape context, the degree to which the proposed development would reduce landscape permeability, and feasible design alternatives or mitigation measures, including wildlife-friendly fencing, reduced building footprints, and lighting restrictions, that would maintain functional connectivity through and around the project site.

B. Crotch's Bumble Bee (Bombus crotchii) – California Endangered Species Act (CESA) Candidate Species: Mandatory Significance Finding Required

The Recirculated IS/MND eliminates Crotch's Bumble Bee from further analysis based on the absence of CNDDB records within three miles of the project site and a conclusion of insufficient habitat. Neither basis is sufficient under CEQA.

The California Fish and Game Commission has accepted a petition to list the species as endangered under CESA, determining that listing may be warranted and advancing it to candidate status. CESA candidate species receive legal protection during the candidacy period and warrant full CEQA impact analysis.

3-7

The absence of CNDDB records does not establish biological absence. The project site contains coast live oak woodland and annual grassland habitat that may support Crotch's Bumble Bee foraging and nesting. The IS/MND's conclusion of "insufficient habitat" is not supported by focused surveys.

The project would remove 223 mature trees and convert woodland and grassland habitat to residential development, roads, and landscaping. Ground-disturbing activities during the flying season (April through August) could impact nesting and foraging habitat. These potential impacts should be analyzed following focused surveys conducted by a CDFW-approved qualified biologist consistent with CDFW survey guidance.

SCVBA and SCLP request that the Town require:

5

Letter 3, cont.

3-7, cont.

- Focused surveys conducted during the appropriate flying season by a CDFW-approved qualified biologist,
- Submission of survey results to CDFW and the Town prior to ground disturbance,
- Coordination with CDFW and any required take authorization if the species is detected, and
- Avoidance of herbicide and pesticide use near flowering plants to reduce impacts to pollinators.

C. *Invasive Plant Species – Unanalyzed Threat to Ross Creek Watershed*

The Recirculated IS/MND does not include a landscaping planting palette or analyze the risk that residential landscaping associated with 12 new hillside homes could introduce invasive plant species into the Ross Creek corridor and adjacent oak woodland.

3-8

The project site is located at the wildland-urban interface, where residential landscaping is a documented pathway for the spread of invasive species into native habitat. Introduction of invasive species may constitute a significant biological impact under CEQA where it degrades native habitat or adversely affects special-status species. The IS/MND does not analyze this foreseeable operational impact and proposes no mitigation.

SCVBA and SCLP request that the Town require:

- A native-species-only planting palette within sensitive interface areas, and
- Prohibition on planting, seeding, or introducing species rated "moderate" or "high" invasiveness by Cal-IPC anywhere on the project site.

D. *Cumulative Woodland and Habitat Fragmentation*

3-9

The IS/MND's cumulative analysis applies reasoning appropriate to point-source impacts to biological resources, which are inherently cumulative in nature. Habitat connectivity and wildlife corridor function degrade cumulatively with each additional increment of hillside woodland clearing and development. The IS/MND does not analyze cumulative biological effects in the Ross Creek watershed context, as required where a project contributes to a pattern of loss that is only significant in the aggregate. (CEQA Guidelines § 15130; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.)

III. OPERATIONAL IMPACTS: ARTIFICIAL LIGHTING AND BIRD-GLASS COLLISIONS

A. Artificial Light At Night (ALAN)

3-10

The IS/MND evaluates exterior lighting solely as an aesthetic and glare issue. It does not analyze lighting as a biological resource impact, notwithstanding that the Town's 2040 General Plan Policy ENV-7.11 expressly directs: "Require the design of building, street, landscape, and parking area lighting to improve safety, energy efficiency, protection of the night skies (dark sky protections), **biological resources**, and environmental soundness" (emphasis added.)

Letter 3, cont.

3-10, cont. At this hillside wildland-urban interface site, lighting from residences, roads, and landscaping could affect habitat used by owls, bats, migrating birds, and nocturnal pollinators. Artificial nighttime lighting is known to affect wildlife behavior and ecological processes and should be analyzed and mitigated under CEQA.

B. Bird-Glass Collision Mortality

3-11 The Town's 2040 General Plan Policy ENV-7.10 commits to requiring bird-safe building design and to adopting a Bird Safety Ordinance. Despite this adopted policy direction, the IS/MND contains no analysis of bird-glass collision risk and proposes no mitigation or design elements to reduce hazards to birds. Hillside and riparian-edge developments of this type can cause elevated collision mortality from expansive reflective glazing facing woodland canopy and drainage corridors, parallel transparent facades, and glass balcony railings. This is a foreseeable long-term operational impact to migratory birds. The IS/MND's inconsistency with General Plan bird-safe design policies warrants further analysis under CEQA.

IV. CONCLUSION AND REQUESTS

3-12 The Recirculated IS/MND for the Surrey Farms Estates Subdivision Project does not satisfy CEQA's requirements for a mitigated negative declaration. The San Francisco Bay Regional Water Quality Control Board, a responsible agency with regulatory jurisdiction over the project's most significant unresolved impacts, has submitted several comment letters, finding that this project's environmental analysis is inadequate with respect to waters of the State. Its April 26, 2026 letter concludes explicitly that the Recirculated IS/MND fails to demonstrate that impacts to waters of the State can be reduced to less-than-significant levels. That conclusion constitutes substantial evidence supporting a fair argument that an EIR is required.

SCVBA and SCLP respectfully request the following from the Town of Los Gatos:

3-13
- Withdraw the Recirculated Mitigated Negative Declaration and prepare a full Environmental Impact Report consistent with CEQA's fair argument standard,

3-14
- Require the EIR to fully quantify and analyze impacts to the ephemeral creek, riparian resources, oak woodland, wildlife movement and habitat connectivity. Please include cumulative fragmentation effects and identify specific, feasible, and enforceable mitigation measures with defined performance standards,

3-15
- Require focused protocol-level surveys and impact analysis for special-status species and sensitive biological resources, including Crotch's Bumble Bee, nesting birds, raptors, bats, and other wildlife with potential to use the site or adjacent corridor habitats,

3-16
- Require analysis of operational impacts associated with residential development at this wildland-urban interface location, including Artificial Light At Night, bird-glass collision mortality, invasive species introduction, and long-term habitat degradation, together with enforceable wildlife-sensitive design standards, and

Letter 3, cont.

3-17

- Require evaluation of a reasonable range of alternatives, including a reduced-density alternative that avoids or minimizes impacts to the ephemeral creek corridor, wildlife connectivity, and mature oak woodland.

3-18

SCVBA and SCLP incorporate by reference all prior comments submitted on this project and request that they be made part of the administrative record. We appreciate the Town's continued engagement and remain available to provide consultation on biological survey design and wildlife-sensitive project alternatives.

Respectfully submitted,

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Bird Alliance

Katja Irvin, AICP
Guadalupe Group Conservation Chair
Sierra Club Loma Prieta Chapter

LETTER 3: SANTA CLARA VALLEY BIRD ALLIANCE AND SIERRA CLUB LOMA PRIETA CHAPTER

Response to Comment 3-1
The comment is introductory and includes a summary of the commenter's concerns presented in more detail within the remainder of the letter. Please see Responses to Comments 3-2 through 3-18 for detailed responses to each of the commenter's specific concerns. Please see Response to Comment 5-2 regarding the fair argument standard.

Response to Comment 3-2
Please see Response to Comment 2-4 for further information regarding compliance with a regulatory permit or other similar process as mitigation.

Response to Comment 3-3
Please see Response to Comment 2-4.

Response to Comment 3-4
According to LOA, the proposed project would result in a small loss of habitat for the various wildlife species that occur regionally. Many of the species currently using the site would continue to use the site for movement or daily activities, as less than half of the site would be impacted, and less than half of the on-site woodlands would be impacted. Therefore, while some on-site oak woodland would be impacted, the amount is negligible on a regional scale; those species currently using woodland habitat within the impact area would be able to use woodland habitat in the unimpacted areas of the site or elsewhere regionally. Furthermore, the CEQA threshold for determining whether a project would have a significant impact to wildlife movement corridors is not whether any disruption of movements would occur, but rather the project must "interfere *substantially* with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors…" (emphasis added) (See CEQA Guidelines, Appendix G, Section IV, Biological Resources, Question d). The commenter provides no substantial evidence that the proposed project would substantially interfere with wildlife movement.

Response to Comment 3-5
Please see Response to Comment 3-4.

Response to Comment 3-6
Please see Responses to Comments 3-4 and 3-10. As stated in the Recirculated IS/MND, the project site is not within an identified regional movement corridor or landscape linkage. In addition, the project site is surrounded by developed areas of the Town, with the primary exception being the expansive foothills area to the east, much of which contains oak woodland, though large lot estates punctuate this foothill landscape. The proposed project would impact only 5.38 acres of an area that contains expansive movement corridors to the east/southeast/northeast, and even the project site itself would continue to allow wildlife movement through the ephemeral stream and upslope areas of the project site.

Cumulative impacts are discussed within the Recirculated IS/MND under Question XXI-b within Section XXI, Mandatory Findings of Significance. As discussed therein:

> … it is important to understand that CEQA allows for a project's incremental contribution to a significant cumulative impact to be found less than cumulatively considerable. For a cumulative impact analysis pursuant to CEQA Guidelines Section 15130, the lead agency should generally undertake a two-step analysis. The first question is whether the *combined* effects from *both* the proposed project *and* other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the proposed project's *incremental* effects are cumulatively considerable." (*Communities for a Better Environment, supra,* 103 Cal.App.4th at p. 120 [emphasis added]) In other words, it is possible that the "cumulative impact" of multiple projects would be significant, but that the incremental contribution to that impact from a particular project may not itself be "cumulatively considerable." Thus, CEQA Guidelines Section 15064, subdivision (h)(5), states that "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." In conclusion, it is not necessarily true that, even where cumulative impacts are significant, any level of incremental contribution must be deemed cumulatively considerable. (*Communities for a Better Environment, supra*, 103 Cal.App.4th at p. 120.)
>
> Based on the results of the preceding analysis, and the foregoing additional cumulative discussion, this 12-unit residential project is not anticipated to have a cumulatively considerable incremental contribution to significant cumulative impacts that may otherwise be caused by pending and approved projects.

Response to Comment 3-7

Suitable habitat and nectar plants for Crotch's bumble bee is considered absent from the project site, as the site typically undergoes annual disturbance from mowing for fire abatement up to approximately 15 feet from the property line. According to LOA, numerous surveys are currently ongoing at sites that support potentially suitable habitat throughout the Bay Area, most of which return negative results. The Santa Clara County Habitat Plan 2026 Amendment Update found, based on a considerable number of surveys over the last three years, that primary habitat for the Crotch's bumble bee is in the undeveloped areas of the east and west foothills of the Santa Clara Valley. The project site is located in an urban area, surrounded by existing development, and the site itself is disturbed in such a manner that the site is considered unsuitable for the Crotch's bumble bee. The lack of sightings regionally based on the results of the California Natural Diversity Database (CNDDB) query conducted as part of the Biological Evaluation, as well as the database compiled by the Xerces Society for Invertebrate Conservation, provides further justification to infer absence of the species on the site, in addition to the field characteristics of the site.

Response to Comment 3-8

The only portion of Ross Creek within the project site is located in the southwestern corner, which would be avoided entirely as part of the proposed project. Page 51 of the Recirculated IS/MND includes the following discussion:

> … consistent with the Town's Standards and Guidelines for Land Use Near Streams, the proposed project would include a 25-foot riparian setback from the top-of-bank of Ross Creek and incorporate the 100- to 110-foot flood easement from Ross Creek. As such, according to the site plan prepared for the proposed project, development within the riparian woodland area is not proposed, and Ross Creek would not be directly impacted by the proposed project.

Thus, although the Biological Evaluation identified riparian woodland in the vicinity of Ross Creek in the site's southwest corner, the proposed project would not involve any disturbance in the vicinity of Ross Creek or associated riparian woodland area. Further, the Town has determined that the proposed project would comply with the landscape design concepts from the Hillside Development Standards and Guidelines related to the use of native species indigenous to the immediate area, which is evidenced by the various native and adaptive plant species included in the planting notes provided to the Town. Overall, the proposed project would not be expected to introduce invasive plant species and would not result in any impacts related to such.

Response to Comment 3-9

Please see Response to Comment 3-6 above.

Response to Comment 3-10

Impacts related to lighting are discussed under Question I-d within Section I, Aesthetics, of the Recirculated IS/MND. As stated on page 31 therein:

> According to the project applicant, all exterior lighting (i.e., both building-mounted and landscape lighting) would be designed consistent with the Hillside Design Standards and Guidelines outdoor lighting standards, which require the minimum lighting required for pedestrian safety and require compliance with the Town's Municipal Code. To reduce the potential for disturbance due to nighttime lighting, the project would comply with Town Code Section 29.10.09015, which requires all permanent exterior light fixtures to use shields so that bulbs are not visible and to ensure that light is directed to the ground surface and does not spill onto neighboring parcels or produce glare when seen from nearby homes. As such, the proposed project would comply with both the Town's Municipal Code and policies within the Hillside Design Standards and Guidelines.

The standards referenced above would ensure that project lighting would be shielded and directed downward, among other requirements.

In addition, as stated on page 30 of the Recirculated IS/MND, existing sources of light and glare including, but not limited to, headlights on cars and trucks travelling along nearby roadways and private driveways, exterior light fixtures, and interior light spilling through windows, are present within the project vicinity. Therefore, while the development of the project site with 12 single-family residences would add new sources of light and glare to the site, such sources would be similar in nature to the existing surrounding conditions. Based on such, wildlife species in the vicinity would be expected to be somewhat urban-adapted, particularly to existing lighting in the vicinity.

The comment does not provide any substantial evidence that additional lighting at the site that is designed consistent with the Town's Municipal Code and policies within the Hillside Design Standards and Guidelines would affect the breeding behavior of any special-status species to a degree that would preclude them from productive breeding. Therefore, substantial evidence that a direct significant impact would occur to any special-status species as a result of project lighting has not been provided.

Response to Comment 3-11

The comment does not present substantial evidence of a direct significant impact to any special-status species. Urban-adapted and common birds are the most likely to collide with windows due to their higher frequency of occurrence and likelihood of interaction along the built environment

interface. Moreover, as reported in the San Francisco Standards for Bird Safe Buildings[2] and other documents, the typical bird strike zone is from grade to 60 feet, the primary concern is with any uninterrupted glazing 24 square feet or larger in size, and the likelihood of strike depends on various factors, including the glazing used, the angle of the glass, the orientation of the building, and landscaping. Although the proposed residences would include windows, the features listed within the comment (expansive glass, transparent facades, glass balcony railings, corner glazing, and atriums) are not anticipated to be included within the proposed residences. In addition, based on the architectural design sheets for the proposed project, the proposed building facades would include many materials other than glass that are visible to birds. Such materials would include wood siding and stone veneer. Further, the elevations also feature forms of architectural relief (overhangs, spatially offset adjacent faces), as well as varied (opaque) materials and colors. All of the aforementioned architectural design features would serve to minimize operation impacts related to the risk of bird strikes.

Response to Comment 3-12

Please see Responses to Comments 2-1 through 2-4, as well as 5-2.

Response to Comment 3-13

Please see Response to Comment 3-1.

Response to Comment 3-14

Please see Responses to Comments 2-3, 2-4, 3-4, 3-6, and 3-8. Impacts related to the removal of on-site trees considered protected under the Town's Tree Protection Ordinance, including mixed oak woodland, are presented in the Recirculated IS/MND on pages 56 and 57.

Response to Comment 3-15

The Recirculated IS/MND addresses impacts to special-status species and sensitive biological resources within Section IV, Biological Resources, including related to nesting birds, raptors, bats, and other wildlife. Mitigation measures are set forth in the Recirculated IS/MND, including pre-construction surveys and appropriate protocol to be followed should the surveys result in positive identification of any species, sufficient to ensure impacts would be reduced to a less-than-significant level. Please see Response to Comment 3-7 related to Crotch's bumble bee.

Response to Comment 3-16

Please see Responses to Comments 3-6, 3-10, and 3-11.

Response to Comment 3-17

The purpose of an alternatives analysis pursuant to CEQA is to identify alternatives to a project that would feasibly attain the project's objectives while reducing the significant environmental impacts resulting from the proposed project. CEQA does not require the evaluation of project alternatives in an IS/MND, as the IS/MND concludes that, with incorporation of mitigation, all potentially significant impacts resulting from the proposed project could be fully mitigated to less-than-significant levels. Therefore, an alternatives analysis is not required to be provided for the IS/MND.

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[2] San Francisco Planning Department. 2011. *Standards for bird-safe buildings*. San Francisco Planning Department, City and County of San Francisco, California.

Response to Comment 3-18

The comment does not address the adequacy of the Recirculated IS/MND. The SCVBA and SCLP comment letter dated October 17, 2025 was included within Exhibit 11 of the staff report for the Planning Commission hearing on December 17, 2025. Pursuant to CEQA and additionally because the letter was not received during the public comment period for the IS/MND, written responses to the SCVBA and SCLP letter are not required. Nonetheless, written responses to the late letter were prepared and were also available as Addendum 2 to the staff report for the decision-makers consideration. The staff report and addenda for the December 17, 2025 Planning Commission hearing are available at https://losgatos-ca.municodemeetings.com/bc-pc/page/planning-commission-special-2. As such, the prior comments and responses to the prior comments are part of the administrative record.

Letter 4

From: Jill Fordyce <[redacted]>
Sent: Monday, May 4, 2026 5:04 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Craig Fordyce <[redacted]>; Bill Meleyco [redacted];
Jon Witkin [redacted]>
Subject: 178 Twin Oaks - Questions re: Recirculated MND

[EXTERNAL SENDER]

Hi Erin,

I have a few questions regarding the Recirculated MND.

4-1 What does it mean that there are now required approvals from the California Department of Fish and Wildlife (CDFW) and San Francisco Bay Regional Water Quality Control Board (SFRWQCB)? Have these approvals been obtained? What are the criteria for these approvals? (p. 2)

4-2 What are the mitigation measures being proposed to compensate for the ephemeral feature extending into the proposed internal driveway and Lot 5 development footprint? (pp. 7-8)

4-3 Why is the on-site ephemeral "drainage channel" now referred to as a "stream"? What does that distinction mean? (p. 13)

4-4 Can you identify on one of the project maps where the new proposed open space and future trail easements are proposed? (p. 15)

Can you identify on one of the project maps where the new proposed five-foot earth/concrete swale along the project site boundary are proposed? (p. 15)

4-5 How did the amount of impervious surface grow from 62,224 sf to 97,386 sf? (p. 78)

If it is simpler to meet about these items, I would be happy to do so. Thank you for your assistance in this matter.

Kind regards,

Jill Fordyce

Letter 4, cont.

From: Jill Fordyce [redacted]
Sent: Monday, May 4, 2026 5:30 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Craig Fordyce [redacted] Bill Meleyco [redacted]
Jon Witkin [redacted]>
Subject: 178 Twin Oaks Drive - Vector Control Issues

[EXTERNAL SENDER]

Hi Erin,

4-6 Apologies for the multiple emails. In February, my neighbor Dr. Chris Bajorek reached out to the Town and requested that it involve the Santa Clara County Mosquito and Vector Control District in the review of this project. Can you let me know if the Town has requested the involvement of the District? If so, what has their involvement been? And if not, why not?

Thank you,

Jill Fordyce

LETTER 4: JILL FORDYCE (1 OF 2)

Response to Comment 4-1
Mitigation Measures IV-10 and IV-11, as shown on pages 53 and 55 of the Recirculated IS/MND, require the project applicant to obtain a Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Permit from the RWQCB and Lake or Streambed Alteration Agreement (LSAA), if determined necessary by the California Department of Fish and Wildlife (CDFW), as well as to comply with all permit provisions. Such permits are obtained through a separate process between the project applicant and each agency. The CEQA process must be completed and a Notice of Determination filed with the County Clerk's Office before the regulatory permits may be issued. Regulatory agencies are not able to issue permits prior to certification of a CEQA document. Please see Response to Comment 2-4 for further information regarding compliance with a regulatory permit or other similar process as mitigation.

Response to Comment 4-2
Mitigation Measures IV-10 and IV-11 are required to ensure that the proposed project's impacts to the northerly extent of the ephemeral stream, which is presumed to be a water of the State, are fully reduced to a less-than-significant level. Please see Responses to Comments 2-4 and 4-1.

Response to Comment 4-3
As discussed on page 52 of the Recirculated IS/MND:

> The on-site ephemeral feature historically supports water only during and shortly after storm events. The Town of Los Gatos follows the Guidelines and Standards for Land Use By Streams document ("Guidelines and Standards"). The Town Council adopted a resolution implementing the Guidelines and Standards at its meeting on February 20, 2007. What had previously been identified in this IS/MND as an "ephemeral drainage" has portions with an incised channel and portions without. According to the definition of a stream in the Guidelines and Standards (Chapter 2, subsection E), only the portions of the feature having a channel meet the definition of a stream, and therefore, only those portions need a buffer. Notwithstanding, for purposes of this recirculated environmental document, the entire on-site feature will be referred to as an ephemeral stream.

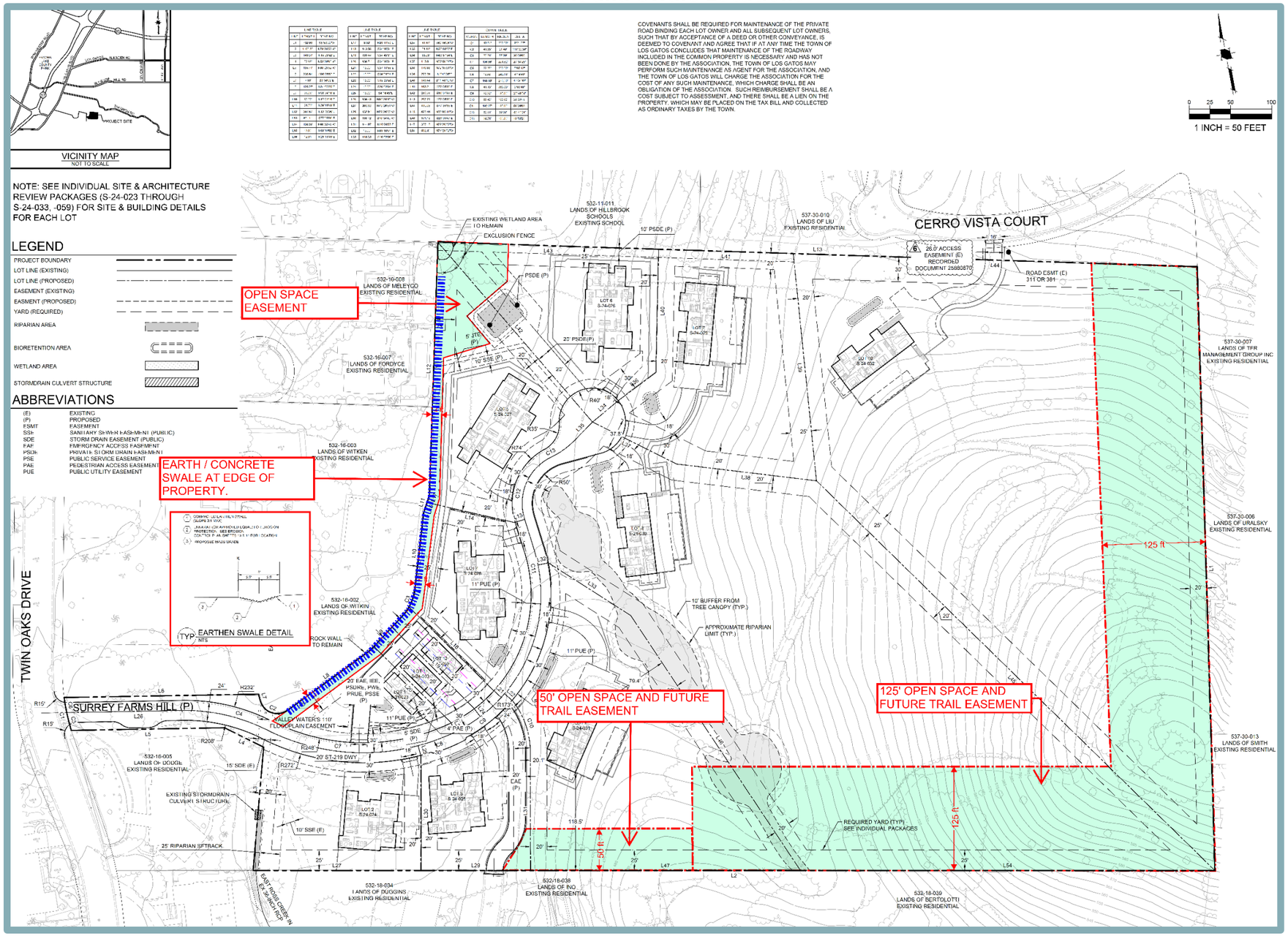
The use of the term "stream" is specifically associated the Town's adopted Guidelines and Standards for Land Use by Streams.

Response to Comment 4-4
The locations of the proposed easements and earth/concrete swale are shown in Figure 2.

Response to Comment 4-5
Please see Response to Comment 8-14.

Response to Comment 4-6
The comment does not address the adequacy of the Recirculated IS/MND.

Figure 2
Easement and Swale Locations



Letter 5

Dear Chair and Members of the Los Gatos Planning Commission,

Our family has lived at [redacted] Longmeadow Drive since 1999. Our home is at the end of the cul de sac, immediately downhill from the project site. Lot 5, which appears to include a home constructed on top of the ephemeral stream, is located directly behind our house (see Figure 16 in the Recirculated MND). While we still have a vast number of concerns regarding this project as a whole, this letter specifically addresses the newly discovered information in the Recirculated MND dated April 2026.

To aid in understanding of the physical site, we urge the Planning Commission to please view the photos of the ephemeral stream included herein, as well as the video evidence linked here: https://bit.ly/178TwinOaksEphemeralStreamVideos

5-1 Additionally, we ask that the Planning Commission please refer to and consider our previously submitted letters dated October 8, 2025 and December 17, 2025, attached hereto and incorporated by reference into this record, which list all of our other concerns in detail, specifically: (1) The IS/MND is inadequate and an EIR is required; (2) The proposed project creates a specific, adverse impact to the public health and safety of our community; and (3) The proposed project does not abide by the Los Gatos Below Market Price regulations.

THE RECIRCULATED MND CONFIRMS THAT AN EIR IS REQUIRED

The Recirculated IS/MND identifies a newly recognized significant impact associated with the project's intrusion into a jurisdictional ephemeral stream, particularly in the area of proposed Lot 5. The Recirculation itself confirms that the original environmental analysis was incomplete. Following additional wet-weather field investigations conducted in February 2026, the Town acknowledged that "the northerly limits of the ephemeral feature extend into the

Letter 5, cont.

proposed internal driveway and Lot 5 development footprint." This materially differs from earlier project representations that the subdivision had been designed to avoid impacts to the ephemeral swale located in the center of the site.

5-1, cont.

At the December 19, 2025 Planning Commission meeting, several commissioners raised concerns regarding the ephemeral stream going through the site and the drainage issue. When the applicant was asked at this hearing whether anyone conducted analysis with regard to plant species, wetlands, and jurisdictions (in response to concerns raised by the Regional Water Quality Control Board ("RWQCB")), he stated they had "follow up conversations with Brian on zoom and completely avoided the area." We know now that this is not accurate. The area is directly and substantially impeded.

5-2

At this same meeting, Commissioners Burnett and Burch posed questions regarding the necessity of EIR, noting that it is a very involved project, that there are many unanswered questions, and potentially significant impacts. Commissioner Burch specifically noted the importance of the concerns raised by the Santa Clara Valley Bird Alliance ("SCVBA") and the Sierra Club. Commissioner Burnett noted that, because of the documents from multiple agencies, neighbor concerns, the Regional Water Quality Control Board ("RWQCB") letter, sophisticated reports, and a lot of questions regarding the water basins, trees, hillside slides, drainage, etc., it seemed that the fair argument standard under CEQA had been met, and an EIR may be required. Community Development Director Paulsen dismissed these concerns, advising that the IS/MND checklist has *same criteria, threshold, and there would be same exact conclusions as if there were an EIR. There would be "alternatives to project, which also aren't really necessary."* This conclusion is inaccurate. A full EIR presents the opportunity for study and evaluation that the IS/MND admittedly did not provide, and alternatives to the project would be an important and

Letter 5, cont.

5-2, cont.

necessary component to this process. An EIR might have evaluated the project, for example, without Lot 5, which seems to be at least one logical alternative.

According to the Recirculated MND, Lot 5 is Constructed on Top of the Ephemeral Stream, Causing a Significant Environmental Impact

A review of pages 51-56 details what has changed since the most recent field visit, raising significant questions as to the quality of all previous studies. Specifically, the previous MND concluded that "only the presence of Ross Creek qualifies the surrounding vegetation as riparian." The Recirculated MND concludes only that: "distinctive riparian vegetation is absent along this portion of Ross Creek, but present elsewhere along the creek corridor." Further, it is very confusing as to whether there is State or Federal jurisdiction of these riparian wetlands, as the following conclusion from the MND has been stricken from the Recirculated MND: "The onsite ephemeral drainage with swales was determined not to be considered jurisdictional water of the U.S. or the State." Does that mean that jurisdiction is still undetermined? Or that it is considered jurisdictional water of the U.S.? Or the State?

5-3

The conclusion as to the environmental impact of this proposed project on the ephemeral stream has also changed. What was previously held to have *no adverse effect* now has a *substantial adverse effect*; what was previously concluded to have *no impact*, now has a *significant impact*. The Recirculated MND concluded that the proposed project would have "*a substantial adverse effect* on any [sic] riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, and a significant impact would occur." Indeed, in Figure 16, we can see that there are a home and roadway directly on top of the ephemeral stream. (p. 54).

Letter 5, cont.

Housing Law Does Not Reduce or Waive CEQA Review

As argued in our previous submissions to the Town, the fate of an undeveloped rural Los Gatos hillside—home to protected trees, species, and an ephemeral stream—requires, at a minimum, a detailed understanding of the environmental impact of the proposed development. In this case, we have not been given the information necessary to have such an understanding—and the Recirculated MND confirms this. *Housing law does not waive or reduce CEQA review.* Compliance with CEQA is mandatory and independent of zoning or housing authorization. Under CEQA, a Mitigated Negative Declaration can only be adopted if the lead agency determines that all potential significant environmental impacts can be reduced to a less-than-significant level through mitigation measures. If there is a "fair argument," supported by substantial evidence, that the project may have a significant environmental impact, then the agency is required to prepare a full EIR instead.

5-4

In its previous joint letter to the Town, the SCVBA and the Sierra Club stated that compliance with CEQA requires withdrawal of the IS/MND, recirculation of the environmental document to incorporate agency concerns and hydrologic and biological analysis, and preparation of a full EIR that evaluates project alternatives, hydrologic modifications, biological resource impacts, lighting effects, and cumulative conditions within the Ross Creek watershed. The organizations noted that the EIR must also include a reasonable range of alternatives that would reduce impacts to hydrology, wildlife corridors, and hillside habitat. The Recirculated MND only provided further concerns and impacts, without appropriate study or mitigation.

The Recirculated MND fails to adequately quantify the extent of impacts, relies upon speculative future mitigation measures, and lacks sufficient evidence demonstrating that impacts could be mitigated to a less-than-significant level. Future permitting alone does not constitute

Letter 5, cont.

5-4, cont.

mitigation. There is a failure to identify concrete mitigation proposals, including the precise amount of impacted channel, the scope of any culvert removal, the amount and location of habitat replacement, or enforceable restoration performance standards. Instead, these issues are deferred to future permitting and to a future Habitat Mitigation and Monitoring Plan that has not yet been prepared.

The Intrusion Into the Ephemeral Stream Will Affect Stormwater Conveyance, Hydrological, Erosional, and Geologic Functions

The deficiencies in the Recirculated IS/MND are particularly concerning because ephemeral streams are not merely "biological features"; they are active stormwater conveyance systems that perform important hydrologic, erosional, and geologic functions during precipitation events. In other words, the revised delineation is significant because it establishes that the proposed development no longer presents merely a proximity issue; it presents a direct fill, grading, and disturbance issue requiring state regulatory authorization and mitigation.

5-5

Even when dry for much of the year, ephemeral drainages convey concentrated stormwater flows, dissipate runoff energy, allow infiltration, and stabilize hillside drainage patterns. Disturbance, filling, culverting, grading, or construction within such features can fundamentally alter the behavior of water on a hillside site. Construction directly within or atop an ephemeral drainage corridor can create substantial risks, including: concentration and acceleration of stormwater runoff; erosion and scour; slope destabilization; increased hydrostatic pressure in downhill soils; undermining of engineered fill; differential settlement; culvert dependency and failure risk; redirection of surface or subsurface drainage flows. These concerns are amplified on steep hillside terrain, where ephemeral drainages often coincide with natural zones of seasonal saturation and slope weakness. Placement of homes, driveways, retaining

Letter 5, cont.

5-5, cont.

structures, or fill within such areas may alter historic drainage patterns and transfer hydrologic impacts downhill onto neighboring properties.

The Recirculated IS/MND Identifies a Direct Health and Safety Risk to Our Home and the Homes of Our Neighbors

As mentioned above, our home is directly downhill from the ephemeral stream identified in the Recirculated IS/MND. Our neighbors, Kathy & Bill Meleyco also reside immediately downhill from the stream. As such, the project raises serious concerns regarding potential damage to our health and safety resulting from alteration of the natural drainage corridor. If the ephemeral stream is filled, constricted, rerouted, buried beneath infrastructure, or otherwise modified to accommodate Lot 5 and the internal roadway, stormwater flows may become more concentrated and discharge at increased velocity toward downhill properties. Potential consequences include increased flooding or ponding; erosion and gullying; destabilization of slopes; saturation of soils; damage to retaining structures, landscaping, or foundations; sediment deposition; and long-term drainage failures associated with engineered culverts or drainage systems.

These risks are not speculative. Once a natural drainage feature is replaced with engineered infrastructure, downhill properties become dependent on the long-term performance and maintenance of culverts, storm drains, retaining systems, and graded slopes. During significant storm events, clogging, overtopping, infrastructure failure, or altered runoff patterns may cause concentrated flows to escape into downhill residential areas. The Recirculated IS/MND does not meaningfully evaluate these downstream risks or analyze whether modification of the drainage feature could adversely affect adjacent and downhill properties. Nor does the document appear to adequately analyze whether the project would alter the historic drainage pattern of the site, increase erosion potential, redirect subsurface water movement, or

Letter 5, cont.

5-5, cont.

increase instability on downhill slopes. Instead, the document largely relies on future agency permitting and undefined future mitigation measures without providing concrete evidence demonstrating that these impacts can, in fact, be reduced to a less-than-significant level.

The Recirculated IS/MND therefore identifies a new potentially significant impact that was not adequately disclosed or analyzed in the original IS/MND: namely, the direct intrusion of development into a jurisdictional ephemeral drainage feature extending into the Lot 5 development footprint and internal roadway system, together with the associated hydrologic, geologic, erosion, slope stability, and downstream property risks resulting from alteration of that natural drainage corridor. At minimum, the revised information supports a fair argument that the project's impacts to waters of the State, hillside drainage conditions, and adjacent/downhill properties may remain significant and inadequately mitigated under CEQA.

All Previous Environmental Reports Cannot Be Relied Upon as They Were Based on Inaccurate Information Regarding the Ephemeral Stream

5-6

All previous studies relied upon in the IS/MND and the Recirculated MND predate the February 2026 fieldwork that identified the significant impact caused by the intrusion into the ephemeral stream. Specifically, the Biological Evaluation Report (Appendix B) is from May 2025; The Bay Area Hydrology Model Report (Appendix C) is from July 2025; The Revised Arborist Report (Appendix D) is from December 2024; the Geotechnical and Geological Hazard Investigation (Appendix E) is from October 2024. Because these reports predate the revised delineation, the data is unreliable. Importantly, the project's stormwater calculations assumed the stream would remain undisturbed. It is, in fact, directly impeded. The revised delineation appears to materially alter the project's hydrologic, drainage, geotechnical, and slope-stability context. The newly identified intrusion of the ephemeral drainage feature into the Lot 5 development footprint and internal roadway system may have implications extending well beyond biological

Letter 5, cont.

5-6, cont.

resources, including downstream flooding, erosion, slope instability, drainage concentration, infrastructure dependency, and impacts to adjacent downhill properties. Because the studies were not revised after the new delineation findings, the recirculated analysis is unreliable and incomplete.

All Previous Environmental Reports Cannot Be Relied Upon as the Amount of Impervious Surface Has Increased by 56%

The increase in the project's residential square footage—from approximately 62,000 square feet in the prior proposal to more than 97,000 square feet in the Recirculated MND—is a substantial change in the scale and intensity of the proposed development and raises serious concerns regarding the adequacy of the environmental review conducted under CEQA. This represents an increase of more than 35,000 square feet, or approximately 56%, over the most recent prior proposal. Under CEQA, environmental review must analyze the actual project being proposed, including reasonably foreseeable buildout and associated impacts. An increase of this magnitude is not a minor refinement or insignificant design adjustment. Rather, it materially alters the project's environmental footprint and the severity of potential impacts associated with hillside residential development.

5-7

The substantial increase in square footage raises serious questions regarding the continued validity of the technical studies underlying the environmental review. Technical analyses are only reliable if they are based upon an accurate and stable project description. (It should also be noted that the MND relies in part on an uncertified 2017 EIR, which was analyzing a project that was 76% smaller than the current project).

At a minimum, the expanded buildout warrants updated or supplemental technical analysis in the following areas:

Letter 5, cont.

5-7, cont.

Hydrology and Drainage

Updated runoff calculations and drainage modeling should evaluate the impacts of the substantially increased impervious surface area and development intensity, including downstream impacts to adjacent properties.

Geotechnical and Slope Stability

Additional analysis should assess whether the enlarged building envelopes, grading activity, retaining walls, and concentrated structural loads—particularly near the ephemeral drainage corridor—create new or intensified risks of slope instability, erosion, settlement, or failure.

Biological Resources

Because ephemeral streams and associated drainage corridors support sensitive biological functions, expanded disturbance areas require reevaluation of biological impacts and potential regulatory jurisdiction.

Grading and Construction Impacts

The increase in impervious surface square footage likely requires significantly greater grading, excavation, retaining structures, export/import activity, and construction disturbance than previously analyzed.

The substantial increase in impervious surface square footage constitutes substantial evidence supporting a fair argument that the project may result in significant environmental impacts beyond those previously analyzed. CEQA requires environmental review based on the actual project proposed—not an earlier, materially smaller version of the project. Accordingly, the Town should not rely upon outdated technical assumptions or prior analyses prepared for a significantly less intensive development proposal.

Letter 5, cont.

Additional Unanswered Questions and Concerns

The following questions were submitted to Erin Walters via email on May 4, 2026, and we have not received responses to these questions. We urge the Planning Commission to raise these same questions, all of which arose from the Recirculated MND.

-What does it mean that there are now required approvals from the California Department of Fish and Wildlife (CDFW) and San Francisco Bay Regional Water Quality Control Board (SFRWQCB)? Have these approvals been obtained? What are the criteria for these approvals? (p. 2)

-What are the mitigation measures being proposed to compensate for the ephemeral feature extending into the proposed internal driveway and Lot 5 development footprint? (pp. 7-8)

-Why is the on-site ephemeral "drainage channel" now referred to as a "stream"? What does that distinction mean? (p. 13)

5-8

-Can you identify on one of the project maps where the new proposed open space and future trail easements are proposed? (p. 15)

-Can you identify on one of the project maps where the new proposed five-foot earth/concrete swale along the project site boundary are proposed? (p. 15)

-How did the amount of impervious surface grow from 62,224 sf to 97,386 sf? (p. 78)

-In February, our neighbor Dr. Chris Bajorek reached out to the Town and requested that it involve the Santa Clara County Mosquito and Vector Control District in the review of this project. Has the Town has requested the involvement of the District? If so, what has their involvement been? And if not, why not?

As indicated above, all of these questions came about as a result of the Recirculated MND, and none have been answered.

Letter 5, cont.

We respectfully request that the Planning Commission deny this project based on an insufficient environmental review, noncompliance with applicable regulations, and the risk to the health and safety of our community.

5-9

Very truly yours,

Jill & Craig Fordyce
[redacted]Longmeadow Drive
May 18, 2026

Letter 5, cont.



12

Letter 5, cont.



13

Letter 5, cont.



14

Letter 5, cont.



15

Letter 5, cont.



16

Letter 5, cont.

OCTOBER 2025 FORDYCE LETTER

Dear Ms. Walters and Town of Los Gatos Planning Commission,

We have lived in Surrey Farms since 1999 and raised our five children in our home at the end of Longmeadow Drive. We are immediate adjacent neighbors to the proposed project, and as various development plans have come before the town over the last decade, we have consistently voiced our support for preservation of the rural hillside and the Surrey Farms neighborhood. We are now writing in response to the Notice of Intent to adopt a Mitigated Negative Declaration

5-10 (MND) for the proposed 178 Twin Oaks, Surrey Farms Subdivision Project. This project, as detailed in the MND was submitted under SB 330 "Builder's Remedy." Specifically, we are writing to encourage the town to: (1) Prepare a full Environmental Impact Report (EIR) to study the vast environmental effects of this proposed project, including harm to aesthetics, air quality, biological resources, geology and soils, hydrology and water quality, noise, and wildfire risk; and (2) To require the applicant to comply with all objective federal, state, and local guidelines and standards.

After reviewing the Initial Study/MND, we believe the Town cannot lawfully adopt an MND under the California Environmental Quality Act (CEQA) because substantial evidence supports a fair argument that the project may have environmental impacts. The proposed

5-11 development of twelve homes on a rural hillside poses several environmental impacts that cumulatively cannot be reduced to a less-than-significant level through mitigation measures. CEQA therefore requires preparation of an EIR. (It should be noted that when this proposed project came before the town in 2016 for a proposed ten homes, the Town required an EIR.)

In the Letter of Justification dated January 10, 2025, the applicant states that it is

5-12 requesting 153 waivers (9-16 per lot) from the town development standards. Specifically, the applicant requests waivers relative to grading and tree removal to accommodate the development

1

Letter 5, cont.

5-12, cont.

of homes ranging in size from 5775 SF to 6170 SF. In addition, waivers are requested for reduction in lot sizes, increase in home size (including square footage and height), reduced setbacks, unquantified exceptions to cut and fill, removal of protected trees, exceptions regarding grading and construction within the dripline of trees, grading within areas that are greater than 25%, and exceptions to the LRDA. (A list of the requested exceptions is attached hereto as Exhibit A).

5-13

Los Gatos has a right, and indeed a duty, to require adherence to all applicable objective standards. Given the applicant's reliance on Builder's Remedy to construct a twelve-home subdivision on a hillside that has been Resource Conservation Space since 1975, there is even more reason to require strict adherence to all objective standards and codes. Compliance with these standards and codes are the only way to ensure that the Town, the environment, and the neighborhood are protected.

I. Summary of Argument

In an effort to be comprehensive, we have submitted lengthy comments herein. Here is a brief summary of some of the issues we consider most important, all of which are more thoroughly discussed below.

5-14

Fire Risk: According to the SCCFD, the project is in a Very High Fire Hazard Severity Zone (VHFHSZ). Ingress/egress, evacuation routes, and increased risk of fire associated with development are key issues. The SCCFD has not yet approved site access or water supply. The IS/MND misclassifies the site as being located in an HFHSZ, thereby calling into question reliance on any of its findings relative to fire risk.

5-15

Removal of Trees: The arborist report indicates that there are 546 on-site trees that qualify for protection under the Los Gatos Tree Protection Ordinance. The applicant is proposing

Letter 5, cont.

5-15, cont. to remove 223 of those protected trees in violation of that ordinance, destroying habitat for protected species, creating potential additional risks of landslide, mudslide, and drainage issues. Under the ordinance, the applicant would be required to plant 551 replacement trees. Applicant proposes to plant 85 replacement trees and pay in-lieu fees for the remainder.

5-16 **Protected Species Will Lose Their Habitat:** Due to the grading, construction, and removal of trees, multiple protected species will be harmed or displaced, including the California red-legged fog, white-tailed kite, golden eagle, purple martin, pallid bat, Townsend's big-eared bat, San Francisco dusky-footed woodrat, American badger, and burrowing owl.

5-17 **Multiple Lot Size, Building Height, and Setback Exceptions are Requested:** The applicant is asking for reduced lot size and increased home size throughout the project. Most notably, one of the three homes directly visible from the end of Longmeadow is proposed to be nearly 41' tall, when the maximum height is 25 feet under the Hillside Design Standards & Guidelines.

5-18 **Grading and Erosion Issues:** Although the site is located in a county Geologic Hazard Zone, with risks of landslide, liquefaction, and potentially compression soils and fault rupture hazard areas, the applicant requests multiple cut, fill, and grading exceptions. According to the IS/MND a final erosion and sediment control plan has yet to be prepared in conjunction with the project. There is, therefore, currently no plan to protect us from the potential risks to health and safety associated with the excessive grading, cut, fill, and construction on steep slopes in a Geologic Hazard Zone.

5-19 **Drainage and Water Issues:** We already have drainage issues at the end of Longmeadow. The project will introduce 62,224 sf of impervious surfaces. The project proposes various bioretention areas, including one large one to be located directly adjacent to Hillbrook

Letter 5, cont.

5-19, cont.

School, and the Fordyce and Meleyco homes. The drainage issues have also not been fully analyzed because of the lack of a final erosion and sediment control plan. In addition to our concern regarding flooding and erosion, we are also concerned with the safety issues and hazards related to the introduction of a bioretention pond adjacent to the school and our homes.

5-20

Noise and Traffic: Construction is expected to go on for at least two years. During that time, there will be an unmitigable increase in noise and traffic, creating health and safety issues for Surrey Farms residents and Hillbrook School. After construction, there will be twelve additional households using Twin Oaks, Longmeadow, and Kennedy for ingress and egress. Traffic in the Kennedy corridor is already a significant issue.

II. History of Surrey Farms Neighborhood and Previous Development Proposals for This Site

In 1956, the original Surrey Farms Development CC&Rs were recorded. In the mid-1970's, the last four houses on Longmeadow (185-191) were built. Around this same time, the Town was considering making Longmeadow a through-street, connecting to Kennedy and Shannon. That project was ultimately denied, primarily due to neighborhood resistance to the idea of transforming the quiet, closed Surrey Farms neighborhood into a thoroughfare. Around this time, it appears that similar proposals to extend Cerro Vista and Brooke Acres were also

5-21

denied, making all three of these neighborhoods "cul de sac neighborhoods."

In September 1974, residents of the Surrey Farms neighborhood submitted a petition regarding "the future of Longmeadow Drive as it affects Surrey Farm." Discussing the proposed development of the last four homes on the street, Mrs. Lila June McGrath wrote: "If this proposed development assures the termination (i.e., deadend) of the road added onto Longmeadow Drive in the vicinity of Ross Creek, our grievance is diminished. This was the plan originally submitted by the developers with the blessing of the town government. If, on the other

Letter 5 cont.

hand, this added-on road, at Longmeadow Dr. paves the way to ultimately turning Longmeadow Drive into a through-way from Kennedy Road to Shannon Road, the residents of Surrey Farm would strongly oppose the attachment of any public road..."

Mrs. McGrath sites three areas of concern held by the Surrey Farms residents of the mid-1970s: *"(1) the possible destruction of Surrey Farm as we now enjoy it and as we were assured it would remain; (2) the potential increase in pedestrian and traffic hazard; (3) A thought that the termination of Longmeadow Drive at Ross Creek might be a wholesome, intelligent and most logical place to call a halt to this never ending maze of interlocking roadway, and to this checkerboard square mentality we seem to be facing."*

5-21, cont.

Ultimately, the Town agreed with Mrs. McGrath, and our home ([redacted] Longmeadow Drive) and the Meleyco home ([redacted] Longmeadow) became the end of Longmeadow, in a cul de sac, terminating any thought that Longmeadow—and indeed Surrey Farms—would have a connecting street.

On February 2, 1975, Bob and Dorothy Dodge and the Town of Los Gatos entered into a Land Conservation Contract with regard to the property in question, which now constituted the backdrop of the entire, and fully-developed Surrey Farms neighborhood. The contract itself stated that*: "The property is located in an agricultural preserve established by the Town."* The intent of the original Land Conservation Contract was to preserve the rural quality of the land, recognizing that the maintenance of open space and land of rural character holds significant value. It also gave a significant tax benefit to the landowner. This property has never been used for agricultural purposes, at least since 1948 (according to the Town), which pre-dates the Williamson Act contract.

Letter 5 cont.

5-21, cont.

On March 19, 1975, just after the Land Conservation Contract was signed and the decision to terminate Longmeadow was made, the Town Council approved the four-lot subdivision at the end of Longmeadow.

On May 8, 1975, a Cerro Vista Court extension road was denied by the Planning Commission. Thereafter, residents of Brooke Acres reasoned there would no longer be a road to connect to, and requested that Brooke Acres also be developed as a cul de sac "for the health, safety and welfare of the surrounding neighborhood, also by reasons of Sec. 1.4 Purpose of Ord. 867 (Zoning)."

On June 16, 1975, an ordinance was passed by the Town Council to rezone the hillside from HR-1:20 to RC.

In 1975, 187 Longmeadow was built.

On January 1, 1976, the first term of the Williamson commenced.

In 1976, 185, 189 and 191 Longmeadow were built.

These last four residences were constructed to end Longmeadow Drive in a manner that would assure that Surrey Farms would not encroach on Ross Creek and the floodplain and would not have a through street; and the proposal to create roads from Cerro Vista and Brooke Acres were denied and, thus all three surrounding neighborhoods became landlocked.

Prior to purchasing our home at [redacted] Longmeadow Drive in February 1999, we went to the Town and inquired as to the likelihood of the hill (proposed project site) being developed. Noting that it was Resource Conservation space, the clerk told us "not in your lifetime." In 2016, the applicant herein submitted an application to cancel the Williamson Act Contract and to approve a ten-home planned development on the site. In August 2017, the Town prepared an EIR on the proposed project. According to the IS/MND, "although the project has since changed and

Letter 5, cont.

the EIR was never certified by the Town, the setting of the site has remained the same and, thus, a number of the technical reports associated with the former project and 2017 EIR remain applicable to the proposed project." (IS/MND p. 6)

On October 9, 2016, we submitted comments in response to the DEIR, which discussed all of the problems with regard to the project. Those comments are incorporated into the EIR as "Letter D - Fordyce Family" (pages 2-44 to 2-92). (The Town's response to our comments can be found in the EIR at pages 2-93 to 2-108). We also submitted a response to the RDEIR on June 19, 2017, and to the Final EIR on February 28, 2018. Given that a number of the technical reports associated with the former project are relied upon for the current project, we request that those documents, as well the entirety of the previous EIR be included in the record herein.

5-21, cont.

On May 1, 2018, the Town Council voted unanimously to decline a request to cancel the Williamson Act contract, thereby rejecting the proposed project. In reaching this decision, the Town Council acknowledged that the Williamson Act contract would expire in April 2025 and expressed a desire to find a way to permanently preserve the hill as open space and/or create a development plan that preserves a majority of the hillside as open space. The Town Council also specifically acknowledged that rural hillsides like this are part of the Town's essential identity and should be preserved.

In 2023, Robson Homes submitted a proposal to subdivide this same property into 12 parcels and construct 11 detached single family residences, 11 ADU's, and 2 BMP units in the form of attached single-family residential units to the town's Conceptual Development Advisory Committee (Application CD-23-001). In response to a notification and call for comments by the Conceptual Development Advisory Committee, we provided our 2018 submission in opposition to the previous proposed development, which outlined many of the issues confronting *any*

Letter 5, cont.

5-21, cont.

proposed development of the property. The Conceptual Development Committee expressed the following concerns regarding the proposed Robson project: too many homes; the potential for even more structures with ADUs; the increase in traffic; fire access; the potential for increased water runoff; the loss of open space; the need for hillside preservation and wildlife corridors; overall impacts to environment and existing neighborhood; impact of increased density on fire safety and rain/erosion; a single ingress and egress. One commissioner noted that in 2023, the project has to be evaluated differently than in 2018 because of SB 9 and ADU's, noting that there would have to be a fair amount of less units. Another stated that there must be fewer homes for many reasons including ingress/egress/access, the "real burden" on the neighborhood, and the water and drainage issues. Another summarized the recommendations of the Conceptual Design Committee as follows: the number of units proposed is excessive; the fire risk is severe; there should be the bare minimum for density; and the development needs to comply with hillside standards and guidelines. (Conceptual Development Advisory Committee Meeting April 12, 2023).

It should also be noted that before the proposed Robson development was before the Conceptual Design Advisory Committee, we were approached by Robson Homes to determine what they could do to mitigate the effects of the proposed project on the neighborhood. This included, among other things, discussion of a grove of trees in between the proposed development and the property lines along Longmeadow and Twin Oaks, and the possibility of deeding a portion of land to adjacent properties to ensure privacy.

To date, we have not been approached by the developer of the current proposed project to determine what, if anything, could be done to lessen the impact on the neighborhood and specifically, the homes directly adjacent to the site. We are unaware of this current proposed

Letter 5, cont.

5-21, cont.

project going before the Conceptual Development Advisory Committee; therefore, this is our first opportunity to formally present our concerns with regard to the current proposed project to the Town.

III. The Town is Required to Apply All Appropriate Objective Standards to the Proposed Project

Pursuant to SB 330, while the Town cannot deny the project solely for zoning inconsistency if the project meets affordability thresholds, Builder's Remedy does not override building codes, fire codes, CEQA, the Hillside Standards & Guidelines (HDS&G) or objective health and safety standards.

Pursuant to Ca. Govt Code s. 65589.5 (j)(1): A local agency shall not disapprove a housing development project…unless it makes written findings based upon a preponderance of the evidence in the record that: (A) The housing development project would have a specific, adverse impact upon the public health or safety; and (B) There is no feasible method to

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satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the project or the reduction of density.

"Specific, adverse impact" is defined as: "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

"Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Gov't Code s. 65589.5 (d)(2); Pub. Res. Code s. 21061.1). A project is not considered infeasible under the HAA if it is merely less profitable. The California Department of Housing and Community Development (HCD), in its 2024 Builder's Remedy and

Letter 5, cont.

5-22, cont.

HAA guidance, stated: "Infeasibility means the project cannot reasonably proceed, not merely that it would yield lower profits or returns." (HCD, Builder's Remedy FAQ (2024 update), p. 6).

It is well-documented that the applicable building and fire codes, the HDS&G, CEQA, and Los Gatos Tree Protection Ordinance exist to protect and promote the health and safety of our community. The location of the project in a Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA) requires compliance with the California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code. (SCCFD Developmental Review Comments dated 8/12/25).

The HDS&G Protects the Health & Safety of the Community

Specifically, the HDS&G's objectives include:

1. Minimize risk of geologic failure, fire, and floods.
2. Ensure projects fit the site and avoid physical hazards.
3. Maintain safe access and emergency service standards.
4. Preserve drainage and vegetation to prevent erosion and flood hazards.

The Town has identified the following key hazards in hillside zones: wildfire, landslides and erosion, seismic shaking and fault rupture, and flooding from hillside drainage. The following HDS&G standards are tied directly to health and safety: Chapter 2 includes standards embedded in constraints mapping, including identification of hazard areas. Chapter 3 includes Site Planning standards relating to grading/ cut & fill, drainage, driveways & parking; fire/ safety (HDS&G p. 20-23). Chapter 5 includes Architectural Design standards relating to fire safety, height and setback, and structural/noncombustible material constraints. (HDS&G p. 32-35).

Letter 5, cont.

5-22, cont.

The Tree Protection Ordinance Protects the Health & Safety of the Community

The proposed project is subject to the town's Tree Protection Ordinance (Chapter 29), the stated objective of which is as follows: "Tree protection preservation is necessary for the health and welfare of the citizens of the Town of Los Gatos in order to … minimize spread of disease to healthy trees, conserve scenic beauty, prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area." (From Ordinance 2332, amending Chapter 29; Los Gatos Municipal Code, Section 29.10.0950). Preservation of trees protects the community by:

1. Mitigation of physical hazards (erosion, landslides, flooding).
2. Fire risk reduction.
3. Preservation of air quality (air pollutant removal, climate moderation).
4. Safety from wind forces.

CEQA Protects the Health & Safety of the Community

The stated objective of CEQA is to ensure that public agencies and the public are informed about the potential environmental effects of proposed projects before decisions are made and actions are taken. Several of CEQA's foundational policies explicitly relate to preserving health, safety, and welfare of the community, including:

1. Preventing the elimination of fish and wildlife habitats essential to human welfare.
2. Ensuring that major consideration is given to preventing environmental damage to life-supporting natural systems.
3. Safeguarding the environment to maintain the health, safety, and comfort of people living in California.

(CA Public Resources Code section 21001-02).

Letter 5, cont.

5-22, cont.

By preserving natural systems (air, water, soil, biological communities), CEQA aims to maintain the environmental conditions necessary for human health, clean air, and safe water supplies. Environmental degradation directly impacts respiratory, waterborne, and ecosystem-related health risks.

Grading and height limits, required setbacks, tree protection, height and ridgeline protection, retaining walls, site elements, landscaping, tree protection, erosion control, and fire safety codes are all objective, quantifiable standards that were adopted to protect the health and safety of our community. Accordingly, the Town can and should insist that the proposed project comply with these standards.

IV. The Proposed Project Will Cause Significant Environmental Effects and Requires Preparation of an EIR

The MND lists the environmental factors that are potentially affected by the proposed development as: Biological Resources, Geology and Soils, Hydrology and Water Quality, Noise, Cultural Resources, Transportation, Air Quality, and Tribal Cultural Resources. Notably, it does not include Aesthetics or Wildfire as potentially affected factors. CEQA establishes a low threshold for requiring an EIR: if there is substantial evidence, including reasonable inferences,

5-23

supporting a fair argument that a project may cause a significant environmental effect, an EIR is mandatory (CA Pub. Res. Code s. 21080, 21082.2; CEQA Guidelines s. 15064 (f)(1)). The "fair argument" standard is intentionally low, designed to ensure environmental impacts are fully studied. The factors are addressed below in the order they were presented in the Environmental Checklist in the IS/MND as follows: Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, Transportation, Wildfire, and Mandatory Findings of Significance (Cumulative Impacts).

Letter 5, cont.

The Proposed Project Will Significantly Impact the Aesthetics of the Site and the Surrounding Neighborhoods

The IS/MND found less than significant impact as to aesthetics with the proposed development. According to the IS/MND, "Multiple aspects of the project are not in compliance with the Hillside Development Standards and Guidelines, such as the extent of grading and maximum heights." As to the noncompliance with the maximum height limitations "…it should be noted that seven of the residential lots would only exceed the maximum heigh of 25 feet by approximately 1-2 feet….." (IS/MND p. 21).

Figure 11 depicts the existing view of the project site in comparison to the view of the project site with the proposed development. The view from Longmeadow Drive with the proposed development is altered from a rural landscape to three towering homes above the already existing neighborhood. Lot 5, in particular, proposes a home over 40 feet high (more than 15 feet over the maximum height) directly behind and above our home, the Meleyco home, and the Witkin home. These new, large homes will dominate the landscape and the foreground at the end of Longmeadow Drive.

5-24

According to the IS/MND, "[t]he majority of the project site would remain screened by existing trees and vegetation. The proposed project would not conflict with existing regulations related to view of the Hillside Area from Longmeadow Drive. Because the proposed project would not substantially affect view of the Hillside are from Longmeadow Drive, the proposed project would not conflict with applicable Hillside Development Standards and Guidelines regulations governing scenic quality." (IS/MND p.23-4). We strongly encourage Town staff, planning commissioners, and council members to view not only Figure 11, but to view the property in person to understand the effect of constructing three large homes directly behind the already existing homes at the end of Longmeadow. Privacy and views are completely eliminated,

Letter 5, cont.

5-24, cont.

and there is no screening and/or vegetation proposed to protect the neighbors at the end of Longmeadow and Twin Oaks.

5-25

Additionally, the aesthetics of the large bioretention pond directly adjacent to our home, the Meleyco home, and Hillbrook School should also be considered and is not discussed herein. (See discussion of possible bioretention pond hazards herein at pp. 23-24).

5-26

The hillside does not contain any current unnatural source of light; construction of a neighborhood on the hill will create multiple new sources of substantial light and glare. The IS/MND states that the project site is currently undeveloped and surrounded by existing residences and the Hillbrook School. "Therefore, existing sources of light and glare including, but not limited to, headlights on cars and trucks travelling along nearby roadways and private driveways, exterior light fixtures, and interior light spilling through windows, are present with in the project vicinity. Therefore, while the development of the project site with 12 single-family residences would add new sources of light and glare to the site, such sources would be similar in nature to the existing surrounding conditions and would not adversely affect day or nighttime view in the area." (IS/MND p. 28).

Further, it states that, because the homes must comply with the Town's building codes and HDS&G, there will minimal aesthetic harm from sources of light. However, this fails to take into account that the site is and has always been a natural hill that is currently 100% dark at night, so all new sources of light will be prominent; the town code cannot control car lights, which will shine directly into our homes at the base of the hill; and the homes and streets of the proposed development, with all of their interior and exterior lighting, are located directly above our homes.

Letter 5, cont.

5-27

Because the entire backdrop to Surrey Farms would be changed from an open, grassy hill, to a neighborhood with twelve homes, the potential for as many ADUs, cars, lights, streets, and other infrastructure, the proposed project will substantially impact scenic vistas, damage scenic resources, and degrade the visual character of the site and its surroundings.

The Proposed Project Will Adversely Affect the Air Quality in the Area

According to the IS/MND the proposed project will have a less than significant impact with mitigation incorporated on air quality. (IS/MND 31). The project anticipated commencing in September 2025, with construction taking place over approximately two years. During grading, a total of 10,878 cubic yards (CY) of soil would be exported from the site and 21,082 CY would be imported. (IS/MND p. 32). The combined emissions of the on-site and off-site construction activities could exceed the BAAQMD threshold of significance for NOx.

5-28

The mitigation proposed to prevent this outpouring of pollutants and dust into the neighborhood below is to water exposed areas two times a day, to require all haul trucks to be covered, to limit the vehicle speed to 15 mph on unpaved roads, to limit idling time, to maintain construction equipment, and to post a sign of who to call with dust complaints. (IS/MND p. 33-4). These mitigation efforts will at best minimally reduce what we expect that will be a constant source of dust, pollution, and runoff in our backyard for at least a period of two years. We already have drainage issues at the base of the hill, and now to mitigate dust, the solution proposed is to water twice a day. What will happen to the new, constant runoff down the hill and onto our properties and into our neighborhood is not addressed in the IS/MND.

Additionally, it is noted that the construction activities will be occurring within 50 feet of the Hillbrook School, the population of which (children) are particularly vulnerable. The major pollutants of concern are localized carbon monoxide emissions and TAC emissions. (IS/MND p.

Letter 5, cont.

5-28, cont.

35-6). The IS/MND concludes, however, that because the emissions would not adversely affect "a substantial number of people", a less than significant impact would result. The current enrollment at Hillbrook School is over 400 students. The Hillbrook sports field is directly adjacent to the site.

The Proposed Project Will Irrevocably Harm Biological Resources

According to the IS/MND, the project will have a "less than significant impact with mitigation incorporated" as it relates to: "habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service" and "conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance." The Project was deemed to have a less than significant impact on "any riparian habitat", "federally protected wetlands", and interference with "movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors." (IS/MND p. 39).

5-29

Protected Species Will Be Harmed and Displaced

According to the IS/MND, the proposed project has a potential to result in adverse effects to nine special-status wildlife species, as well as additional nesting raptors and migratory birds (California red-legged frog, white-tailed kite, golden eagle, purple martin, pallid bat, Townsend's big-eared bat, San Francisco dusky-footed woodrat, American badger, and burrowing owl.) As with all the wildlife affected or potentially affected by this proposed development, the destruction of their natural habitat cannot be mitigated. 223 trees will be removed and countless others "impacted" by the development.

5-30

Letter 5, cont.

5-31 The California red-legged frog is a California "species of special concern." Ross Creek may be suitable for dispersal and foraging habitat for the species and, given the potential for the frog to be present within the site, on-site construction activities could result in a potentially significant adverse impact. (IS/MND p. 43).

5-32 The white-tailed kite and golden eagle are both California Fully Protected species. The purple martin is a California "species of special concern." According to the Biological Evaluation, the project site provides suitable foraging habitat for both species. "In addition to the suitable foraging habitat provided by the project site for white-tailed kite, golden eagle, and purple martin, as well as the marginally suitable nesting habitat for the white-tailed kite, the site contains existing trees that could provide nesting habitat for raptors and migratory birds protected by MBTA. Construction activities that adversely affect the nesting success of raptors and migratory birds (i.e., lead to the abandonment of active nests) or result in mortality of individual birds constitute a violation of State and federal laws. Thus, if such species occur on-site during the breeding season, project construction activities could result in an adverse effect to species protected under the MBTA. (IS/MND p. 43-4).

5-33 The San Francisco dusky-footed woodrat is a California "species of special concern." During the field survey conducted as part of the Biological Evaluation, San Francisco dusky-footed woodrat nests were observed on-site, within the "oak woodland understory in the north portion of the site." As such, if construction activities were to occur within this habitat, the project could result in adverse impacts to the San Francisco dusky-footed woodrat. (IS/MND p. 44).

5-34 It should be noted that in the previous DEIR on this property, ten target species were determined to have the potential to occur within the study area. Those include one federally

Letter 5, cont.

5-34, cont.

listed species (California red-legged frog), one State fully protected species (white-tailed kite), and eight other special-status species (foothill yellow legged frog, Cooper's hawk, sharp shined hawk, Bell's sage sparrow, loggerhead shrike, Nuttall's woodpecker, Allen's hummingbird, pallid bat). One large stick nest was observed on the project site, potentially belonging to a great–horned owl and two barn owls were also observed. Both are protected raptor species. Furthermore, according to the previous DEIR, although they are not expected to occur on site, the presence of an additional 16 target species could not be entirely ruled out.

5-35

The mitigation measures include surveying for presence of any of the protected species by a qualified biologist prior to commencement of "ground disturbing activities", tree removal, or vegetation clearing. Mitigation also includes ceasing activities until the protected species "moves out" or is "relocated." It is unclear how these mitigation measures can compensate for the essential destruction of the habitat of these special species who live among the oaks and woodlands on the site. None of the mitigation measures can reduce the impact of the habitat being altered and destroyed. There is notably no effort to preserve the habitat.

The Proposed Project Requires the Removal of 223 Protected Trees

5-36

The Arborist Report determined there are 603 on-site trees measuring four inches or greater in diameter, consisting of 26 species. 546 of the on-site trees qualify for protection under the town's Tree Protection ordinance. "According to the proposed Tree Mitigation and Protection Plan, 223 protected trees would be removed, which would require a total of 551 replacement trees to be planted on-site pursuant to the Town of Los Gatos Tree Protection Ordinance. A total of 85 trees are proposed to be planted on-site, which would not meet the on-site tree replacement requirements." (IS/MND p. 50). Given that the proposed project would result in the removal of protected trees, including mixed oak woodland, and would not meet the on-site tree replacement

Letter 5, cont.

5-36, cont.

requirements, a potentially significant impact could occur related, in particular, to tree preservation.

In order to mitigate the damage caused by the removal of 223 protected trees, the applicant proposes the following: applicant shall obtain a permit to remove protected trees and if the tree is in good condition, they will pay for removal and the planting of replacement trees. Because the applicant does not intend to meet the tree replacement requirement, they will pay appropriate in-lieu fees (IS/MND p. 50-1). Therefore, the proposed development would remove over 40% of the protected trees on the property. Although the ordinance would require applicant to "replace" those trees by planting 551 new trees, the applicant proposes to only add 85 (about 15% of what would be required.) As indicated above, protected species rely on these trees for nesting, food, and habitat. The sheer volume of the removal coupled with the minimal replacement cannot be mitigated by the payment of fees. The trees and the species that rely on them will be irrevocably harmed. Additionally, the stability of the geology and soils, will also be called into question once this long-existing vegetation is cleared.

In *Save the Agoura Cornell Knoll v. City of Agoura*, 46 Cal. App. 5th 665 (2020), the court held that there was substantial evidence that the city's MND did not adequately analyze the significant impacts that the subject project may have on the site's oak trees, nor did it effectively mitigate those potential impacts to a less than significant level. In that case, the court noted that native oak trees are considered a valuable resource by the California Department of Fish and Wildlife and were protected by Agoura Hills' Oak Tree Ordinance. (*Id.* at p. 16) The Agoura ordinance is comparable to the Los Gatos ordinance, in that it provides for the protection and replacement of oak trees that are disturbed or removed by development. In the Agoura case, the city adopted an MND, concluding that the project would have significant impacts on the site's

Letter 5, cont.

5-36, cont.

oak trees, but that such impacts would be reduced to less than significant with two mitigation measures. One provided for the replacement of oak trees removed during the project development, and where onsite replacement is not feasible, it allowed for an in-lieu fee to be paid to the city to acquire land to plant new oak trees.

Prior to the issuance of a grading permit, Agoura's Oak Tree Consultant and Appellant's landscape architect each described the risk that the mass grading would result in a water deficit to the oak trees at the project site. A tree advocacy group objected to the in-lieu fee option noting that this mitigation would allow the applicant to pay a fee in lieu of replacement of destroyed trees, which would be a "tremendous loss to your community." It urged the city to reconsider the measure because it would allow eliminating 59% of the city protected Valley Oak and Coast Live Oak trees on this site simply by paying a fee. They further noted that this "does not mitigate the loss of oak woodlands on the site and will result in a new loss of oak trees. Even if trees are replanted, grading and drainage alterations to the site will reduce the ability of replanted oak trees to survive…" (Id. at 17).

The appellant in *Agoura* contended that an EIR was not necessary to consider the project's potential impacts to native oak trees because the mitigation measures were effective. The court, however, disagreed. (Id. at 17-18). Specifically, the court pointed to the ineffectiveness of replanting trees on the site where there were both risks of mass grading and no provision for mitigating the loss of water for the retained or replacement trees. Additionally, there was substantial evidence that once these woodland areas are destroyed, they cannot be restored. "To date, there have been no successful restorations of oak woodlands. It is relatively easy to plant oak trees, but the extensive ecological network and soils that make a forest from

Letter 5, cont.

those trees has thus far been impossible to recreate." (*Id.* at 18, quoting letter from Resource Conservation District of the Santa Monica Mountains).

The court noted that, in addition to the loss of the trees, the flora and fauna that are part of the oak forest are also lost. The court further pointed out that even though the city allowed for in-lieu fees, it does not relieve the city of its obligation to analyze the in-lieu fee measure under CEQA to determine if it adequately mitigates this project's impacts to a point where clearly no significant effect on the environment would occur. (Id. at 19).

5-36, cont.

In addition to the CEQA cause of action, the petition alleged a cause of action for violation of the city's Oak Tree Ordinance. The trial court granted the petition, concluding that the oak tree permit issued by the city violated the ordinance's prohibition on the removal of more than 10% of the total estimated tree canopy. (*Id.* at 21).

The *Agoura* case is instructive to the case herein. The facts are remarkably similar. There is a tree protection ordinance that is violated. There is an inadequate analysis under CEQA as to the impact of the removal of those trees. The mitigation measures herein are limited to a fraction of the replanting obligations, and payment of in-lieu fees. As in *Agoura*, the mitigation is insufficient to compensate for the loss of the trees, the loss of the habitat the trees provide, and the alteration of the geology and soils due to the removal of vegetation. As the expert noted in *Agoura*, once these trees are removed, the ecological network and soils cannot be recreated.

The Proposed Project Will Have a Detrimental Effect on the Site Geology and Soils, Including the Potential for Landslides

5-37

The IS/MND indicates that there is less than significant impact with mitigation incorporated as to the following issues: seismic-related ground failure, including liquefaction; landslides; and unstable soil, creating substantial direct or indirect risks to life or property. (IS/MND p. 59). The California Geological Survey (CGS) Mapping shows that all or a portion of

Letter 5, cont.

5-37, cont.

the site lies within a landslide hazard area, and hazard mapping by Santa Clara County indicates that the eastern half of the site is within a county landslide hazard zone; USGS mapping shows that there were "many landslides" in the area containing the project site. (IS/MND p. 61).

The proposed project requests multiple waivers in order to exceed the maximum allowable grading, cut and fill pursuant to the HDS&G. According to IS/MND Section 6 of the Geotechnical and Geologic Hazard Investigation (GGHI), discusses various requirements related to earthwork, including temporary and permanent cut and fill slopes, subgrade preparation, wet soil stabilization material for fill, compaction requirements and backfill. "Without incorporating the recommendations included within the GGHI, new fill placed for the planned structures and streets on existing including slopes could cause a significant impact related to slope instability." (IS/MND p. 61).

Undocumented fill was encountered in the southwestern section of the site, the presence of which could cause settlement due to the variable nature and consistency of undocumented fills. Therefore, potential adverse impacts related to subsidence/settlement could occur. (IS/MND p. 61). The GGHI further concluded that moderately expansive soils generally blanket the project site, resulting in potential hazards or risks related to expansive soils. The study concludes that the proposed project could result in potential hazards or risks related to landslides, lateral spreading, subsidence, and/or soil expansion, and a potentially significant impact could occur.

To mitigate these potential impacts, prior to approval of any grading or improvement plans, a licensed engineer shall review the plans to ensure the engineering recommendations are adequately incorporated to the satisfaction of the Town's Engineer. (IS/MND p. 63). Given the excess of grading and fill requested for this project, in contravention of the standards identified by the HDS&G, it is unclear what this proffered mitigation actually provides. It appears to be a

Letter 5, cont.

5-37, cont.

"future determined" mitigation. It is clearly stated in the IS/MND that there are inherent risks to construction of a project on this site. The applicant is asking for exceptions to these standards, which are designed to protect us from these risks. We are requesting that the Town abide by its objective and necessary standards relative to grading and fill.

According to the map of Santa Clara County Geologic Hazard Zones (Twin Oaks / Los Gatos), the project parcel lies within designated Geologic Hazard Zones, including landslide, liquefaction, and potentially compressible soils and fault rupture hazard areas. Under Santa Clara County policy, development within these zones requires geologic review and site-specific investigation. The presence of multiple overlapping hazards constitutes substantial evidence that the project may result in significant environmental impacts, triggering the requirement for a full EIR under CEQA. The property sits on steep slopes in a region with documented landslide and erosion hazards (see USGS and Santa Clara County hazard maps.) The site's steep slopes create elevated risks of slope instability, erosion, and mass movement, especially under grading and vegetation removal. The IS/MND fails to adequately evaluate slope stability under grading, vegetation removal, and increased stormwater runoff. These hazards and the failure to mitigate them in a meaningful way represents substantial evidence of potentially significant environmental effects, requiring full evaluation in an EIR.

Drainage is a Pre-existing Problem That Will Be Made Worse by This Project

5-38

In January 1975, when the last four homes on Longmeadow were constructed, the Assistant Planning Director acknowledged that this four lot subdivision at the end of Longmeadow included lots of varying sizes due to the flood plain area required by Ross Creek, which lies directly behind what is now our home ([redacted] Longmeadow) and the Meleyco home ([redacted] Longmeadow). Ross Creek is identified in the IS/MND as part of the riparian woodland.

Letter 5, cont.

According to the IS/MND, "consistent with the Town's Standards and Guidelines for Land Use Near Streams, the proposed project would include a 25-foot riparian setback from the top-of-bank of Ross Creek and incorporate the 100-110 foot flood easement from Ross Creek. As such according to the site plan prepared for the proposed project, development with the riparian woodland area is not proposed, and Ross Creek would not be directly impacted by the proposed project." (IS/MND p. 48).

Approximately 62,224 square feet of the project site will be covered by impervious surfaces. The Town requires projects that create or alter 10,000 or more square feet of impervious area to contain and treat all stormwater runoff from the project site. Stormwater runoff would be directed into various bioretention areas, one of which is located at the base of the hill in between our home, the Meleyco home, and Hillbrook School.

5-38, cont.

The conclusion of the initial study as it relates to hydrology and water quality is: "…because a final erosion and sediment control plan has not yet been prepared for the proposed project, the proposed project could result in the violation of water quality standards or degradation of water quality during construction, and a potentially significant impact would occur." (IS/MND p. 73) The mitigation measure is essentially to prepare and submit this plan. This is insufficient. What if the plan is prepared and does result in the violation of water quality standards? What then is the mitigation? This issue is not sufficiently evaluated, as it relies on further study as a mitigation measure.

There is No Plan for Sediment and Erosion Control During Construction

5-39

According to the IS/MND, during construction, topsoil will be exposed, and the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality downstream. The SWRCV regulates

Letter 5, cont.

5-39, cont.

stormwater discharges associated with construction activities where clearing, grading or excavation results in a land disturbance of one or more acres. The project is required to show coverage under the State's General Protection Permit, which in turn, requires applicant to prepare a Storm Water Pollution Prevention Plan. (IS/MND p. 71). The project is also required to comply with Chapter 12 of the Town's Municipal Code, which includes standards for managing stormwater runoff during "construction and operation."

Approval of an erosion and sediment control plan by the Town Engineer is required. Final erosion and sediment control plans would be required to comply with the recommendations of the civil engineer, engineering geologist, or landscape architect involved in preparation for the town grading plans, as well as any and all standards and specifications adopted by the Town Engineer for the control of erosion and sedimentation. "*Because a final erosion and sediment control plan has not yet been prepared for the proposed project, proper compliance with the aforementioned regulations cannot be ensured at this time, and the proposed project could discharge sediment or urban pollutants through soil erosion, violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality during construction."* (IS/MND p. 72) Again, there is not enough information due to the lack of a final erosion and sediment control plan. This is significant because it defers any actual mitigation to a known environmental impact—one that has the potential to directly affect the health and safety of the adjacent neighbors, including a school.

There is No Plan for Sediment and Erosion Control During Operation

5-40

Following the buildout of the proposed twelve homes and associated roadways and infrastructure, approximately 62,224 sf of the project site would be covered by impervious surfaces; the remaining 702,502 sf of the project site would remain unpaved. The project would

Letter 5, cont.

install an on-site stormwater drainage system to collect and treat the on-site runoff. The project is subject to both County and Town standards. Applicant proposes multiple bioretention areas, including a large one in the corner of the property adjacent to Hillbrook School, the Meleyco home, and our home. Because a final erosion and sediment control plan has not yet been prepared for the proposed project, the project could result in the violation of water quality standards or degradation of water quality during construction, and a *potentially significant* impact would occur. (IS/MND p. 73). Again, the mitigation measure proposed is only preparation of the required plan.

While the IS/MND lays out possible interim erosion, sediment control, and stormwater runoff measures, there is no plan; currently, there are retaining walls and bioretention ponds, and a "stormwater drainage system to capture and treat on site runoff", all of which create their own problems. The conclusion of the IS/MND is that because a compliant plan will ultimately be required, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in erosion, siltation or flooding, exceed stormwater capacity or create additional sources of potential runoff. As mentioned above, drainage is a pre-existing problem in Surrey Farms. Water naturally runs from the hillside into the neighborhoods, and can be quite substantial after significant rains, as shown in this video taken after a rainstorm in February 2019. Link to water flow video.

5-40, cont.

In addition to the increased volume of water coming down the hill due to the introduction of grading and impervious surfaces, we have concerns about the health and safety of having a bioretention basin at the base of the hill adjacent to Hillbrook School, the Meleyco home, and our home. We don't understand how this works, i.e., where does the water ultimately go? What happens if the basin fills? Where is the water redirected? Who is maintaining the basin? As the

5-41

Letter 5, cont.

5-41, cont.

proposed plan has not yet been prepared, we don't understand exactly how it functions. How is water treated on-site? Does that involve additional mechanical/noise/pollution impacts that are not addressed in the IS/MND? And what are the remedies if this new system fails, and/or the water is directed into our yards or the adjacent schoolyard? What safety measures will be employed to protect the neighborhood and the school from the potential dangers inherent in a body of water? Another fundamental question that has not been answered by the IS/MND, is how significantly the grading of the hillside, the construction of homes and roads, and the removal of vegetation will affect the amount of water accumulating in the northwestern portion of the property. We are gravely concerned about the potential for flooding and mudslides. These issues are not adequately addressed by the MND. The applicant has not provided an adequate solution to protect our neighborhood from flooding, erosion, drainage issues, and proposed consequences to health and safety caused by the grading, construction, and removal of natural vegetation in an environment where drainage is already a significant issue.

5-42

The Project Will Significantly Increase the Noise in the Surrounding Areas

According to section XIII of the IS/MND, the Town has concluded that there is "a less than significant impact with mitigation incorporated" as to the generation of increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (and) generation of excessive groundborne vibration or groundborne noise levels. "Sensitive noise receptors" in proximity of the site include residences and schools. (IS/MND p. 79). According to Section 16.20.035 of the Town's Municipal Code, between the hours of 8:00 a.m. and 6:00 p.m. weekdays, and 9:00 a.m. and 4:00 p.m. Saturdays, construction is allowed if it meets one of the following noise limitations: (1) no individual piece of equipment shall produce a noise level exceeding 85 dba at

Letter 5, cont.

5-42, cont.

25 feet; (2) the noise level at any point outside the property plane shall not exceed 85 dba. The Town's General Plan establishes a maximum outdoor noise limit of 55 dB for residential land uses within the Town.

The project construction noise will include the use of heavy equipment as well as noise generated by increased truck traffic in neighborhood roadways. At a distance of 25 feet, construction of the project will generate noise levels up to 94 db. As a result, the proposed project would not meet the first noise limitation. As for the second noise limitation, because there are sensitive receptors located approximately 50 feet from the project site boundaries, noise levels at the existing single-family residences could exceed 85 dba during construction activities. (IS/MND p. 81). Without the limitations required by Mitigation Measure N-1 in the General Plan EIR, the proposed construction activities could result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local noise ordinance.

The IS/MND finds no substantial noise increase beyond that created during construction because the proposed residences would be compatible with adjacent existing residential uses. The IS/MND concludes that a potentially significant impact would occur because of the construction noise. (IS/MND p. 82). The mitigation measure proposed is "construction staging areas to create distance between construction-related noise sources and noise-sensitive receptors" and "additional noise attenuation techniques during the clearing, earth moving, grading, and foundation/condition phases of construction". Proposed on-site construction activities would occur at a distance of approximately 50 feet from the nearest residence to the west of the site. (IS/MND p. 84). Table 7 indicates the effects of the vibrations on people and buildings, concluding that the proposed project could expose people to or generate excessive groundborne

Letter 5, cont.

5-42, cont.

vibration or groundborne noise levels, and a potentially significant impact could occur. (IS/MND p. 84). The mitigation measure proposed to reduce this impact appears to only relate to the off-site improvement areas and proposes "preconstruction crack documentation and construction vibration monitoring."

5-43

While it is a given that the project will cause an increase in noise and vibration during construction (for two years or more), it will also increase noise and vibration after the new neighborhood is constructed. Instead of hearing birds, frogs, and other wildlife, we will hear cars, alarms, cars, people, phones, radios, televisions, parties, and possibly a water treatment facility. According to the IS/MND, it will be comparable to current residential noise. It must be recognized, however, that there is no noise from "residential activities" at the end of Longmeadow and the homes along Twin Oaks. Other than wildlife, the only noise we typically hear is children on the field at Hillbrook School, and occasionally, because of the way sound travels down the hill, we can hear telephones and people speaking from the one house on Cerro Vista directly above Hillbrook and visible from our yard. To go from essentially no noise to a neighborhood full of noise, with sound that travels downhill, will impact all the homes at the end of Longmeadow, along Twin Oaks, and I expect Cerro Vista and Brooke Acres, as well.

5-44

Construction of the project will affect our home and our way of life in Surrey Farms. The construction will not create havoc for a few months, but for years. The mitigation measures provide no relief. Construction, with its accompanying dirt, dust, pollution, and noise are allowed for ten hours a day on weekdays, and eight hours a day on weekends. It appears that nearly every waking hour of the day our home life will be exposed to construction noise, for an indefinite period of time. This will prevent use of our backyard by our family, including our grandchildren who should not be exposed to the dust, noise, and pollution. Whereas many of us in the

Letter 5, cont.

5-44, cont. neighborhood also work from home, there will be virtually no respite from the noise, dust, and pollution and the activities of both daily homelife, and work will be disrupted.

The Proposed Project Will Likely Have an Impact on Public Services

The IS/MND concludes that there is a less than significant impact on public services, including schools, fire protection, and police protection because there are only twelve new homes proposed, which would result in "an increase of approximately 29 residents." (IS/MND p. 89). It is unclear where this figure comes from but seems to be a miscalculation based even on simply the size of the homes. Is the presumption that these homes would have an average of only 2.42 people? This seems to be an unreasonable presumption given that nine of these homes are between 5775 SF to 6170 SF and offsite parking includes room for 86 additional vehicles. To adequately study the impacts on public services, importantly those that directly impact health and safety, this presumption must be further evaluated by the Town.

5-45

The Proposed Project Conflicts with CEQA Guidelines Relative to Transportation

The proposed project is expected to exceed the applicable VMT (vehicle miles traveled) threshold required under the Town threshold and CEQA, creating a potential significant impact. To counteract this excess in VMT, the applicant is required to submit off-site improvement plans for the construction of new sidewalks on Blossom Hill Road and Fisher Avenue. It is unclear how these off-site improvements mitigate the increase in VMT. Access for emergency equipment is achieved through a connection to Twin Oaks Drive known as Surrey Farms Hill. There is a proposed EVA from Brook Acres Drive. In order to access either of these, emergency vehicles will be required to traverse Kennedy Road and Longmeadow Drive, both of which are two lane roads.

5-46

Letter 5, cont.

5-47 The traffic analysis does not account for the cumulative projects recently proposed in Los Gatos. Even without these future developments, it should be noted that there are already summer days when the beach traffic creates gridlock on Kennedy, Shannon, Englewood, Los Gatos Boulevard, and Highway 9, preventing and/or delaying a simple outing to the grocery store or pharmacy from Surrey Farms. On a regular school day, if you leave at the wrong time, you can sit for four or five lights at Kennedy and Los Gatos Boulevard. Evacuation and daily traffic impacts must be analyzed together, taking into consideration all of the current pending projects.

5-48 We also ask the town to consider the effects of construction traffic on our neighborhood. We anticipate that development of the infrastructure and twelve individual homes would result in years of trucks, dust, pollution, and traffic up and down Longmeadow all day every day, changing the landscape of our neighborhood for this generation of residents.

This Proposed Project Will Increase the Risk of Wildfire in a Very High Fire Hazard Severity Zone

5-49 According to section XX of the IS/MND, there is a less than significant impact to wildfire risks. According to the Cal Fire–designated Fire Hazard Severity Zone map, the project parcel is located within a Very High Fire Hazard Severity Zone (VHFHSZ). In the SCCFD Developmental Review Comments, the project was approved with the following conditions: "Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes." (SCC Fire Department Developmental Review Comments, August 12, 2025). The IS/MND misclassifies the site as being located in an HFHSZ, thereby calling into question reliance on any of its findings relative to fire risk. ("…the project site is not located within an SRA; however, the site is located within a High FHSZ") (IS/MND at p. 102).

5-49, cont.

According to the SCCFD Developmental Review Comments, the site is in both a VHFHSZ and an LRA.

Development in VHFHSZ areas pose increased wildfire ignition, spread, and evacuation risks. CEQA requires analysis of emergency access, fire response capacity, and evacuation feasibility, which cannot be adequately addressed through an MND. The site is served by Twin Oaks, Longmeadow Drive, and Kennedy Road, which is narrow, winding, and already congested during peak hours.

In February 2025, Cal Fire updated fire hazard severity maps for the first time since 2011 and Los Gatos' fire risk has spiked since 2011, with more than 1,000 acres in the red. (Freimarck, San Jose Spotlight, March 29, 2025). Vice Mayor Rob Moore is quoted in the article stating that, although Builder's Remedy takes away a lot of discretion from the local government, "There are still important regulations that remote developments have to comply with, and I hope that anything that is proposed in a very high fire zone understands Los Gatos' position as a community that is deeply concerned about our risk of wildfire."

A site inside the VHFHSZ is subject to California Building Code Ch. 7A (wildfire resistant construction); Defensible space vegetation management requirements (Ca. Pub. Res. Code s. 4290-91); and emergency access standards (road width, slope, fire truck turnarounds, water supply for firefighting). There will also be insurance implications, i.e., will the homes that are developed even be able to obtain fire insurance? The risk of wildfire increases with the introduction of a population into a rural environment, as most fires are caused by humans. The likelihood of fire in this VHFHSZ is increased by the proposed project.

State law and fire hazard mapping require that new subdivisions in High Fire Zones have multiple evacuation routes, adequate water infrastructure, fuel breaks, defensible space around

Letter 5, cont.

5-49, cont.

structures, etc. There are 70+ homes in Surrey Farms. There are significantly more homes along Kennedy Road between Surrey Farms and Los Gatos Boulevard. In the event of wildfire, all of these homes would need to be evacuated and the exit routes from the new development would be insufficient. The condition listed in the SCCFD Developmental Review Comments indicates that is unclear whether the proposed project meets any of the requirements listed therein, including access and water supply. A full EIR is required to analyze wildfire evacuation, water supply/fire flow, and cumulative safety risks. The Town cannot lawfully approve a project with unavoidable wildfire risks under HAA's health and safety exception.

The Proposed Project Will Add to Significant Cumulative Impacts in the Town

5-50

CEQA requires evaluation of cumulative impacts, not just the project in isolation. The MND ignores cumulative wildfire evacuation, traffic congestion, and infrastructure strain from multiple projects under review in Los Gatos. Under SB 330, there are currently three approved projects and twelve pending applications for a total of 1611 proposed residential units in Los Gatos, in addition to the twelve proposed by this project. At a minimum, some of these projects will increase the flow of traffic in the Kennedy corridor. We request that an EIR examine the proposed project in conjunction with the additional projects approved and pending to fully understand the scope of the impact on the Town, the environment, and our neighborhood.

The Mitigation Measures Are Uncertain and Insufficient

5-51

Many mitigation measures included in the IS/MND are insufficient, lack performance standards, and/or are deferred to future studies and plans. CEQA prohibits deferring or weakening mitigation. Given the lack of plans with regard to erosion, drainage, soils, and wildfire planning, it also calls into question whether this application was properly deemed complete. For these reasons, we believe the MND is legally inadequate, and we request that the

Letter 5, cont.

5-51, cont.

Town prepare a full EIR to thoroughly analyze these issues, evaluate feasible alternatives, and identify enforceable mitigation. Further, we request that the Town decline the multiple exceptions and waivers requested by the applicant and enforce all objective standards relative to the proposed project.

Very truly yours,

Jill & Craig Fordyce

[redacted]

October 8, 2025

Letter 5, cont.

EXHIBIT A

Combined List of Exceptions Requested by Applicant

Here is the list of the exceptions the applicant is requesting as to each specific lot. We could not locate a list of exceptions as to the entirety of the project, including infrastructure, roads, drainage, utilities, etc., so this only covers the exceptions requested for the individual lots. This information is taken from the twelve individual "Development Standards Matrix" submitted by applicant.

Lot 1:

Reduce minimum required lot size

Requesting additional height to 27'7"

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill*

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"**

Grading within areas that are greater than 25%

Lot 2:

Reduce minimum required lot size

Requesting additional height to 32'6"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced rear setback

Requesting reduced side setback

Exceeding cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Grading within areas that are greater than 25%

Letter 5, cont.

Lot 3:

Reduce minimum required lot size

Requesting additional height to 38'

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Exception from LRDA for 30% slope

Lot 4:

Reduce minimum required lot size

Requesting additional height to 37'3"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Lot 5:

Reduce minimum required lot size

Requesting additional height to 40'10"***

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Letter 5, cont.

Requesting reduced front setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Grading within areas that are greater than 25%

Lot 6:

Reduce minimum required lot size

Requesting additional height to 33'10"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced rear setback

Requesting reduced off street parking count

Exception from LRDA for 30% slope

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Grading within areas that are greater than 25%

Lot 7:

Reduce minimum required lot size

Requesting additional height to 27'6"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Proposed driveway exceeds 15% max

Portion of pool within area greater than 30% slope

Letter 5, cont.

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Site needs exception from LRDA; portion of building/motorcourt/yard are within areas greater than 30% slope and landslide hazard areas

Grading within areas that are greater than 25%

Lot 8:

Reduce minimum required lot size

Requesting additional height to 27'6"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Proposed driveway exceeds 15% max

Portion of pool within area greater than 30% slope

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Grading within areas that are greater than 25%

Lot 9:

Reduce minimum required lot size

Requesting additional height to 27'6"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Site needs exception from LRDA; portion of building/motor court/yard are within areas greater than 30% slope and landslide hazard areas

Grading within areas that are greater than 25%

Letter 5, cont.

Lot 10:

Reduce minimum required lot size

Requesting additional height to 27'6"

Requesting exception from lower level at no more than 3' above existing grade

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Site needs exception from LRDA; portion of house is within areas greater than 30% slope and landslide hazard area, portion of driveway in area over 30% slope

Lot 11:

Reduce minimum required lot size

Requesting additional height to 27'8"

Requesting additional floor area

Requesting reduced side setbacks

Requesting reduced off street parking count

Exceeding minimum cut and fill

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

Lot 12:

Reduce minimum required lot size

Requesting additional height to 27'4"

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setbacks

Exceeding minimum cut and fill

Letter 5, cont.

Unclear as to number of trees removed; exception requested to "no grading or construction within dripline of tree"

*The Development Standards Matrix for multiple lots state that the developer is "exceeding the minimum cut and fill from Table 1, page 20 HDSG. The site development strategy and road alignment servicing lots 1-9, 11 and 12 requires fill." Further it states that items S2-S10 "intend to be met and will provide more detail once construction document (sic) are prepared." We don't understand what this means; it appears to be an unquantified request.

**The Development Standards Matrix for Lots 1-12 each state that "visual impact of tree removal shall be submitted with plans" and "plans note an exception to 'no grading or construction within dripline of tree.'" This is another unquantified request.

***Lot 5 is directly above/behind our home. It is the tallest home by far at over 40 feet and will be looking directly down into our home and yard.

40

Letter 5, cont.

DECEMBER 2025 FORDYCE LETTER

Dear Chair and Members of the Los Gatos Planning Commission,

We are supplementing our previous letter dated October 8, 2025, to provide updated information with regard to three specific arguments in opposition to the proposed development: (1) The IS/MND is inadequate and an EIR is required; (2) The proposed project creates a specific, adverse impact upon the public health and safety of our community; (3) The proposed project does not abide by the Los Gatos Below Market Price regulations.

5-52

An EIR is Required

The fate of an undeveloped rural Los Gatos hillside—home to protected trees, species, and a riparian corridor—requires, at a minimum, a detailed understanding of the environmental impact of the proposed development. In this case, we have not been given the information necessary to have such an understanding. Housing law does not waive or reduce CEQA review. Compliance with CEQA is mandatory and independent of zoning or housing authorization. "The IS/MND's approach suggests environmental review is secondary to entitlement, which is legally incorrect." (Letter dated October 17, 2025 from the Santa Clara Valley Bird Alliance ("SCVBA") and the Sierra Club at p. 11).

5-53

First, instead of conducting new studies commensurate with both the current project and the current state of the environment, the IS/MND relies on an outdated, uncertified EIR from 2017. Natural environments change over the course of years; species appear and disappear and are not fixed in time. Furthermore, the proposal for development before the Planning Commission is not the same proposal as the one considered in 2018. One key difference is the scope of the development. The current application asks to develop approximately 62,000 square

Letter 5, cont.

5-53, cont.

feet. The previous proposal was for 55,000 square feet (a 13% increase). The lots are different; the number of homes is different; the homesites are different; the ingress and egress are different.

Under CEQA, a Mitigated Negative Declaration can only be adopted if the lead agency determines that all potential significant environmental impacts can be reduced to a less-than-significant level through mitigation measures. If there is a "fair argument," supported by substantial evidence, that the project may have a significant environmental impact, then the agency is required to prepare a full Environmental Impact Report (EIR) instead.

5-54

The Sierra Club, the SCVBA, and the San Francisco Bay Regional Water Quality Control Board ("RQWCB") have submitted letters in opposition to this project. The SCVBA and the Sierra Club note that, because the project is located within an ecologically sensitive transition zone between existing development and natural hillside habitat, a preparation of an EIR is essential. The Sierra Club and SCVBA found "substantial evidence that the project may result in significant hydrological and biological impacts that are not adequately disclosed, analyzed, or mitigated." The RWQCB notes that the IS/MND fails to address the jurisdictional status of an on-site ephemeral drainage, potential dewatering of riparian habitat, habitat fragmentation for wildlife, impacts from lighting and collision hazards to birds, and procedural conflicts with CEQA's fair argument standard. (Letter dated October 17, 2025, from the SCVBA and the Sierra Club; Letter dated October 6, 2025 from the RWQCB). The SCVBA and the Sierra Club also note that long-term maintenance is deferred to a future HOA without identifying responsibility for inspection and repair of stormwater infrastructure, funding mechanisms for hydrologic mitigation, or standards for performance over time. Deferred mitigation violates CEQA guidelines, which prohibits mitigation dependent on undefined future actions.

Letter 5, cont.

5-54, cont.

The Sierra Club/SCVBA have supplied a "fair argument" that the project may have a significant environmental impact, including the following issues:

-The IS/MND fails to adequately assess significant and irreversible impacts to biological resources, including native woodland habitat, wildlife movement corridors, nesting birds, and special-status pollinators, and the Ross Creek watershed, an area known to support raptors, migratory songbirds, and oak-associated wildlife.

-The IS/MND removes a substantial number of mature coast live oaks and associated understory vegetation. It does not quantify total tree loss, assess habitat fragmentation, or evaluate impacts to wildlife corridor functionality across the Ross Creek drainage interface. Fragmentation of woodland habitat at this location "poses long-term ecological consequences." (SCVBA/Sierra Club at p. 8).

-The IS/MND incorrectly concludes that there will be no biological impact on the ephemeral drainage. "As documented by the RWQCB, the project's stormwater design would redirect runoff away from the drainage, depriving the riparian system of seasonal hydrology: 'Stormwater runoff that currently supports riparian vegetation…would be diverted…. This could deprive riparian vegetation of sufficient water to sustain the vegetation. The biological effects of hydrologic alteration, loss of vegetative cover, reduced insect prey availability, and increased temperature exposed were not analyzed." (Id.)

-The IS/MND "repeatedly defers mitigation to future plans, HOA oversight, or permitting processes, without defined performance standards or enforceable obligations. This violates CEQA, which prohibits reliance on unspecified or future mitigation, particularly where long-term resource impacts are involved, (e.g., habitat loss, hydrology modification.)" (Id. at p. 9). Examples of impermissible deferral include the following: stormwater operation and

Letter 5, cont.

maintenance left to an undefined HOA; lack of binding commitments to preserve riparian flow or tree canopy; and absence of defined mitigation ratios for habitat or tree removal.

The SCVBA/Sierra Club letter concludes that compliance with CEQA requires withdrawal of the IS/MND, recirculation of the environmental document to incorporate agency concerns and hydrologic and biological analysis, and preparation of a full EIR that evaluates project alternatives, hydrologic modifications, biological resource impacts, lighting effects, and cumulative conditions within the Ross Creek watershed. The EIR must also include a reasonable range of alternatives that would reduce impacts to hydrology, wildlife corridors, and hillside habitat.

The RQWCB raises a number of concerns, including:

5-54, cont.

-The topographic map of the Project site indicates that the ephemeral creek channel appears to extend upstream from the uppermost cluster of vegetation. Based on the map, the footprint of the access road may fill the upper portion of the ephemeral creek. (RQWCB letter at p. 2).

-The proposed stormwater treatment infrastructure appears to divert the runoff that currently sustains the ephemeral creek into the bioretention areas and pervious pavement, depriving the ephemeral creek of the hydrology necessary to sustain the preserved vegetation along the creek. (Id.)

-The proposed use of pervious pavement may not be appropriate at the Project site due to steep topography portions of the site.

-The IS/MND does not identify responsible party for the operation and maintenance of the stormwater treatment infrastructure of the treatment proposed to mitigate the impact of hydrography modification.

Letter 5, cont.

-The bioretention areas should be visible from public roadways.

-The proposed stormwater treatment measures will dewater the preserved ephemeral creek channel, causing significant impact to the creek. (Id. at p. 12).

-The IS/MND does not acknowledge the potential need to obtain approvals from the Water Board and the CDFW.

5-54, cont.

-As there is no documentation that State has assessed the jurisdictional status of the ephemeral creek, the Project should assume that the ephemeral creek is a water of the State.

The RQWCB disagrees with the conclusion of the IS/MND that the proposed project would not have a substantial adverse effect on the riparian habitat and other sensitive natural community. (Id.)

Patrick Kobernus, Principal Biologist of Coast Ridge Ecology, Inc., concluded that the IS/MND is deficient under CEQA for a variety of reasons, including reliance on an outdated floristic survey (over 14 years old); failure to address sensitive plant communities in accordance with CDFW protocols; inadequate mitigation to protect Burrowing Owls; failure to identify potential impacts to special status amphibian and reptile species and mitigate for those impacts; failure to include habitat assessment to address impact on bats; failure to include a detailed survey and mapping of active woodrat middens and a woodrat relocation plan; failure to identify impacts on the western bumble bee and Crotch's bumble bee and mitigate for those impacts; and concluding without factual support that there would be no impact to wildlife corridors. (See Exhibit C to Letter dated December 15, 2025, from Camus J. Steinmetz.)

5-55

In addition to the deficiencies noted above, the environmental conclusions in the IS/MND are expressly or implicitly derived from an earlier EIR that was never certified and therefore has no legal force. ("…although the EIR was never certified by the Town, the setting of the site has

5-56

Letter 5, cont.

5-56, cont.

remained the same, and thus, a number of the technical reports associated with the former project and 2017 EIR remain applicable to the proposed project.") (IS/MND at p. 6). Under CEQA, an uncertified EIR is legally equivalent to no EIR at all and may not be relied upon to negate the possibility of significant environmental impacts or to support adoption of an MND. (CEQA Guidelines §§ 15070, 15090; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92–94.)

Here, the record reflects that potentially significant impacts were previously identified and analyzed in the 2017 EIR. The applicant may not now bootstrap that uncertified analysis to conclude that impacts are less than significant or mitigable through an MND. Where substantial evidence in the record—including prior environmental analysis prepared for the project site—supports a fair argument that the project may have significant environmental effects, CEQA mandates preparation of an EIR. (Pub. Res. Code § 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306–307.) The decision to proceed with an IS/MND violates CEQA as a matter of law. Additionally, the land, the project, and housing laws (e.g., allowance of split lots and ADUs) have all changed since this uncertified EIR.

Finally, in order for an MND to be sufficient, it must contain specific mitigation to anticipated environmental harms. The IS/MND for this project contains vague, unspecified, and deferred mitigation. This is discussed below in conjunction with the health and safety risks inherent in this project.

The Health & Safety of Our Community is at Risk

5-57

In addition to the grave effects on the land and natural resources, the development of this hillside presents a risk to the health and safety of the community, and particularly, the adjacent neighbors, which include long-established residential neighborhoods and a school. Specifically,

Letter 5, cont.

we have noted the risks to health and safety caused by impeding the surrounding neighborhood's evacuation in the event of a wildfire or other emergency; the possibility for erosion, mudslide, and landslide on the project site; and exposing the surrounding area to risk of flooding, water quality degradation, water pollution, harms associated with the proposed bioretention pond. (Fordyce letter dated October 8, 2025, at pp. 21-33).

Despite the existence of all these risks, the proposed mitigation measures are uncertain, vague, deferred, and potentially unenforceable. For example, while the project is in a Hydrologic Hazard Zone, an erosion and sediment control plan has not even been prepared. The risk is identified, but the mitigation is deferred. The IS/MND states: "Because a final erosion and sediment control plan has not yet been prepared for the proposed project, proper compliance with the aforementioned regulations cannot be ensured at the time and the proposed project could discharge sediment or urban pollutants through soil erosion violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality during construction." (IS/MND p. 72). The IS/MND concludes that the proposed project "could result in the violation of water quality standards or degradation of water during construction, and a potentially significant impact would occur." (IS/MND p. 73) The mitigation measure is to prepare the final erosion and sediment control plan. This is a future, vague, uncertain mitigation measure.

5-57, cont.

Based on the scope of the construction, grading, fill, and watering, it is conceivable that all of us who reside below the hillside will end up with homes and yards significantly impacted. According to the IS/MND, "Without incorporating the recommendations included within the GGHI, new fill placed for the planned structures and streets on existing slopes could cause a significant impact related to slope instability." (IS/MND, p. 61). The proposed project could

5-58

Letter 5, cont.

5-58, cont.

result in potential hazards or risks related to landslides, lateral spreading, subsidence, and/or soil expansion, and a potentially significant impact could occur. The mitigation measure is: "prior to approval of any grading or improvement plans, a licensed engineer shall review the plans to ensure the engineering recommendations are adequately incorporated to the satisfaction of the Town Engineer." (IS/MND p. 63). This is a deferred, potentially unenforceable mitigation that does nothing to assure that the risk will be diminished.

5-59

We anticipate that yards will be unusable due to the dirt, dust, pollution, and water; that the dirt and dust will seep into our homes; the noise will be constant. It is not difficult to imagine the bioretention pond flooding our yards and creating other health hazards. There is also a risk of more harmful impacts, such as mudslides and landslides. Importantly, we do not know who is responsible if and when any of these impacts occur. It appears that will be a future, as yet undetermined HOA, which is insufficient to protect the health and safety of the neighborhood. The HDS&G, CEQA, the Los Gatos Tree Protection Ordinance all exist to protect and promote the health and safety of our community and the objective standards provided therein must be followed.

5-60

State law and fire hazard mapping require that new subdivisions in High Fire Zones have multiple evacuation routes, adequate water infrastructure, fuel breaks, defensible space. It is unclear whether the SCCFD has approved site access or water supply and the mitigation relies upon both exceptions, and "roadway and other improvements, for fire safety that will be required as a result of this coordination with SCCFD.)" (Staff report at p. 27). According to the staff report, PRC 4290 requires modifications to the "width of existing roads, existing road surfaces, fire truck turnarounds, and the lengths of dead-end roads. An Alternative Materials, Methods of Construction, or Modification of Code was approved by the SCCFD for Lot 10 to meet the PRC

Letter 5, cont.

5-60, cont.

4290 requirements to mitigate deficiencies of the 20-foot roadway width on a 10-foot in length segment of roadway on Cerro Vista Drive. In order to mitigate the noncompliant roadway width, the approved AMMR requires an upgraded sprinkler system for the proposed residence at Lot 10. The recommended Conditions of Approval (Exhibit 3) include roadway and other improvements for fire safety that will be required as a result of this coordination with SCCFD." (Staff Report at p. 27). What is the mitigation for the other lots? What specific plan is there for evacuation, turnaround, water supply, ingress and egress in the event of an emergency? This is deferred mitigation of a critical health and safety issue—the potential for wildfire in a high fire hazard zone—and it will impact us all.

The Project Belies the Legislative Intent of the Below Market Housing Law

Finally, it must be noted that much of the leeway given legislatively to the developer comes from the notion that it is providing affordable housing. This proposed development does not comply with the Los Gatos BMP regulations, which require the BMPs to be similar in size and spread throughout the development.

5-61

Pursuant to the Los Gatos Below Market Price (BMP) Housing Program Guidelines: "BMP dwelling units should… be consistent with the market rate units in the project" and "should be provided proportionately in the same unit type mix (number of bedrooms) as the market rate units" with the goal being "seamless integration." The "BMP units shall be dispersed throughout the development, to the extent feasible, in all buildings, on each floor, and in each project phase," and that concentrating them "will generally not be allowed."

The applicant's justification letter for 178 Twin Oaks admits a deviation from the BMP Guidelines "section III A regarding unit size," and states the market-rate homes are 5,775–6,170 square feet while the BMP "townhomes" are 1,630 square feet. The three proposed BMP

Letter 5, cont.

5-61, cont.

units are all three-bedroom homes, whereas the market-rate units range from four to six bedrooms — so they are not proportionate in mix or size under the BMP Guidelines. All three BMP units are shown on the site plan as being grouped together (on Lots 1, 11, and 12) with a shared private driveway and turnaround, rather than distributed among the other market-rate lots.

This provision of BMP housing is being utilized to obtain exceptions to regulations and laws in existence to protect the land, biological resources, and neighborhoods. The facts are that this is a large luxury home development. The provision of three small units placed at the bottom of the development with a shared driveway, is not what was intended by the BMP law.

We respectfully request that the Planning Commission deny this project based on an insufficient environmental review, noncompliance with applicable regulations, and the risk to the health and safety of our community.

Very truly yours,

Jill & Craig Fordyce
[redacted]Longmeadow Drive

December 17, 2025

LETTER 5: JILL FORDYCE (2 OF 2)

Response to Comment 5-1

The comment is introductory and presents the history of the commenter's letters provided on the various CEQA documentation for the project site and summarizes their concerns presented in more detail within the remainder of the letter. Please see Responses to Comments 5-2 through 5-61 for detailed responses to each of the commenter's specific concerns.

Response to Comment 5-2

Please see Responses to Comments 3-1 through 3-18, which respond to the comments submitted by the SCVBA, and Responses to Comments 2-1 through 2-4, which respond to the comments submitted by the RWQCB.

The commenter misunderstands CEQA and its Guidelines as to when EIRs are required. According to Practice Under the California Environmental Quality Act,[3]

> The CEQA Guidelines strongly encourage mitigated negative declarations as a means of reducing delay and paperwork. They recommend that public agencies urge applicants to revise projects, either before or after an application is filed, to eliminate potentially significant environmental effects, allowing a negative declaration rather than an EIR to be prepared.
>
> […] A mitigated negative declaration is appropriate if significant impacts will be avoided, or mitigated to the extent that "clearly no significant effect on the environment would occur," and there is no substantial evidence in the agency record "that the project, as revised, may have a significant effect on the environment."
>
> […] If environmental problems are discovered after an application has been submitted, the applicant can modify the project to mitigate or avoid them. The applicant then need not spend time and money on an EIR, and the significant effects on the environmental that would otherwise be addressed in an EIR will have been eliminated…The initial study supporting a mitigated negative declaration must include a "discussion" of ways to mitigate the significant effects that are identified.
>
> […] Mitigated negative declarations can simplify the CEQA review process and reduce expenses, while ensuring maximum environmental protection because all potential impacts must be mitigated to a level of insignificance…Well-designed mitigation measures can ensure that the environment will be fully protected.
>
> […] In the absence of substantial evidence in the record showing that significant adverse impacts will remain after mitigation, a court will presume that the conditions adopted by the agency in a mitigated negative declaration will be effective and will ensure that impacts are mitigated to an acceptable level…In other words, the burden is on the petitioner to demonstrate that there is substantial evidence in the record supporting a fair argument that the proposed project may have a significant effect even if mitigation measures are implemented.

As can be clearly seen, an EIR is required if significant impacts cannot be fully mitigated by the imposition of feasible mitigation measures. The Recirculated IS/MND provides substantial

[3] Stephen L. Kostka and Linda C. Klein. *Practice Under the California Environmental Quality Act, Volume 1*. CEB: March 2026 Update, Sections 6.60 and 6.68.

evidence that all of the project's potentially significant impacts can be fully mitigated through the mitigation measures included in the document, and the applicant has agreed to implement all mitigation measures. The commenter provides no substantial evidence supporting a fair argument that the proposed project may have a significant effect *even if mitigation measures are implemented* (emphasis added).

Response to Comment 5-3

Contrary to the comment, the Recirculated IS/MND is clear as to the jurisdictional status of the ephemeral stream. Page 52 states that the USACE jurisdiction only extends to the 342-square-foot (sf) concrete-lined drainage considered a seasonal wetland in the northwestern corner of the project site and that the ephemeral stream would be considered a water of the State under the jurisdiction of the RWQCB.

Response to Comment 5-4

Again, the commenter misconstrues CEQA. CEQA does not require that "If there is a "fair argument", supported by substantial evidence, that the project may have a significant environmental impact, then the agency is required to prepare a full EIR instead." This ignores the above explained guidelines (see Response to Comment 5-2) that the substantial evidence must support a fair argument that the proposed project may have a significant effect *even if mitigation measures are implemented* (emphasis added). The commenter provides no such substantial evidence. The mitigation measures in the Recirculated IS/MND are both entirely feasible and effective in fully reducing the project's potentially significant environmental impacts to a less-than-significant level.

Response to Comment 5-5

As shown on the project plans (e.g., Figure 4 of the Recirculated IS/MND), runoff collected via the existing ephemeral stream would be directed to a proposed field inlet located south the proposed internal road. Water would then be directed to the proposed underground storm drain system that connects to the existing 27-inch storm drain line at the northwest corner of the project. This engineering approach to accommodating temporary runoff within the ephemeral stream upon project development did not change in light of the additional biological information provided in the Recirculated IS/MND, nor does it need to. The partial filling of the terminus of the ephemeral stream, as acknowledged in the Recirculated IS/MND, is inconsequential to this matter given that the temporary runoff within the ephemeral stream will be captured by the on-site drainage system before the water reaches the filled in portion of the ephemeral stream.

In addition, please see Responses to Comments 8-14 and 8-15 related to the specific neighboring property mentioned by the comment.

Response to Comment 5-6

Please see Response to Comment 5-5 above.

Response to Comment 5-7

Please see Response to Comment 8-14. It should be noted that the Recirculated IS/MND does not include "enlarged building envelopes" from what was described in the initial circulation.

Response to Comment 5-8

Please see Responses to Comments 4-1 through 4-6.

Response to Comment 5-9

The comment is conclusionary and reiterates comments addressed in Responses to Comments 5-2 through 5-8.

Response to Comment 5-10

The comment is introductory and does not address the adequacy of the initially circulated IS/MND, for which this same comment letter was submitted. The commenter's letter was included as Letter 5 and responded to within the Responses to Comments document associated with the first circulation, which was Exhibit 13 to the staff report for the Planning Commission hearing on December 17, 2025, for the decision-makers consideration, available at https://losgatos-ca.municodemeetings.com/bc-pc/page/planning-commission-special-2.

Please see the following responses to specific comments, which have been minorly updated to refer to the page numbers and revisions of the Recirculated IS/MND.

Response to Comment 5-11

Please see Response to Comment 5-2.

Response to Comment 5-12

The comment identifies the waivers being requested for the project but does not provide any substantial evidence how the waivers result in significant environmental impacts.

Response to Comment 5-13

Pursuant to Government Code Section 65589.5, the Town can impose objective development standards so long as those standards meet the following criteria:

1) Appropriate to, and consistent with, meeting the local agency's share of its Regional Housing Needs Allocation;
2) Applied to facilitate and accommodate development at the density permitted on the site and proposed by the applicant; and
3) Meet the definition of "objective" in that they involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public official.

In addition, no objective standard can be applied if it will render the project "infeasible" (unless the project will have a specific adverse impact on public health or safety and there is no feasible method to mitigate or avoid the impact). The statute defines "feasible" as capable of being accomplished successfully within a reasonable period, considering economic, environmental, social, and technological factors. The Town decision-makers, at a public hearing, will consider whether the project will have a specific adverse impact on public health or safety and whether there is no feasible method to mitigate or avoid the impact. The IS/MND prepared for the project provides substantial evidence that all potentially significant project-related environmental impacts can be mitigated.

In an effort to clarify, the following revision was made to page 16 of the Recirculated IS/MND:

> Architecture and Site Plan Review
> The Town's ~~Building Division~~ Community Development Department is responsible for a plan review of all new construction, additions, and remodels for both commercial and

> residential properties, as well as construction inspection services for projects including electrical, plumbing and mechanical installations. Plan review ensures compliance with applicable State and local codes, policies, guidelines, and standards of all residential and commercial structures within the Town limits, including the Hillside Development Standards and Guidelines. As described in the Town's Code, the purpose of Architecture and Site Plan Review through the Planning Division is to regulate the height, width, shape, proportion, siting, exterior construction and design of buildings to ensure that they are architecturally compatible with their surroundings. Section 29.20.150 of the Town Code lists the matters that the Town must consider when reviewing applications for Architecture and Site Approval. ~~The Town's review is limited to objective standards only, pursuant to SB 330 and Builder's Remedy.~~

The above revision is intended to clarify the Town's authority and does not affect the conclusions of the IS/MND.

Response to Comment 5-14

As noted on page 13 of the Recirculated IS/MND, the Builder's Remedy status of the project allows the project vested rights to be subject only to the applicable ordinances, policies, and standards in place at the time the project application was submitted. While the site is currently identified by the California Department of Forestry and Fire Protection (CAL FIRE) as being within a High Fire Hazard Severity Zone (FHSZ), at the time of project application, the site was mapped within a Very High FHSZ. The Recirculated IS/MND was revised accordingly, as shown on page 76, as well as pages 109 and 110.

As noted within Section XX, Wildfire, of the IS/MND, development of the proposed residential uses would include the clearing of on-site fuel sources and is therefore not anticipated to increase wildfire risks relative to the existing site conditions. In addition, the Recirculated IS/MND notes that the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's Emergency Operation Plan (EOP), particularly with any emergency evacuation routes. Further, in addition to the proposed access points from Twin Oaks Drive and Cerro Vista Court (for Lot 10 only), as noted on page 76 of the Recirculated IS/MND, the proposed project would include a 20-foot-wide emergency vehicle access (EVA) route extending south from the site to connect to Brooke Acres Drive. Following construction of the EVA route, construction trips could use the roadway. During project operations, the EVA route could also be used for egress during evacuation scenarios. Furthermore, the project improvement plans would be submitted to the Town for review by the Town, which would ensure compliance with the California Fire Code (CFC) and California Building Code (CBC).

With respect to water supply, page 99 of the IS/MND includes the following discussion:

> As discussed in Section X, Hydrology and Water Quality, of this IS/MND, while the on-site development of 12 proposed single-family residences would increase water usage beyond the current on-site water demand, the relatively minor increase in water usage would not be considered substantial, as the Santa Clara Subbasin has an operational storage capacity of approximately 350,000 AF per year, and both SCWVD and SJW have sufficient water supplies through 2045. The project would also comply with Chapter 26.40 of the Town's Municipal Code, which contains the Town's Water Efficient Landscape Ordinance.

Fire water would be included within the project's anticipated water supplies.

Response to Comment 5-15

Removal of trees does not violate the Town's Tree Protection Ordinance. The Ordinance allows for tree removal, provided that certain conditions are met. The discussion under Question IV-e of the IS/MND acknowledges that the proposed project would not meet the on-site tree replacement requirements. As a result, the IS/MND includes a mitigation measure (IV-9) requiring compliance with the Town of Los Gatos Tree Protection Ordinance. For example, the mitigation requires the project applicant to pay the appropriate in-lieu fees, pursuant to the requirements of Division II of Chapter 29.10 of the Town's Municipal Code.

Please see Response to Comment 3-4.

Response to Comment 5-16

Please see Response to Comment 5-15.

Response to Comment 5-17

Please see Response to Comment 5-14.

Response to Comment 5-18

Engineering level detail, such as a final erosion and sediment control plan, is not required as part of CEQA review (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.).

Pursuant to Mitigation Measure X-1, a final erosion and sediment control plan would be reviewed and approved by the Town of Los Gatos Engineering Division prior to any ground-disturbing activities. In addition, a SWPPP must be approved by the RWQCB and is submitted after project approval before operations begin, not for review during the CEQA process.

Response to Comment 5-19

Please see Response to Comment 8-14 related to the proposed impervious surfaces. As discussed under Question X-c.i-iii on page 82 of the Recirculated IS/MND, the proposed on-site stormwater infrastructure would be sized to manage stormwater flows such that post-development runoff does not exceed pre-project runoff rates and durations, consistent with Provision C.3.g of the County's Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit. Therefore, the new impervious surfaces are not anticipated to result in significant impacts related to altering the drainage pattern of the site.

With respect to the proposed bioretention basins, each bioretention area has been designed in accordance with the standard design criteria outlined in the County C.3 Stormwater Handbook. Town personnel would be able to access each bioretention area periodically as required for inspection purposes. Therefore, the bioretention basins are not anticipated to create any safety issues or hazards.

Response to Comment 5-20

Project construction noise is evaluated on pages 87 through 89 within Question XIII-a of the Recirculated IS/MND. As discussed therein, noise levels associated with project construction at the nearest existing single-family residences could exceed the applicable noise level standards. Mitigation Measure XIII-1 requires the project implement construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools, which create less noise than non-electric; and use mobile construction equipment with smart back-up alarms, which automatically adjust their volume instead of using a fixed



volume. Such measures are consistent with Mitigation Measure N-1 in the Town's General Plan EIR and would reduce potential impacts related to construction noise to a less-than-significant level.

With respect to ingress and egress routes, as well as roadway safety, the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's EOP. Increased traffic from project construction would be temporary and cease upon buildout of the proposed project. As presented on page 89 of the Recirculated IS/MND, generally, a doubling in traffic volumes is required to increase traffic noise levels by 3.0 dB, which is the level at which an increase in noise is generally perceptible. The proposed project would generate approximately 113 trips per day. Although traffic volume data for the roadways adjacent to the project site is not available, an average of 799 daily trips were recorded during the Spring 2024 trimester at Hillbrook School near the site's northwestern corner. Even under the conservative assumption that the traffic volumes at Hillbrook School are representative of the traffic on the nearest roadways in the project vicinity, the proposed project would not double traffic volumes on local roadways and, thus, would not substantially increase traffic noise in the project vicinity.

Response to Comment 5-21

The comment does not address the adequacy of the IS/MND and has been noted for the record. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 5-22

Please see Response to Comment 5-13.

Response to Comment 5-23

Please see Response to Comment 5-2.

Response to Comment 5-24

As shown in Figure 11 of the Recirculated IS/MND, existing trees along Longmeadow Drive currently obscure views of the site. Because the trees are not proposed for removal as part of the proposed project, such screening effects would be maintained, and the Recirculated IS/MND's conclusion is accurate. Notwithstanding, substantial degradation of views of the site is not the relevant question as that would be the appropriate inquiry, pursuant to Appendix G, Section I c., if the site were within a non-urbanized area. Furthermore, privacy and private views are not protected pursuant to CEQA as noted in Footnote 6 on page 25 of the Recirculated IS/MND.

As noted on page 25 of the Recirculated IS/MND, the project site is within an urbanized area, and thus, the relevant threshold is whether the project would conflict with applicable zoning and other regulations governing scenic quality. As noted on page 25 of the Recirculated IS/MND:

> From an aesthetics perspective, it is reasonable to conclude that not every conflict with a scenic regulation would result in a significant aesthetic impact, pursuant to CEQA. Because the Hillside Development Standards and Guidelines contain standards related to preserving views of hillsides, computer-generated photo simulations of the project were prepared from public viewpoints. Although the simulated public viewpoints do not coincide with the Town's designated Hillside Area viewing areas, the simulations were prepared to meet the Town's Height Pole, Flagging, Netting, and Signage Policy For Additions and New Construction Policy and are used herein to facilitate an understanding as to whether

> the project's deviations from Hillside Development Standards are consequential from an aesthetics perspective. Potential views of the project site from public spaces were determined to include views from Longmeadow Drive (Figure 11, View #1), which is located west of the project site; from the Hillbrook School campus north of the site (Figure 12, View #2); from Cerro Vista Court (Figure 13, View #3); and from Brooke Acres Drive, south of the project site (Figure 14, View #4).
>
> Figure 11 presents the existing view of the project site in comparison to the view of the project site with development of the proposed project from View #1. As shown in the figure, the existing view of the site from Longmeadow Drive consists of the street frontages and existing trees associated with the existing single-family residences, as well as the existing vegetation on the project site in the background. With the proposed project, the view from Longmeadow Drive would include a partial view of three of the 12 proposed single-family residences in the background. The majority of the project site would remain screened by the existing trees and vegetation. The proposed project would not conflict with existing regulations related to views of the Hillside Area from Longmeadow Drive. Because the proposed project would not substantially affect views of the Hillside Area from Longmeadow Drive, the proposed project would not conflict with the applicable Hillside Development Standards and Guidelines regulations governing scenic quality.

Response to Comment 5-25

The existing visual character or quality of public views of the site and its surroundings would not be substantially degraded by bioretention basins, which are standard features of development projects and generally appear coherent with the rest of a developed site.

Response to Comment 5-26

The relevant threshold pursuant to Appendix G, Section I d. is whether the project would create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. The Town acknowledges that the project would increase lighting in the area, including lighting from headlights. However, there is no substantial evidence showing that vehicle trips from 12 new homes would be considered substantial, and furthermore, the CEQA threshold is focused on protecting nighttime views of the area, not interior private living spaces of adjacent homes.

Response to Comment 5-27

Please see Responses to Comments 5-24 and 5-26.

As discussed on page 22 of the IS/MND:

> Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The General Plan EIR identifies southward views of the Santa Cruz Mountains and ridgelines as the primary protected scenic vistas within the Town. Due to the heavily-wooded nature of the Town, scenic views are most prominent from the southbound lanes of the Town's major north-south running streets. The project site is located in an area of the Town that is heavily obscured from view due to intervening topography and vegetation. Therefore, views of the Santa Cruz Mountains would not be obstructed by project development. In addition, due to the intervening topography and vegetation described above, views of any other potential ridgelines beyond the project site are not visible from the surrounding roadways.

> At a local level, the Town does not identify any roadways as scenic routes. In addition, while State Route (SR) 17 is designated as eligible for listing as a State Scenic Highway, State Scenic Highways are not located within the Town of Los Gatos.[5] The project site is located approximately 1.06 miles east of SR 17 and is obscured from view through various natural features and existing development. Therefore, the proposed project would not have the potential to damage scenic resources within the vicinity of a State Scenic Highway.

Response to Comment 5-28

The impact related to oxides of nitrogen (NO_X) would only occur if the off-site sidewalk improvements were constructed concurrently with the on-site project components. Mitigation Measure III-1 address this by restricting construction of the off-site sidewalk from occurring simultaneously with the on-site construction of the proposed project, or alternatively, ensuring that all construction equipment greater than 50 horsepower to be used in construction of the off-site sidewalk improvements shall be Tier 4 final off-road construction equipment.

The measures listed by the comment to manage construction dust emissions are standard measures implemented by all projects within the Bay Area Air Quality Management District (BAAQMD).[4] The BAAQMD Basic Construction Mitigation Measures (BCMMs) were developed to ensure continued attainment of ambient air quality standards (AAQS) or to work towards attainment of AAQS for which the area is currently designated nonattainment. The watering of exposed surfaces does not involve sufficient amounts of water to generate runoff, but is a standard procedure intended to dampen surfaces enough to reduce dust generation when such surfaces are disturbed during project construction.

With respect to pollutants of concern, as discussed under Question III-c of the IS/MND, the proposed project meets the screening criteria for localized carbon monoxide (CO) emissions established by BAAQMD. As discussed on page 37 of the IS/MND, toxic air contaminants (TACs) generally result in health risks when populations are exposed to high concentrations over extension periods of time (e.g., 30 years or greater). Despite the proximity of the Hillbrook School, the construction period would be temporary and would occur over a short duration as compared to the length of time required for health risks to occur. In addition, all construction equipment and operation thereof would be regulated by the California Air Resources Board (CARB) and their In-Use Off-Road Diesel Vehicle Regulation, which would reduce emissions associated with off-road diesel vehicles and equipment.

Response to Comment 5-29

The comment summarizes the findings of the initial circulation of the IS/MND and does not address the adequacy of the document. The Recirculated IS/MND provides additional information and analysis of the on-site ephemeral stream, including identification of a new significant impact to the northern portion of the ephemeral stream, and incorporation of feasible mitigation to fully reduce the potential impact to a less-than-significant level. Please refer to Section IV, Biological Resources, of the Recirculated IS/MND, for further detail.

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[4] It should be noted that BAAQMD is now currently referred to as the Bay Area Air District (BAAD). However, the originally circulated IS/MND was released for public review prior to the rebranding, and due to the insubstantial nature of the name change with regard to the analysis and conclusions of the IS/MND, revisions related to such were not made as part of the Recirculated IS/MND. For the purposes of consistency with the originally circulated IS/MND and the Recirculated IS/MND, BAAD is referred to as BAAQMD throughout this document.

Response to Comment 5-30

Mitigation Measures IV-1 through IV-9 would reduce the potential impacts to the species listed within the comment by ensuring thorough surveys for the presence of the species are conducted (as well as avoidance and minimization steps to take if the species are identified). In addition, the IS/MND includes a mitigation measure requiring compliance with the Town's Tree Protection Ordinance. Payment of in-lieu fees to the Town Tree Replacement Fund is allowed by the ordinance. Pursuant to Section 29.10.0985 of the Town's Municipal Code, the funds generated by payment of such fees would be used at the Town's discretion to add or replace trees on public property in the vicinity of the project site; add or replace trees or landscaping on other Town property; or support the Town's urban forestry management program.

Response to Comment 5-31

The comment summarizes the findings of the initial circulation of the IS/MND and does not address the adequacy of the document. Mitigation Measures IV-1 through IV-3, which are included in the Recirculated IS/MND, address potential impacts to the California red-legged frog. Therefore, further response is not necessary.

Response to Comment 5-32

The comment summarizes the findings of the initial circulation of the IS/MND and does not address the adequacy of the document. Mitigation Measure IV-4, which is included in the Recirculated IS/MND, addresses potential impacts to protected raptor and migratory bird species. Therefore, further response is not necessary.

Response to Comment 5-33

The comment summarizes the findings of the initial circulation of the IS/MND and does not address the adequacy of the document. Mitigation Measure IV-7, which is included in the Recirculated IS/MND, addresses potential impacts to protected San Francisco dusky-footed woodrat. Therefore, further response is not necessary.

Response to Comment 5-34

The analysis of special-status wildlife species, which starts on page 45 of the Recirculated IS/MND, was informed by the Biological Evaluation prepared for the proposed project. The EIR prepared for the project site referred to by the comment was prepared in August 2017, more than eight years ago from the time of the IS/MND. A field survey of the project site was conducted on December 19, 2024, as part of the Biological Evaluation to identify on-site habitats and to determine the likelihood of any occurrences of special-status species. An additional site visit was conducted on May 14, 2025, to confirm the characteristics of the on-site ephemeral drainage. A literature review of various biological databases was also conducted to assess the suitability of on-site habitats.

In addition, the mitigation measures included within the Recirculated IS/MND would provide protection to the species listed in the comment. Although the species listed within the comment were not specifically identified as having a high potential to occur on-site by the Biological Evaluation and, thus, were not specifically analyzed under Question IV-a, the required measures within Mitigation Measures IV-3 and IV-4 through IV-6 would also reduce any potential impacts to any unlikely occurrences of the species.

Response to Comment 5-35

Please see Response to Comment 5-15.

Response to Comment 5-36

Please see Response to Comment 5-15.

The proposed project does not include mass grading, nor does the site include forest land as defined in PRC Section 12220(g). The standards of a tree protection ordinance of a separate city from the Town, such as the City of Agoura Hills, would not apply to the proposed project.

The arborist report was revised during the public review period, during which the total number of on-site trees and the project's potential impacts were revised. According to the revised Arborist Report, the new inventory identified a total of 673 individual trees over four inches in diameter, 630 of which qualify for some level of protection under the Town's tree protection ordinance and 43 of which are exempted.[5] Of the total, 244 trees would be removed (223 of which would qualify as protected) and 371 trees would be retained. Page 57 of the Recirculated IS/MND was revised accordingly and reflected the findings of the revised Arborist Report.

Because the number of protected trees proposed for removal did not change, further revisions to the initial circulation of the IS/MND were not necessary. As discussed therein, compliance with the project's Tree Mitigation and Protection Plan and the mitigation measures within the IS/MND would ensure that significant impacts related to conflicts with the Town's tree ordinance do not occur.

Response to Comment 5-37

Please see Response to Comment 8-14 related to the proposed impervious surfaces.

As shown in Figure 17 of the Recirculated IS/MND, the proposed project locates the residences outside of the areas of the site with the steepest slopes. Such siting significantly reduces the potential for the effects discussed by the comment.

In addition, the GGHI was included in the Recirculated IS/MND as Appendix E. The GGHI was subject to a Geologic and Geotechnical Peer Review conducted by the Town's consulting geotechnical firm, Cotton, Shires, and Associates, Inc. (CSA), and Cornerstone subsequently prepared an Interim Response to Geotechnical Peer Review to respond to the comments and resolve identified concerns. The GGHI included review of geotechnical literature and available conceptual layouts, a site visit in August 2024, the drilling of six test borings to depths between 10 and 20 feet, and the excavation of six test pits.

The Recirculated IS/MND also includes the following analysis on page 67:

> During the excavation of test pits, evidence of either shallow or deep-seated landslide deposits were not observed, and field features indicative of slope failure and instability were not observed during the site reconnaissance. As such, the GGHI concluded that the underlying slopes of the project site are relatively stable and, thus, the landslide hazard is considered low to moderate. In addition, the peer review of the GGHI notes that the majority of the proposed residences (i.e., Lots 1, 2, 4, 5, 8, 9, 10, 11, and 12) are outside of the indicated on-site slopes (see Figure 17). While the proposed lots would exceed the maximum allowable graded cut or fill for each lot pursuant to the Hillside Development Standards and Guidelines, the proposed earthwork activities are accounted for in the analysis of the project-specific GGHI. Specifically, Section 6 of the GGHI discusses various

[5] McClintock Landscape Horticultural Services. *Certified Arborist Report, Tree Preservation Plan, Surrey Farms, Project #4185.10, Los Gatos, CA 95032*. October 16, 2025, Revision 5.

> requirements related to earthwork, including, but not limited to, temporary and permanent cut and fill slopes, subgrade preparation, wet soil stabilization, material for fill, compaction requirements, and trench backfill. Compliance with such requirements would ensure that the earthwork activities associated with the proposed project would be acceptable and would lead to instability. Without incorporating the recommendations included within the GGHI, new fill placed for the planned structures and streets on existing inclined slopes could cause a significant impact related to slope instability.

Mitigation Measure VII-1 has been included in the Recirculated IS/MND to ensure that all geotechnical recommendations in the GGHI are incorporated into grading and improvement plans. It is not necessary to list all recommendations in the mitigation measure. The summary nature of Mitigation Measure VII-1 is a standard approach intended to eliminate excessively technical details from the text of the IS/MND and/or the Recirculated IS/MND. The measure relies upon the authority of the Town as the lead agency, as well as all applicable CBSC standards, the combination of which would ensure potential impacts related to geological and soil hazards are reduced to a less-than-significant level.

Response to Comment 5-38

Please see Responses to Comments 5-18, 5-19, and 8-14.

Response to Comment 5-39

Please see Response to Comment 5-18.

Response to Comment 5-40

Please see Response to Comment 5-18.

Response to Comment 5-41

Bioretention is a way to clean and filter stormwater runoff naturally through percolation, or the slow movement of water through the pores in soil or permeable rock. As noted on page 15 of the Recirculated IS/MND, the stormwater bioretention basins would be sized and designed to meet the Town's C.3 Stormwater Standards design criteria. Such standards are intended to ensure new development controls stormwater runoff pollutant discharges. Following on-site treatment, stormwater flows would be metered out from the bioretention areas into the existing 27- and 36-inch storm drains located north and west of the site, respectively. A maintenance agreement would be put in place between the Town and the future property owners requiring the owners to operate and maintain all the stormwater treatment infrastructure. The maintenance agreement will include language allowing Town personnel to access each bioretention area periodically as required for inspection purposes.

Potential impacts related to flooding are analyzed within Question X-c.i-iii. Based on the design of the bioretention areas, as well as the proposed retaining walls, which would serve to prevent erosion, the Recirculated IS/MND concluded that the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff.

Response to Comment 5-42

The comment summarizes the findings of the initial circulation of the IS/MND and does not address the adequacy of the document. Mitigation Measure XIII-1 includes the requirements of the Town's General Plan EIR's Mitigation Measure N-1. Therefore, further response is not necessary.

Response to Comment 5-43

A water treatment facility is not proposed as part of the project; therefore, noise or vibration from such a source would not occur at the site or surrounding areas.

It is acknowledged that noise would result from residential activity, but there is no evidence to suggest that residential noise from the project would be any different from the residential noise associated with the surrounding residential neighborhoods. Further, any level of increased noise is not the relevant CEQA threshold used to determine impact significance. The Town of Los Gatos has numerical noise thresholds, and substantial evidence supports that these levels would not be exceeded by the operation of the proposed project.

Response to Comment 5-44

As discussed under Response to Comment 5-28, the proposed project would implement the BAAQMD BCMMs to reduce dust generation and manage pollutant emissions.

With respect to construction noise, Mitigation Measure XIII-1 requires multiple measures to reduce noise at the existing sensitive receptors. Specifically, any construction proposed within 25 feet of a noise-sensitive receptor would be required to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools, which create less noise than non-electric; and use mobile construction equipment with smart back-up alarms, which automatically adjust their volume instead of using a fixed volume. In addition, the project would implement additional noise attenuation techniques during the clearing, earth moving, grading, and foundation/conditioning phases of construction, such as temporary sound barriers between the construction site and the sensitive receptors.

Response to Comment 5-45

As discussed on page 93 of the Recirculated IS/MND within Section XIV, Population and Housing, the analysis used the average household size as estimated by the Town's 2040 General Plan (2.4 persons per household). Using this average household size, the proposed project would result in a maximum increase of 29 residents within the Town (2.4 persons per household x 12 proposed residences = 28.8 residents). Such figures are consistent with the Town's approach to estimating population increases.

It should be noted that the 86 total on-site parking spaces include both off-street parking and 27 garage parking spaces. Parking is not generally an indication of the number of residents associated with the project.

Response to Comment 5-46

The methods used to determine Mitigation Measure XVII-1 are discussed on page 101 of the Recirculated IS/MND. As discussed therein, the VMT Technical Memorandum coordinated with Town staff and identified the off-site improvement locations where feasible pedestrian network improvements could occur as part of the proposed project. The foregoing sidewalk connection

improvements would be consistent with the planned improvements identified within the Town's 2020 Bicycle and Pedestrian Master Plan.

In order to assess the VMT reduction potential associated with the, the VMT Technical Memorandum included a quantitative analysis using the California Air Pollution Control Officers Association (CAPCOA) Handbook (Measure T-17: Provide Pedestrian Network Improvements). The Handbook provides methods to assess potential benefits of different climate vulnerability reduction measures, as well as measures that can be implemented to improve health and equity. In the case of the proposed project, the associated off-site sidewalk improvements would encourage alternative modes of travel, thereby reducing VMT.

Response to Comment 5-47

Contrary to the comment, cumulative impacts to traffic are discussed within the Recirculated IS/MND on page 112 under Question XXI-b, as follows:

> With respect to cumulative transportation impacts, public concerns have been raised about increased congestion, particularly along Los Gatos Boulevard, where several of the SB 330 projects are located. Pursuant to the CEQA Guidelines Section 15064.3, environmental analysis documents must use VMT rather than LOS as the metric to analyze transportation impacts. Section 21099(b)(2) of the California PRC states that "automobile delay, as described solely by level of service or similar measures of vehicle capacity or traffic congestion, shall not be considered a significant impact on the environment." The State's requirement to transition from LOS to VMT is instead aimed at promoting infill development, public health through active transportation, and a reduction in GHG emissions. Overall, the transition from LOS alters the focus of CEQA analysis from congestion to more physical impacts on the environment related to vehicle trips. Accordingly, impacts related to traffic congestion are not required to be evaluated pursuant to CEQA, and thus, are appropriately not addressed herein.

In addition, potential impacts to evacuation are discussed under Question IX-f within Section IX, Hazards and Hazardous Materials, as well as under Section XX, Wildfire. As discussed therein, the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's adopted EOP, particularly with any emergency evacuation routes.

Response to Comment 5-48

The comment is conclusory and does not address the adequacy of the initial circulation of the IS/MND. Please see Responses to Comments 5-28 and 5-46 for further discussion. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 5-49

Please see Response to Comment 5-14. In addition, the roadways noted within the comment were all designed consistent with the Town standards, which accommodate for emergency vehicles. Further, as noted on page 76 of the Recirculated IS/MND, the proposed project would include a 20-foot-wide EVA route extending south from the site to connect to Brooke Acres Drive. The EVA route would result in an additional point of access reserved specifically for emergency response vehicles.

With respect to regulations applicable to the proposed project, as noted on page 109 of the Recirculated IS/MND, the proposed project would be required to comply with all applicable requirements of the CFC, including the installation of fire sprinkler systems, fire hydrants, and other applicable requirements, as well as the requirements of Chapter 7A of the CBC, including the use of ignition-resistant materials and glazed exterior windows and doors. The Builder's Remedy status of the project does not affect the applicability of the foregoing requirements, which would reduce potential impacts related to wildfire.

Contrary to the comment, the likelihood of wildfire would be reduced by development of the project due to the clearing of on-site fuel sources (i.e., vegetation and trees). The proposed project would also be situated near existing roads, water lines, and other utilities, which would reduce risks related to wildfire.

Emergency evacuation scenarios are discussed under Question IX-f within Section IX, Hazards and Hazardous Materials, as well as under Section XX, Wildfire. As discussed therein, the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's adopted EOP, particularly with any emergency evacuation routes.

Response to Comment 5-50

The comment does not address the adequacy of the initial circulation of the IS/MND. Cumulative impacts are discussed within the Recirculated IS/MND under Question XXI-b within Section XXI, Mandatory Findings of Significance. Please see Response to Comment 5-47.

Response to Comment 5-51

The comment states that many mitigation measures included in the IS/MND are insufficient, lack performance standards, and/or are deferred to future studies and plans, but provides no substantial evidence to support this position. Please see Responses to Comments 5-18, 5-37, 5-39, and 5-49.

Response to Comment 5-52

The comment is introductory and presents a summary of the commenter's concerns presented in more detail within the remainder of the letter.

Response to Comment 5-53

Please see Response to Comment 5-2.

Response to Comment 5-54

The Town has responded to both the letters referred to by the commenter, which were submitted during or immediately after the public review period for the initial circulation of the IS/MND. The responses are available as exhibits to the staff report for the Planning Commission hearing on December 17, 2025, available at https://losgatos-ca.municodemeetings.com/bc-pc/page/planning-commission-special-2. Please also see Responses to Comments 2-1 through 2-4.

In addition, the Recirculated IS/MND provides additional information and analysis of the on-site ephemeral stream, including identification of a new significant impact to the northern portion of the ephemeral stream, and incorporation of feasible mitigation to fully reduce the potential impact to a

less-than-significant level. Please refer to Section IV, Biological Resources, of the Recirculated IS/MND, for further detail.

Response to Comment 5-55

Please see Response to Comment 8-7 related to the previously conducted floristic surveys, Response to Comment 3-4 related to wildlife corridors, and Response to Comment 3-7 related to Crotch's bumble bee. Similar to Crotch's bumble bee, the Biological Evaluation considered the western bumble bee absent from the site due to lack of suitable habitat and nectar plants.

The Recirculated IS/MND includes an analysis of the project site and the site's potential to contain special-status plant species, roosting habitat for special-status bat species, and burrowing owls. Mitigation Measure IV-9, which requires pre-construction surveys for burrowing owls consistent with CDFW guidelines, identifies performance standards and includes the specific criteria the agency will apply in determining that the impact will be mitigated. Mitigation Measure IV-7 includes the same elements related to potential impacts to the San Francisco dusky-footed woodrat; the level of detail requested by the comment is not required for CEQA analysis.

With respect to special-status plant species, a field survey of the project site was conducted in December 2024 to identify on-site habitats which could potentially support special-status species, and to determine the likelihood of any occurrences of special-status species. Such plant species were not identified within the project site.

The potential for special-status amphibian and reptile species is included within the Biological Evaluation prepared for the proposed project. As shown within Tables 2A and 2B and discussed therein, the only species with the potential to occur on-site is the California red-legged frog. As a result, the Recirculated IS/MND includes Mitigation Measures IV-1 through IV-3.

Response to Comment 5-56

Please see Response to Comment 5-2.

Response to Comment 5-57

Please see Responses to Comments 5-37 through 5-50 related to the letter's previous comments.

In addition, as discussed throughout this document and pursuant to CEQA Guidelines Section 15126.4(B), specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

In addition, a lead agency may defer formulation of the details of a mitigation measure pending further study when necessary to do so, if the lead agency describes the mitigation actions that will be considered, adopts clear performance standards for measuring the effectiveness of the measures selected, and commits the agency to the mitigation plan. A mitigation performance standard is sufficient if the mitigation identifies specific criteria the agency will apply in determining that the impact will be mitigated (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525).

Mitigation Measure X-1 identifies specific performance standards related to the erosion and sediment control plan, including the specific permits required, various erosion control measures, and monitoring methods. As such, Mitigation Measure X-1 is not considered deferred mitigation.

Response to Comment 5-58

Please see Response to Comment 5-37.

Response to Comment 5-59

The comment presents concerns discussed at length throughout the comment letter. Please see Responses to Comments 5-5, 5-22, 5-28, 5-37, 5-41, and 5-43.

Response to Comment 5-60

Please see Response to Comment 5-49.

Response to Comment 5-61

The comment pertains to the Town's Below Market Price Housing Program Guidelines, which does not relate to physical impacts on the environment and, thus, is outside the scope of CEQA. The comment has been forwarded to the decision-makers for their consideration.

Letter 6

From: Lotfi Herzi [redacted]>
Sent: Monday, May 18, 2026 4:31 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Herzi [redacted]>
Subject: Public Comment Opposing the Proposed 12-Home Subdivision at 178 Twin Oaks Dr. – Request for a Full Environmental Impact Report (EIR)

[EXTERNAL SENDER]

Dear Ms. WALTERS,

To the Town of Los Gatos Planning Commission and Community Development Department,

We are writing as residents of the Surrey Farms neighborhood to express our strong opposition to the proposed twelve-home subdivision on the rural hillside backing our community. We are deeply concerned by the Town's issuance of a Recirculated Mitigated Negative Declaration (MND) for this project. Because there is a clear "fair argument" supported by substantial evidence that this development will cause significant, unmitigated environmental and safety impacts, I respectfully request that the Town reject the MND and mandate a full Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA).

6-1

The "fair argument" standard under CEQA is intentionally low to ensure that sensitive environments are fully studied before irreversible damage occurs. A project of this scope, situated on a vulnerable, rural hillside, poses numerous critical risks that a simple MND cannot adequately address. I ask that a full EIR be required to comprehensively evaluate the following areas of concern:

1. Health and Safety Hazards

- Geological and Wildfire Risks: The hillside location inherently presents elevated risks for landslides, earthquake vulnerability, and wildfires. A comprehensive EIR is required to evaluate evacuation routes and the exacerbation of fire hazards in a high-risk zone.

6-2

- Drainage, Flooding, and Disease Abatement: The development threatens to alter natural drainage patterns, creating flooding hazards for adjacent lower-lying properties and Hillbrook School. Furthermore, the proposed use of retention ponds

6-3

Letter 6, cont.

6-3, cont. adjacent to residential homes poses severe mosquito and vector-borne disease risks that have not been adequately mitigated.

6-4
- Pollution and Infrastructure Strain: The project will introduce substantial light, air, water, and noise pollution to a quiet, rural ecosystem. Additionally, it will generate a permanent increase in traffic congestion through the Surrey Farms neighborhood and the critical Kennedy Road corridor, compromising pedestrian and motorist safety.

2. Irreparable Environmental Harm

6-5
- Biological Resources and Wetlands: The project site encroaches upon protected wetlands and directly interferes with the Riparian Habitat of Ross Creek. A full EIR must evaluate the long-term degradation of these aquatic resources, as well as the immediate harm to protected wildlife species and their migratory corridors.

6-6
- Hillside Degradation and Tree Removal: The proposed subdivision requires the removal of numerous protected trees and extensive grading that fundamentally conflicts with the Town's own Hillside Development Standards and the Hillside Specific Plan. The permanent scarring of this landmark hillside cannot be overlooked.

6-7 3. Inadequacy of Prior Documentation The Recirculated MND heavily relies on data from a 2017 EIR that was never formally adopted or certified by the Town. Relying on an uncertified, outdated document to bypass a formal environmental review for a project of this magnitude undermines the integrity of the CEQA process.

6-8 Given the substantial evidence that this project threatens our community's safety, violates hillside preservation standards, and endangers vital biological resources, a Mitigated Negative Declaration is legally and practically insufficient. The community and the environment deserve the rigorous, transparent analysis that only a full Environmental Impact Report can provide.

We urge the Planning Commission to reject the MND and require a full EIR before taking any further action on this development.

6-9 Also note that beyond the disruption of the construction and increased traffic on our streets, from a safety perspective, I would like the Town Panning Commission and Community Development Department to reconsider providing another route access to the planned units in addition to Twin Oaks Dr.

Thank you for your time, consideration, and dedication to protecting the unique character and safety of Los Gatos.

Letter 6, cont.

Sincerely,

Lotfi and Monica Herzi

[redacted]Longmeadow drive

Los Gatos, CA 95032

[redacted]

LETTER 6: LOTFI AND MONICA HERZI

Response to Comment 6-1
Please see Response to Comment 5-2.

Response to Comment 6-2
According to CEQA Guidelines Section 15088, "The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment." Thus, when a commenter expresses general concerns, such as the proposed project would result in "more traffic", "effects on water quality", or "increased noise", a specific response is not offered. Rather, the commenter is referred to the sections where the referenced general concern is evaluated in detail. The comment does not provide specific comments regarding the adequacy of the analysis within the Recirculated IS/MND.

Impacts related to landslides and earthquakes are addressed under Section VII, Geology and Soils, of the Recirculated IS/MND. As concluded therein, all identified impacts related to geology and soils could be reduced to less-than-significant levels with incorporation of the mitigation measures set forth within the Recirculated IS/MND. Potential impacts related to wildfire are evaluated under Section XX of the Recirculated IS/MND, including the proposed project's potential to exacerbate fire hazards within a FHSZ and affect emergency evacuation routes. Emergency access is also discussed under Question IX-f on page 76 of the Recirculated IS/MND and Question XVII-c,d on page 102. As noted under Question IX-f, the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not include land uses or operations that could impair implementation of the Town's EOP nor physically interfere with the EOP, particularly with any emergency evacuation routes. In addition, the proposed project would include a 20-foot-wide EVA route and would not result in inadequate emergency access.

Please see Response to Comment 5-2.

Response to Comment 6-3
Bioretention basins are standard features of development projects and, as noted on page 15 of the Recirculated IS/MND, would be sized and designed to meet the Town's C.3 Stormwater Standards design criteria. Such standards require new development to manage stormwater flows such that post-development runoff does not exceed pre-project runoff rates and durations, thereby ensuring flooding would not occur. Please see Response to Comment 8-14. Although the proposed basin would temporarily store stormwater and release at a controlled rate to match existing pre-development conditions, the system would be designed for active flow-through, rather than long-term water storage. Thus, long-term standing water that could be used as a mosquito breeding site would not occur and the proposed basins would not result in any associated health or safety concerns.

Response to Comment 6-4
Please see Response to Comment 6-2. Project-related impacts related to light pollution are discussed under Section I, Aesthetics, of the Recirculated IS/MND; potential impacts related to air pollutant emissions associated with the proposed project are discussed under Section III, Air Quality, of the Recirculated IS/MND; potential impacts related to water are discussed under

Section X, Hydrology and Water Quality, of the Recirculated IS/MND; and impacts related to noise are addressed under Section XIII, Noise, of the Recirculated IS/MND.

As discussed in the Recirculated IS/MND and reiterated in Response to Comment 5-47, impacts related to traffic congestion are not required to be evaluated pursuant to CEQA. Potential impacts related to hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and emergency access are discussed under Section XVII, Transportation, of the Recirculated IS/MND

Response to Comment 6-5

Please see Responses to Comments 5-2 and 6-2. Potential impacts of the proposed project on wetlands, riparian habitat, including associated with Ross Creek, and special-status species are addressed in Section IV, Biological Resources, of the Recirculated IS/MND. As presented therein, all identified impacts could be mitigated to a less-than-significant level.

Response to Comment 6-6

As discussed under Question IV-e within Section IV, Biological Resources, of the Recirculated IS/MND, the proposed project would not meet the on-site tree replacement requirements. As a result, the Recirculated IS/MND includes Mitigation Measure IV-12, which requires compliance with the Town's Tree Protection Ordinance. The Town's adopted Tree Protection Ordinance includes standards for in-lieu fees within Division II of Chapter 29.10 of the Town's Municipal Code. Removal of trees does not violate the Town's Tree Protection Ordinance. Payment of in-lieu fees is a standard practice of the Town and is considered sufficient mitigation.

With respect to Builder's Remedy, page seven of the IS/MND includes the following discussion:

> Because the project is subject to Builder's Remedy, compliance with all of the Town's guidelines, policies, or programs is not required unless noncompliance would constitute a significant health or safety risk. Although not legally required, the proposed project would comply with many of the Town's Hillside Development Standards and Guidelines, such as standards related to lot configuration and building locations within the proposed lots.

The proposed project does not propose development on the steepest parts of the site, thereby preserving substantial amounts of the existing hillside.

Response to Comment 6-7

As stated on page six of the 2025 initial circulation of the IS/MND, a Draft EIR was prepared for the project site in 2015, followed by a Partial Recirculated Draft EIR in 2017, for a residential project of the same name, but the EIR was never certified by the Town. Although the project has since changed, the setting of the site has generally remained the same and, thus, certain information associated with the former EIR remains applicable to the current Recirculated IS/MND analysis. Importantly, several project-specific technical reports were also prepared for the currently proposed project and form the basis of several technical sections of the Recirculated IS/MND; all such recently completed technical reports used in the preparation of the IS/MND were attached as appendices.

The primary technical report prepared in support of the EIR that was also used for the IS/MND analysis was the Cultural Resource Study prepared for the site by Holman & Associates Archeological Consultants, dated January 2013. Historic and archaeological resources typically reflect periods of earlier California history, and thus, the results of a cultural resources study

completed in 2013 would not change over the course of the last 12 years (2013 to 2025). As a result, reliance upon the Holman & Associates report is justified for the current Recirculated IS/MND. Notwithstanding, an updated search of the California Historic Resources Information System (CHRIS) records was conducted to determine whether any new cultural resources have been discovered in the project area since 2013. No new resources have been identified.

In addition, where environmental setting information has the potential to change over time, contemporary information was used.

A Recirculated IS/MND has been prepared for the proposed project and, thus, a formal environmental review has been conducted and has not been bypassed.

Response to Comment 6-8

Please see Responses to Comments 5-2 and 6-2 through 6-6.

Response to Comment 6-9

The IS/MND states the following on page 95:

> Construction traffic associated with the proposed project would include heavy-duty vehicles which would share the area roadways with normal vehicle traffic, as well as transport of construction materials, and daily construction employee trips to and from the site. However, such heavy-duty truck traffic would only occur throughout the duration of construction activities and would cease upon buildout of the proposed project.

The Town would impose standard conditions of approval upon the project related to traffic safety during construction. Please see Responses to Comments 6-4 related to traffic congestion.

As presented in the Recirculated IS/MND, in addition to the proposed access point from Twin Oaks Drive, the proposed project would also include access from Cerro Vista Court (for Lot 10 only) and a 20-foot-wide emergency vehicle access (EVA) route extending south from the site to connect to Brooke Acres Drive. The comment will be forwarded to the decision-makers for their consideration.

Letter 7

April 18, 2026

Erin Walters, Senior Planner

Town of Los Gatos Community Development Department

110 East Main Street

Los Gatos, CA 95030

EWalters@losgatosca.gov

Re: Comments on Recirculated Initial Study/Mitigated Negative Declaration — 178 Twin Oaks Drive, Surrey Farms Estates Subdivision Project (SCH No. 2025090920); Request That the Town Prepare a Full Environmental Impact Report

Dear Ms. Walters:

I submit these comments during the April 17 – May 18, 2026 public review period for the Recirculated Initial Study and Mitigated Negative Declaration (IS/MND) for the Surrey Farms Estates Subdivision Project (Project) at 178 Twin Oaks Drive. After reviewing the Recirculated IS/MND and the record of prior environmental review for this site — which includes a Draft Environmental Impact Report (DEIR) prepared in 2015, a Partially Recirculated DEIR in 2017, and now a third round of public review in 2025-2026 — **I respectfully urge the Town to rescind the MND determination and prepare a full Environmental Impact Report (EIR).**

7-1

Under CEQA, a lead agency must prepare an EIR whenever substantial evidence in the record supports a *fair argument* that a project may have a significant effect on the environment. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; CEQA Guidelines §15064(f)(1).) The fair argument standard is an intentionally low threshold: if any substantial evidence supports potential significance — even where other evidence contradicts it — an EIR is required. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.) The record here readily clears that bar across multiple issue areas.

I. Project Overview and CEQA History

The Project proposes to subdivide a 17.55-acre undeveloped hillside in the Resource Conservation zone into 12 residential lots, grading a 17.55-acre site to accommodate 9 market-rate homes (5,775–6,170 square feet each), 3 affordable townhomes, a new private road off Twin Oaks Drive, a separate access route to Lot 10 from Cerro Vista Court, extensive grading, significant tree removal, and new stormwater infrastructure — all on a hillside containing an ephemeral creek tributary to Ross Creek, within the Town's 1978 Hillside Specific Plan area.

7-2

Letter 7, cont.

7-3

What is most significant from a CEQA standpoint is not the project itself but its history. This site was previously analyzed under CEQA beginning in 2012 under SCH No. 2012072027 as a Planned Development project. A full DEIR was prepared and circulated in 2015. A Partially Recirculated DEIR was issued in 2017. That EIR process — spanning at least six years — was **never certified.** The Town's own prior CEQA determination was that this project required EIR-level analysis. The current IS/MND does not explain why the same site, with a similar development program, now qualifies for a lesser level of review. That regression in CEQA documentation requires justification that the IS/MND does not provide.

II. Water Quality and Biological Resources: Fair Argument of Significant Impact

The San Francisco Bay Regional Water Quality Control Board (Water Board) has submitted three comment letters on environmental documents for this site: October 8, 2015 (on the DEIR), June 12, 2017 (on the Partially Recirculated DEIR), and October 6, 2025 (on the current IS/MND). In each letter, the Water Board raised the same fundamental concern: the jurisdictional status of the ephemeral creek on the project site has not been confirmed by the Water Board or the California Department of Fish and Wildlife (CDFW), and the project's proposed stormwater treatment system will likely harm that creek.

7-4

The Water Board's 2025 letter — responding directly to this IS/MND — states explicitly:

"At this time, we disagree with the conclusion presented on page 49 of the ISMND, that asserts that the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community."

This is not a marginal concern from a generalist commenter. This is a direct contradiction of the IS/MND's no-significant-impact conclusion by the state agency with permitting jurisdiction over State waters. Under the fair argument standard, that objection alone is sufficient to require an EIR. Specific unresolved concerns include:

7-5

- **Unconfirmed jurisdictional status of the ephemeral creek.** The IS/MND asserts the ephemeral drainage is not a water of the U.S. or State, relying on a 2016 Army Corps determination of minimal federal jurisdiction (0.008 acres). But the Water Board has never confirmed that the creek is not a water of the State. The IS/MND states at page 48 that the creek 'was determined not to be considered jurisdictional water of the U.S. or the State' without providing any documentation from the Water Board or CDFW confirming that conclusion. Until State agencies confirm the creek's status, the IS/MND's conclusion of no significant impact to State waters is not supported by substantial evidence.

7-6

- **The stormwater system will dewater the ephemeral creek.** The Water Board's 2025 letter identifies a new concern not adequately addressed in the IS/MND: the proposed stormwater treatment system — bioretention areas and pervious pavement — would capture and redirect to municipal storm drains the runoff that currently sustains the ephemeral creek and its riparian vegetation. Diverting this hydrology would deprive the preserved creek of water needed to sustain its vegetation. The Water Board explicitly characterizes this as a 'significant impact to the creek.' This is a potential significant hydrological and biological impact that

Letter 7, cont.

7-6, cont. cannot be mitigated to less than significant through conditions that have not yet been designed.

7-7

- **Mitigation measures deferred to future permitting are legally inadequate under CEQA.** The prior DEIRs were criticized — in 2015, 2017, and again in 2025 — for proposing mitigation that amounts to 'obtain permits from resource agencies' rather than identifying concrete, feasible, enforceable mitigation measures. CEQA Guidelines Section 15126.4 requires that mitigation be specific and enforceable. Mitigation to be determined at a future date is impermissible 'deferral of mitigation.' The recirculated IS/MND repeats this pattern. Deferred mitigation for impacts to potential State waters cannot support an MND.

7-8

- **Pervious pavement on steep slopes raises unresolved questions.** The Water Board raises a new technical concern about the use of pervious pavement on slopes that may exceed the 5% threshold (without underdrains) or 16% (with underdrains) for effective pervious pavement performance. The IS/MND does not provide slope data for the proposed pavement areas or soil permeability data to support the conclusion that pervious pavement is appropriate here. An EIR could require full geotechnical and hydrological analysis as part of the record, not as a deferred condition.

7-9

- **No hydromodification management analysis.** The Water Board notes the IS/MND entirely lacks a discussion of hydromodification management measures required under the Municipal Regional Stormwater NPDES Permit (MRP, Order No. R2-2022-0018). This is not a minor gap — hydromodification management is a substantive regulatory requirement for new subdivisions and the absence of any analysis of whether the project complies renders the IS/MND incomplete.

III. Hillside Development: Geology, Soils, Grading, and Wildfire

7-10 The project site is an undeveloped hillside within the Town's 1978 Hillside Specific Plan area. Development of 12 lots across a 17.55-acre hillside — including cutting new roads, extensive grading, and construction of homes ranging from approximately 5,775 to 6,170 square feet — raises significant geology, soils, erosion, and slope stability concerns that a brief IS/MND cannot adequately address.

7-11

- **Hillside grading at scale warrants EIR-level analysis.** The Hillside Specific Plan was adopted specifically because hillside development in Los Gatos requires enhanced scrutiny. Grading a 17.55-acre undeveloped site — with grades ranging from moderate to steep — for a new road, 12 building pads, and stormwater infrastructure involves cut-and-fill operations that could destabilize slopes and affect downstream properties. The IS/MND's treatment of geology and soils as mitigatable to less than significant is not supported by a site-specific geotechnical analysis adequate to support that conclusion.

7-12

- **Wildfire risk in the Hillside area is a significant impact.** The project site is in a hillside area with documented wildfire risk. The IS/MND does not adequately analyze the project's contribution to wildfire fuel loads, evacuation route capacity from a 12-lot subdivision connected to Cerro Vista Court and Twin Oaks Drive, or compliance with defensible space requirements during construction. In light of

Letter 7, cont.

7-12, cont. recent catastrophic wildfire events in California communities with similar topographic and vegetative profiles, hillside subdivisions now require more rigorous fire risk analysis than was standard when prior DEIRs were prepared.

- **Dual access routes raise cumulative evacuation concerns.** The project proposes two access points — a new private road off Twin Oaks Drive and a separate connection to Cerro Vista Court for Lot 10. Cerro Vista Court residents have historically objected to through traffic. Whether the Cerro Vista Court connection would function as a viable emergency access route without creating its own impacts to existing residents has not been adequately analyzed. **7-13**

IV. Tree Removal and Biological Resources Beyond the Creek

The project requires Town approval of a Tree Removal Permit — indicating significant tree removal on the hillside site. Oak woodlands are a sensitive biological community in the Los Gatos hillside area. The IS/MND's treatment of tree removal impacts should reflect the full scale of grading and construction across all 12 lots, not just the lots directly adjacent to the ephemeral creek. A comprehensive biological survey, updated to reflect current conditions on the 17.55-acre site, is warranted before the Town can conclude that tree removal and habitat impacts are less than significant with mitigation. **7-14**

V. The Hillside Specific Plan: "Voluntary" Compliance Is Insufficient

The IS/MND notes that the applicant 'proposes voluntary compliance' with several Hillside Development Standards and Guidelines, including lot configuration and building location. A project on an undeveloped hillside within the Hillside Specific Plan area that characterizes compliance with the Plan's standards as optional raises significant land use consistency questions. If the project is a builder's remedy application invoking SB 330, the Town retains the right to apply objective standards — including objective Hillside Specific Plan standards — to the extent those standards do not render the project infeasible. The IS/MND should identify which Hillside Specific Plan standards apply as objective standards, which are discretionary, and how the project responds to each. A vague representation of 'voluntary compliance' does not constitute meaningful CEQA analysis of land use consistency. **7-15**

VI. The Recirculation Itself Signals Inadequacy — and Calls for Upgrading to an EIR

CEQA Guidelines Section 15073.5 requires recirculation of an IS/MND when 'the initial study as revised contains new information of substantial importance' that 'shows (1) a new significant environmental impact would result from the project ... (2) a substantial increase in the severity of an environmental impact would occur.' The Town has determined recirculation is required — meaning the original IS/MND contained deficiencies serious enough to warrant a second public comment period. In such circumstances, the burden is on the lead agency to demonstrate why the new analysis now supports an MND rather than triggering the threshold that requires an EIR. The Recirculated IS/MND does not meet that burden. The new information provided — including the Water Board's explicit disagreement with the no-impact conclusion, the stormwater dewatering concern, and the unresolved jurisdictional status of the **7-16**

Letter 7, cont.

7-16, cont. ephemeral creek — each individually rises to the level of a potentially significant environmental effect that an EIR is designed to analyze.

VII. Summary of Requested Actions

7-17 I respectfully request that the Town take the following actions:

- Rescind the IS/MND determination and issue a Notice of Preparation for a full Environmental Impact Report, consistent with the level of analysis this project received under prior SCH No. 2012072027.

7-18

- Prior to issuing a Notice of Preparation, require the applicant to obtain written confirmation from the Water Board and CDFW regarding the jurisdictional status of the ephemeral creek on the project site — a step the Water Board has requested since 2015 and that remains unresolved.

7-19

- In any EIR, require analysis of: (a) full hydromodification management compliance under the MRP; (b) stormwater system design that avoids dewatering the ephemeral creek; (c) concrete, enforceable mitigation for any impacts to State waters; (d) wildfire risk and evacuation analysis; and (e) Hillside Specific Plan compliance, identifying which standards are applied as objective standards.

7-20

- The Planning Commission hearing should not be scheduled until the CEQA determination is settled. Scheduling a June 11, 2026 hearing while the CEQA document is subject to a legal challenge — or before the Town has responded to the Water Board's substantive objections — creates additional procedural risk.

7-21 This project has been in the Town's planning process since at least 2012. Three rounds of environmental review spanning over a decade have failed to resolve fundamental questions about the project's impacts on a State-jurisdictional waterway. An MND — the most streamlined CEQA tool available — is not the appropriate instrument to close out a project with this record. **A full EIR, with its mandatory response-to-comments, alternatives analysis, and comprehensive mitigation program, is the correct path.**

Thank you for your consideration of these comments.

Respectfully submitted,

Jim Lyon

cc: Planning Commission, Town of Los Gatos

Joel Paulson, Community Development Director

Brian Wines, SF Bay RWQCB (brian.wines@waterboards.ca.gov)

LETTER 7: JIM LYON

Response to Comment 7-1
Please see Response to Comment 5-2.

Response to Comment 7-2
The comment provides a summary of the project and does not address the adequacy of the Recirculated IS/MND.

Response to Comment 7-3
Please see Response to Comment 5-2.

Response to Comment 7-4
Responses to the RWQCB comments on the IS/MND dated October 6, 2025, were prepared and included as part of the staff report for the for the Planning Commission hearing on December 17, 2025, for the decision-makers consideration. In addition, as stated on page seven of the Recirculated IS/MND:

> Following the public review period, the Town prepared responses to public comments pertaining to the environmental analysis and the project was considered by Planning Commission on December 17, 2025. In response to public comments and input at the Planning Commission hearing, on February 12, 2026, Live Oak Associates conducted additional on-site field investigation of the ephemeral feature located on the project site after a storm event when water was flowing in the on-site ephemeral feature. This follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND has been revised and recirculated to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and include new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11).

The Recirculated IS/MND directly addresses concerns brought forth by the RWQCB. Please also see Responses to Comments 2-1 through 2-4, which respond to the comments submitted by the RWQCB on the Recirculated IS/MND. Please see Response to Comment 5-2 regarding the fair argument standard and requirement for preparation of an EIR.

Response to Comment 7-5
The comment's description of the analysis is an accurate description of the first circulation of the IS/MND; however, as discussed above in Response to Comment 7-4 and as shown throughout the Recirculated IS/MND, the current analysis of the ephemeral stream has been revised. As stated on page 53 of the Recirculated IS/MND, the ephemeral stream is presumed to be a water of the State.

Response to Comment 7-6
Please see Response to Comment 8-8.

Response to Comment 7-7
Please see Response to Comment 2-4.

Response to Comment 7-8

Section 6.13.1 of the GGHI prepared for the proposed project includes the possibility of using pervious pavement when discussing stormwater treatment designs. Except for Lots 7, 8, and 10, the maximum slope of the proposed pervious pavement areas is 3.5 percent. The lots include pervious pavers on the private driveways and are shown with a maximum slope of 15 percent on the grading plan. According to the GGHI, underdrains are required for all pervious paver installations, with which the proposed project would comply. The GGHI was included as Appendix E to the Recirculated IS/MND and as Appendix D to the first circulation. Overall, as stated on page 79 of the Recirculated IS/MND, the proposed project would comply with the requirements of the SWRCB and the RWQCB, and would meet C.3 Standards related to stormwater treatment, which would be ensured through a condition of approval and as part of the Town's review of final project plans.

Response to Comment 7-9

Hydromodification management for the project site was discussed under Question c.i-iii within Section X, Hydrology and Water Quality, of the IS/MND. A BAHM report was prepared for the proposed project by Balance Hydrologics (see Appendix C to the Recirculated IS/MND), which was submitted to, and reviewed by, the Town. Page 82 of the Recirculated IS/MND was revised to incorporate additional details from the BAHM report.

Response to Comment 7-10

Please see Response to Comment 6-2. The comment does not provide further detail or any substantial evidence of any significant geology, soils, erosion, and slope stability concerns that are not adequately addressed. Potential impacts of the proposed project related to the aforementioned concerns are addressed in Section VII, Geology and Soils, of the Recirculated IS/MND. As concluded therein, all identified impacts related to geology and soils could be reduced to less-than-significant levels with incorporation of the mitigation measures set forth within the Recirculated IS/MND.

Response to Comment 7-11

Please see Response to Comment 7-10. The comment does not provide substantial evidence of how the project could "destabilize slopes and affect downstream properties." The analysis within the Recirculated IS/MND is informed by the GGHI prepared for the proposed project by Cornerstone, which was included as Appendix E to the Recirculated IS/MND. As noted on page 65 of the Recirculated IS/MND, the GGHI was subject to a Geologic and Geotechnical Peer Review conducted by the Town's consulting geotechnical firm, CSA, and Cornerstone subsequently prepared an Interim Response to Geotechnical Peer Review to respond to the comments and resolve identified concerns. The aforementioned materials represent an adequate site-specific geotechnical analysis.

Response to Comment 7-12

Please see Responses to Comments 5-14 and 6-2. The comment does not provide further details or substantial evidence of why the analysis in Recirculated IS/MND of the noted concerns is not adequate.

Response to Comment 7-13

As discussed on page 102 of the Recirculated IS/MND, the emergency access to Lot 10 provided by the new connection to Cerro Vista Court would be subject to review and approval by the Santa Clara County Fire Department (SCCFD). Whether emergency access is available from Cerro

Vista Court would not affect emergency access to Lots 1 through 9, 11 and 12, or any off-site areas. As shown in Figure 18 of the Recirculated IS/MND, the new internal roadway would be 24 feet wide and would provide sufficient turnaround space for emergency vehicles. Therefore, the proposed project would not cause or result in inadequate emergency access to any areas within the Town.

Response to Comment 7-14

A comprehensive Arborist Report was prepared for the site by McClintock Landscape Horticultural Services (McClintock). Following a peer review by Monarch Consulting Arborists, the Arborist Report was revised during July 2025 and was included as Appendix D to the Recirculated IS/MND and Appendix C to the initial circulation. Question IV-e of the Recirculated IS/MND discusses the findings of the Tree Mitigation and Protection Plan prepared for the proposed project, which evaluates the entire project site. As discussed therein, 223 protected trees would be removed and a total of 551 replacement trees would be required to be planted on-site. Because the 85 trees proposed to be planted on-site would not meet the on-site tree replacement requirements, payment of in-lieu fees consistent with Division II of Chapter 29.10 of the Town's Municipal Code would be required to mitigate for the shortfall in on-site tree replacement.

Response to Comment 7-15

Please see Response to Comment 5-13.

Response to Comment 7-16

Please see Response to Comment 5-2.

Response to Comment 7-17

Please see Response to Comment 5-2.

Response to Comment 7-18

Please see Response to Comment 5-3.

Response to Comment 7-19

Please see Responses to Comments 2-4, 5-14, 7-9, 7-15, and 8-8.

Response to Comment 7-20

Under CEQA, a legal challenge can only be made on a discretionary decision made by the lead agency. Thus, contrary to the comment, the CEQA document is not currently subject to a legal challenge. As demonstrated in the Recirculated IS/MND, this Responses to Comments document, and all supporting documents in the record, the Recirculated IS/MND meets the requirements of CEQA.

Response to Comment 7-21

Please see Response to Comment 5-2.

Letter 8

William and Kathy Meleyco
[redacted] Longmeadow Drive
Los Gatos, CA 95032
[redacted]

May 12, 2026

To:
Erin Walters, Senior Planner
Town of Los Gatos Community Development Department
110 E. Main Street, Los Gatos, CA 95030
[redacted]

Re: Formal Written Comments in Opposition: Surrey Farms Estates Subdivision Project (178 Twin Oaks Drive), Recirculated Initial Study/Mitigated Negative Declaration (April 2026) | Case Nos. S-24-023 to 033, S-24-059, M-24-013, ND-24-001 | Comment Deadline: May 18, 2026, 5:00 PM

Dear Senior Planner Walters, Planning Commissioners, and Town Council Members,

We are William and Kathryn Meleyco. We have resided at [redacted] Longmeadow Drive, Los Gatos, for 42 years. Our property directly abuts the proposed Surrey Farms Estates subdivision. Our rear property line borders **Lot 5** of the proposed development. The project's entire drainage system flows downhill toward the catch basin at the rear corner of our property. We are among the most directly and measurably impacted neighbors of this proposal.

8-1

We previously submitted a comment letter dated December 14, 2025, in opposition to this project prior to the December 17, 2025 Planning Commission hearing. We now supplement that submission with these comments on the Recirculated IS/MND (April 2026). We write to oppose the project on the following grounds:

8-2

- The Recirculated IS/MND is legally inadequate; a full Environmental Impact Report (EIR) is required under CEQA
- The April 2026 recirculation confirms the original environmental baseline was fundamentally incomplete, raising serious questions about what else has been missed
- The project creates specific, documented threats to the health, safety, and property of adjacent residents, including our household
- The Builder's Remedy is being misused for a luxury hillside subdivision, and the project violates the Town's Below Market Price (BMP) distribution and comparability requirements
- Multiple state agency approvals remain outstanding and unresolved, precluding adoption of a negative declaration

1

Letter 8, cont.

8-2, cont.

These comments are submitted to exhaust administrative remedies on each issue raised herein, consistent with Public Resources Code Section 21177, and to preserve all rights available to us and our neighbors in subsequent proceedings.

SUMMARY OF OBJECTIONS: 12 INDEPENDENT GROUNDS FOR DENIAL OR FULL EIR

The developer's own April 2026 recirculation is an admission that the original environmental review was incomplete. A stream on Lot 5, the lot directly behind our home, was missed entirely. It was discovered only during a storm event after more than a year of review and public pressure. Each of the 12 issues below raises the same question: *what else was missed?*

Each issue below is detailed in the sections that follow. Each constitutes an independent basis for requiring a full EIR or denying the project in its current form. All are raised to exhaust administrative remedies.

1. INCOMPLETE ENVIRONMENTAL BASELINE: The original surveys were conducted in dry conditions and missed an entire stream on Lot 5. The recirculation proves the methodology was structurally inadequate. What else was missed? (Section I)

2. STATE AGENCY APPROVALS NOT OBTAINED: Required CDFW and RWQCB approvals are outstanding. The RWQCB has flagged jurisdiction concerns since 2015. The IS/MND cannot be finalized before these agencies act. (Section II)

3. OUR PROPERTY WILL FLOOD: The catch basin at our rear property line already runs at 80% capacity. The project adds 97,386 sf of impervious surface draining toward it. A proposed retention pond sits 6 feet above our yard. (Section III)

4. 56% IMPERVIOUS SURFACE INCREASE INVALIDATES ALL TECHNICAL REPORTS: Impervious surface grew from 62,224 sf to 97,386 sf with no explanation. Every engineering report (hydrology, geotechnical, stormwater, air quality) was calculated against the wrong project. All must be redone. (Section IV)

5. AIR QUALITY MODEL SELECTED ZERO MITIGATION MEASURES: The CalEEMod model was run entirely unmitigated. The IS/MND's less-than-significant conclusion is based on no mitigation being applied during 2-3 years of construction adjacent to Hillbrook School. (Section V)

6. FIRE, EVACUATION, AND LANDSLIDE: The site is in a Very High Fire Hazard Severity Zone with single-access hillside ingress. No CAL FIRE access review has been completed. 21,082 cubic yards of fill proposed on a mapped landslide zone. (Section VI)

7. 223 PROTECTED TREES REMOVED: 35% of all protected trees destroyed. Only 85 of 551 required replacement trees planted on-site. Seven protected trees directly behind our home on Lot 6 eliminated. In-lieu fees do not replace ecological function. (Section VII)

Letter 8, cont.

8-2, cont.

8. BUILDER'S REMEDY MISUSE AND BMP VIOLATIONS: 58 waivers requested for luxury hillside homes. All 3 affordable units clustered in one corner in violation of Town BMP distribution rules. Waiver requested for comparable unit size, directly undermining affordable housing law. (Section VIII)

9. ACTIVE WILDLIFE HABITAT, PHOTOGRAPHICALLY DOCUMENTED: Deer, coyotes, wild turkeys, raptors, woodpeckers, and owls observed year-round. A Great Blue Heron (MBTA/AB 454 protected) was photographed hunting on Lot 5 for several hours on March 6, 2023. Not mentioned anywhere in the IS/MND. (Section IX)

10. GREAT BLUE HERON ON LOT 5 IS A STANDALONE FEDERAL VIOLATION: Protected species actively foraging in the exact water feature the IS/MND admitted missing. No survey protocol. No mitigation. Potential MBTA and AB 454 violation unaddressed in environmental review. (Section IX-E)

11. MOSQUITO/PUBLIC HEALTH, DEFERRED MITIGATION, NOISE, AND LIGHTING: Bioretention ponds adjacent to Hillbrook School create West Nile risk. Mitigation repeatedly deferred to post-approval. Cumulative noise already at threshold. Nighttime lighting impacts on nocturnal wildlife unanalyzed. (Section X)

12. RELIANCE ON 2017 UNCERTIFIED EIR: The IS/MND relies on a never-adopted 2017 environmental document as its baseline. Natural environments change; species appear and disappear. The current project is materially different from the 2017 proposal it relies upon. (Section X)

I. THE APRIL 2026 RECIRCULATION PROVES THE ORIGINAL ENVIRONMENTAL ANALYSIS WAS FUNDAMENTALLY INCOMPLETE: WHAT ELSE WAS MISSED?

8-3

The most important argument in our letter is one the Town's own recirculation makes for us. The Recirculated IS/MND was necessitated because, on **February 12, 2026**, Live Oak Associates conducted an additional field investigation **after a storm event, when water was actively flowing in the ephemeral feature**. That single wet-weather visit revealed something the original surveys, conducted under dry conditions, had entirely missed: the northerly limits of the ephemeral stream extend directly into the **Lot 5 development footprint and the internal driveway**. This is not a minor clerical correction. This is a new, potentially significant environmental impact that required formal recirculation under CEQA Guidelines Section 15073.5.

The legal and scientific implication of this discovery is profound: **the original survey methodology was structurally incapable of detecting active hydrology.** Surveys conducted during dry conditions cannot characterize a site's full hydrological and biological condition. The question the Town must confront, which the Recirculated IS/MND does not answer, is: *if the survey missed an entire stream extension into a development footprint, what else did it miss?*

Consider what the Recirculated IS/MND itself discloses about survey timing and methodology:

Letter 8, cont.

8-3, cont.

- **Primary biological field survey: December 19, 2024**: a dry winter day with no storm activity
- **Secondary site visit: May 14, 2025**: conducted to confirm characteristics of the ephemeral drainage, yet despite this visit, the stream's full extent into Lot 5 was still not detected
- **The definitive discovery: February 12, 2026**: discovered only during an active storm event, more than a year into the review process, and only after public pressure at the December 2025 Planning Commission hearing

8-4

The Santa Clara Valley Bird Alliance and Sierra Club Loma Prieta Chapter submitted a detailed comment letter (October 17, 2025, Exhibit 28/29) noting exactly this deficiency: that the IS/MND relied on surveys that may have been conducted during seasonal windows structurally inadequate to detect sensitive biological and hydrological conditions. The RWQCB stated, as quoted in neighbor comments in the administrative record: *"Ten years after our initial comment letter, we remain concerned that the extent of waters subject to the jurisdiction of the Water Board and the California Department of Fish and Wildlife… has not been confirmed."*

8-5

8-6

Given this track record, we submit that the Town cannot reasonably conclude the environmental analysis is now complete. The following questions remain open and unanswered:

- Are there additional reaches of the on-site ephemeral stream that extend into other lot development footprints, particularly Lots 6, 7, or 8, which are upslope of Lot 5 and drain toward it?

8-7

- Have any wet-season surveys been conducted for special-status plant species? The IS/MND relies on dry-season surveys from 2012 and 2013 (over 10 years ago) and a December 2024 visit, yet acknowledges that species such as Santa Clara red ribbons require three-season floristic surveys that have not been conducted for this project as proposed

8-8

- Has the full extent of the seasonal wetland in the northwestern corner of the site been characterized under wet-weather conditions? The IS/MND identifies a 342 square-foot jurisdictional seasonal wetland, mapped using only a decade-old 2016 USACE determination
- Has any investigation been conducted into whether the stormwater bioretention system's proposed diversion of runoff away from the ephemeral stream will cause the dewatering and loss of riparian vegetation, as the RWQCB specifically warned?

8-9

- Are there bat roost trees, raptor nest trees, or dusky-footed woodrat habitat features that were not detected because preconstruction surveys are designed to occur immediately before construction — not during the environmental review that determines whether the project should be approved at all?

8-10

The standard for requiring an EIR is not proof of harm; it is a fair argument that harm may occur. The discovery of an entirely new aquatic feature during the recirculation process, more than a year into review, is itself substantial evidence that the baseline environmental conditions are not fully understood. Under CEQA, a Mitigated Negative Declaration cannot be adopted when substantial evidence supports a fair argument of significant impact. That threshold is met here many times over.

4

Letter 8, cont.

II. UNRESOLVED STATE AGENCY JURISDICTION: THE IS/MND CANNOT BE FINALIZED

The Recirculated IS/MND now acknowledges that required approvals from **CDFW and the San Francisco Bay Regional Water Quality Control Board (SFRWQCB)** must be obtained. The Town's own Notice of Intent lists these as required agency approvals. Yet as of the close of this comment period, neither has been secured.

8-11

Mitigation Measure IV-10 requires submission of a Section 401 Water Quality Certification application to SFRWQCB *prior to ground disturbance*. Mitigation Measure IV-11 requires notification to CDFW to determine whether a Lake or Streambed Alteration Agreement (LSAA) is required, also *prior to ground disturbance*. These are not conditions that can be satisfied after project approval. The IS/MND additionally notes that an on-site Habitat Mitigation and Monitoring Plan (HMMP) must be developed, yet the document provides no parameters, no defined success criteria, and no timeline. **This is precisely the kind of deferred mitigation that CEQA Guidelines Section 15126.4(a)(1)(B) prohibits**.

8-12

The RWQCB has been raising concerns about this project's water jurisdiction since **at least 2015**: over a decade. The IS/MND still has not obtained a definitive state jurisdictional determination. The proposed project impacts a feature that the RWQCB considers a potential water of the State, and CDFW has jurisdiction over the bed and banks of any stream under Fish and Game Code Section 1602. The Town cannot adopt a Mitigated Negative Declaration without knowing what conditions CDFW and RWQCB will impose — or whether they will require modifications that fundamentally alter the project's design or feasibility.

8-13

Furthermore, the IS/MND continues to rely on a **2016 USACE jurisdictional determination letter**, now a decade old and predating the Supreme Court's 2023 decision in *Sackett v. EPA*, which substantially narrowed federal wetlands jurisdiction. The IS/MND uses the federal non-jurisdictional conclusion to also dismiss state jurisdiction. These are legally separate analyses. California's Porter-Cologne Act and Fish & Game Code Section 1602 establish independent state authority over waters and streambeds that is not contingent on federal CWA jurisdiction. The IS/MND does not adequately analyze state jurisdiction independently.

III. DIRECT AND DOCUMENTED FLOODING AND DRAINAGE THREATS TO OUR PROPERTY

Our property is the direct downstream recipient of this project's entire stormwater drainage system. The Recirculated IS/MND now acknowledges that the project would create **97,386 square feet of new impervious surface**, a 56% increase over the 62,224 square feet disclosed in the original IS/MND. No explanation for this 35,162 square-foot increase is provided anywhere in the Recirculated IS/MND. Our neighbor Jill Fordyce raised this discrepancy directly with Senior Planner Walters in her May 4, 2026 inquiry.

8-14

Letter 8, cont.

Every square foot of this impervious surface, including rooftops, driveways, roadways, and patios, sheds stormwater that flows downhill toward the catch basin at the rear corner of our property. We state the following as documented facts based on direct personal observation:

- **Existing catch basin capacity:** During heavy rain events, the catch basin at the rear of our property already operates at approximately 80% of its design capacity. It cannot absorb a 56% increase in contributing impervious surface.
- **Existing groundwater saturation:** We have already been required to install an independent drainage system on our lot to manage groundwater intrusion from the hillside. Despite this system, our backyard soil remains soft even during summer months, outside of rainy season. This reflects baseline conditions on this hillside even before any development.
- **Elevation differential with proposed retention pond:** Our yard sits approximately six feet below the bottom of the developer's proposed bioretention pond, which is sited uphill and adjacent to our property line. Water percolating through that pond will migrate downslope and re-emerge on our lower-elevation property. The IS/MND does not analyze this groundwater seepage pathway at all.
- **The ephemeral stream in Lot 5:** The newly confirmed stream runs directly through the lot immediately behind our home. The IS/MND concedes that full avoidance of this stream is "not possible" (Mitigation Measure IV-10). The stream carries runoff directly toward our property.

8-14, cont.

The IS/MND dismisses flooding concerns by noting the site is not within a FEMA floodplain. This is a legally irrelevant response. FEMA floodplains address riverine flooding from mapped watercourses, not hillside stormwater runoff and groundwater seepage from newly developed impervious surfaces immediately uphill of neighboring residential properties. These are categorically different hydrological processes, and the IS/MND's failure to distinguish them reflects an inadequate analysis.

The IS/MND also proposes a five-foot earth/concrete swale along the western project site boundary, adjacent to our property line, to manage site drainage. The document notes the swale will not extend into the seasonal wetland in the northwestern corner of the site. This is half way across our rear property line leaving the other half exposed to this newly directed flow. However, the IS/MND provides no analysis of how this swale will perform under extreme precipitation events, what happens if it overtops, or what its effect will be on existing drainage patterns on adjacent parcels including our property.

We formally request the following as conditions of any approval: (1) an independent, Town-commissioned hydrology study specifically analyzing downstream impacts to adjacent properties including 189 Longmeadow Drive under multiple storm scenarios; (2) a groundwater seepage analysis for the area between the proposed bioretention pond and our property; (3) binding conditions guaranteeing no increase in peak stormwater or groundwater discharge to adjacent properties; and (4) a complete written explanation of the 35,162 square-foot increase in impervious surface and revised stormwater calculations that reflect the actual project footprint.

Letter 8, cont.

IV. THE 56% INCREASE IN IMPERVIOUS SURFACE INVALIDATES EVERY TECHNICAL REPORT SUBMITTED. ALL MUST BE REDONE.

This section addresses what we believe is the single most consequential and overlooked deficiency in the Recirculated IS/MND. The unexplained growth in impervious surface from **62,224 square feet to 97,386 square feet**, an increase of **35,162 square feet, or 56%** is not merely a disclosure error. It is a fundamental change to the project description that retroactively invalidates the technical conclusions of every engineering and environmental report submitted in support of this application.

Every technical study was scoped, modeled, and calibrated to a project that generates 62,224 square feet of impervious surface. The actual project generates 97,386 square feet. These are not the same project. The following reports must each be redone, peer-reviewed, and recirculated for public comment before any approval can proceed:

8-15

- **Bay Area Hydrology Model (BAHM) Report, Appendix C of the IS/MND:** This is the most directly affected report. All stormwater runoff volumes, peak flow rates, bioretention basin sizing, and downstream drainage capacity analyses were calculated using 62,224 sf of impervious surface. A 56% increase in impervious cover produces materially higher runoff volumes and peak flows. The bioretention basins were sized to treat the wrong amount of water. The downstream infrastructure — including the catch basin at the rear corner of our property — was evaluated against the wrong runoff load. These calculations must be entirely rerun using the correct 97,386 sf figure, and the revised results must be made available for public comment.
- **Geotechnical and Geologic Hazard Investigation by Cornerstone Earth Group:** The geotechnical report analyzed grading, cut and fill volumes, slope stability, and foundation design for the original development footprint. A larger impervious area means a larger graded area, altered cut/fill volumes, different slope configurations, and changed drainage patterns across the site. The geotechnical stability conclusions — already drawn on a site with documented historic landslide activity — were based on a materially different project. The report must be updated to reflect the actual development footprint and resubmitted for peer review.
- **Cotton, Shires and Associates Geotechnical Peer Review (January 2025):** The Town's own peer reviewer evaluated the applicant's geotechnical conclusions against the original project description. If the project footprint has grown by 56% in impervious cover, the peer review is no longer valid. It reviewed a different project. A new peer review must be conducted on the updated geotechnical report.
- **Stormwater Control Plan and C.3 Compliance Analysis:** The project's C.3 Stormwater Standards compliance, which governs treatment requirements for new impervious surface, was calculated based on 62,224 sf. At 97,386 sf, the treatment requirements are substantially higher. The bioretention basins, pervious pavement areas, and drainage management areas (DMAs) shown in the project plans were designed for a smaller impervious footprint. The entire stormwater control plan must be redesigned and resubmitted based on the correct impervious surface area.
- **Erosion and Sediment Control Plan (Required by Mitigation Measure X-1):** The IS/MND's own MMRP (April 2026) acknowledges that a final erosion and sediment

7

Letter 8, cont.

control plan has not yet been prepared. This plan must be based on the actual project footprint. Given that the project footprint was materially understated in the original IS/MND, any erosion control plan prepared under the original figures would be inadequate. This plan must be completed, publicly reviewed, and approved before any ground disturbance.

- **Air Quality and GHG Modeling, CalEEMod Report Appendix A:** The CalEEMod model was calibrated to a project with 5.38 acres of lot area and 23,400 sf of building area. A larger impervious footprint implies larger buildings, larger paved areas, and greater construction activity — all of which increase emissions. The modeling must be updated to reflect the actual project scope.

8-15, cont.

The Town cannot lawfully adopt a Mitigated Negative Declaration based on technical reports that analyzed a materially different and smaller project. CEQA requires that the environmental analysis reflect the project *as actually proposed*. A project with 97,386 sf of impervious surface is not the same project as one with 62,224 sf. The IS/MND's entire technical foundation must be rebuilt on the correct project description before any further approvals can be considered.

We also note that the Recirculated IS/MND provides **no explanation whatsoever** for this 56% increase. The document simply strikes through the old number and inserts the new one. The public, the Planning Commission, and the Town Council deserve to know: What changed in the project design between the original IS/MND and the recirculated version? Was the original number a calculation error? Did the project footprint expand? Were additional roadways, driveways, or structures added? The answer to this question is material to understanding whether the Recirculated IS/MND accurately and completely describes the project being approved.

V. THE AIR QUALITY ANALYSIS IS LEGALLY INADEQUATE: AN ADMITTED THRESHOLD EXCEEDANCE, AN UNENFORCEABLE MITIGATION MEASURE, AND A MODEL THAT WAS NEVER RUN WITH ANY MITIGATION APPLIED

A. The IS/MND Admits a Significant Air Quality Impact

The IS/MND does not hide this problem. Table 2 of the Air Quality section shows the combined construction emissions of the on-site project and the required off-site sidewalk improvements would produce **64.40 lbs/day of nitrogen oxides (NOx)**, which exceeds the Bay Area Air Quality Management District (BAAQMD) significance threshold of **54 lbs/day.** The IS/MND states directly: "the combined emissions of the on-site and the off-site construction activities would exceed the BAAQMD threshold of significance for NOX" and concludes that "a potentially significant impact could occur."

8-16

This is the IS/MND's own finding. It is not a disputed number. The project, as modeled, generates construction emissions that exceed the applicable air quality standard. The only question under CEQA is whether the proposed mitigation is adequate to bring that impact below the threshold. We submit that it is not, for the following reasons.

B. The CalEEMod Model Was Run With Zero Emission Reduction Measures Selected

8-17

Letter 8, cont.

8-17, cont.

The project's CalEEMod Air Quality and Greenhouse Gas Modeling Report (Appendix A, dated February 5, 2025) contains a striking disclosure under Section 1.3, titled "User-Selected Emission Reduction Measures by Emissions Sector": **"No measures selected."** The modeling was run entirely in the unmitigated state for all construction phases. No Tier 4 equipment requirements were modeled. No phase separation was modeled. No dust suppression beyond the mandatory BAAQMD Basic Construction Mitigation Measures (BCMMs) was modeled. The model was simply run as if nothing would be done to reduce emissions beyond the legal minimum.

This creates a fundamental structural flaw in the IS/MND's air quality conclusion. Under CEQA, a Mitigated Negative Declaration must demonstrate that identified mitigation measures will reduce a potentially significant impact to a less-than-significant level. The IS/MND identified a significant NOx impact. The model used to analyze that impact incorporated no mitigation. The IS/MND cannot simultaneously claim the impact is mitigated and present a model in which no mitigation was applied.

C. The Sole Mitigation Measure Is Conditional, Unverifiable, and Internally Contradictory
The IS/MND's only response to the NOx threshold exceedance is Mitigation Measure III-1, which states:

"Prior to the issuance of any grading or building permits, the applicant shall ensure that construction of the on-site project components and the off-site sidewalk improvements occur at separate times OR that higher-tiered heavy-duty equipment is used during construction of the off-site improvements."

This measure has four independent legal and technical deficiencies:

8-18

- **The word 'OR' makes the mitigation unenforceable.** Mitigation Measure III-1 gives the applicant a binary choice between two options with no requirement to declare in advance which option will be used, by when, or before which permit. A building inspector, a Town planner, or a neighboring resident has no way to determine which option the applicant has chosen or whether they are complying with it. CEQA requires mitigation measures to be specific, enforceable, and verifiable. A measure that says 'do A or B, your choice' without any mechanism to select, record, monitor, or enforce the chosen option fails that standard.

- **Option A — phase separation — was never modeled.** The IS/MND modeled Option B: using higher-tier Tier 4 equipment during sidewalk construction, which reduces NOx to a claimed 38.55 lbs/day. But Option A, separating the construction phases entirely in time, was never run through CalEEMod. We do not know what the emissions would be under Option A because no analysis of that scenario was ever performed. The IS/MND presents Option A as equivalent mitigation, but it has no quantified basis for that conclusion.

- **Option A — phase separation — has no monitoring mechanism.** If the applicant chooses to separate construction phases in time, there is no requirement to submit a construction schedule in advance, no designated Town inspector to verify phase

Letter 8, cont.

8-18, cont.

separation in the field, no defined threshold for what constitutes 'simultaneous' versus 'separate' construction, and no consequence if phases overlap. The measure is aspirational, not enforceable.

- **Option B — higher-tier equipment — has no verification requirement.** 'Higher-tiered' refers to EPA Tier 4 diesel engine standards. If the applicant chooses Option B, there is no requirement to submit equipment certifications before construction begins, no designated inspector to verify engine tier ratings in the field, and no protocol for what happens if non-compliant equipment arrives on site. The IS/MND simply states the applicant 'shall ensure' Tier 4 equipment is used, with no mechanism to confirm that this occurs.

Taken together, these deficiencies mean that **Mitigation Measure III-1 does not constitute adequate mitigation under CEQA.** It is a scheduling suggestion with two unquantified options, no advance disclosure requirement, no monitoring mechanism, and no enforcement consequence. CEQA Guidelines Section 15126.4(a)(1)(B) requires that mitigation measures be fully enforceable through permit conditions, agreements, or other legally binding instruments. Mitigation Measure III-1 meets none of these criteria.

D. The IS/MND's Own Language Reveals the Conditionality Problem

8-19

The IS/MND's framing of the threshold exceedance is itself telling. The document states: "*if the off-site sidewalk improvements were constructed concurrently with the on-site project components, the proposed project could conflict with or obstruct implementation of the applicable air quality plans.*" The word 'if' implies that concurrent construction is a contingency to be avoided, not the baseline assumption. But the modeling itself assumed concurrent construction in order to capture the worst-case scenario. The IS/MND therefore simultaneously treats concurrency as the likely scenario for modeling purposes and as an avoidable contingency for mitigation purposes. It cannot be both.

The correct approach under CEQA would be to either: (1) commit unconditionally to phase separation, model that scenario, and demonstrate the resulting emissions are below the threshold; or (2) commit unconditionally to Tier 4 equipment, model that scenario with the mitigation applied in CalEEMod, and demonstrate the resulting emissions are below the threshold. The IS/MND does neither. It models the worst case, identifies a threshold exceedance, proposes an optional fix, and declares the impact mitigated.

E. The Basic Construction Mitigation Measures Were Claimed as Mitigation but Not Modeled

8-20

The IS/MND lists eight mandatory BAAQMD Basic Construction Mitigation Measures (BCMMs), including watering exposed surfaces twice daily, covering haul trucks, and limiting vehicle speeds. It states these measures "would help to further minimize construction-related emissions" and that their implementation "would reduce fugitive dust emissions resulting from project construction."

However, these measures were not quantified in CalEEMod. The model was run with "no measures selected" in the emission reduction section. The IS/MND is claiming emission

Letter 8, cont.

8-20, cont.

reductions from measures it never modeled. Under CEQA, a less-than-significant conclusion must be supported by substantial evidence, which means quantified analysis. Asserting that mandatory BCMMs will reduce emissions without modeling their actual effect does not constitute substantial evidence.

F. Hillbrook School Is a Sensitive Receptor That the Air Quality Analysis Ignores

Hillbrook School is a K-8 campus located **adjacent** from the project site. BAAQMD CEQA guidelines specifically require analysis of health risk and nuisance impacts on sensitive receptors, with schools identified as the most sensitive receptor category. Children's respiratory systems are uniquely vulnerable to NOx and fine particulate matter (PM2.5) because their lungs are still developing and they breathe more air per unit of body weight than adults.

8-21

The IS/MND acknowledges Hillbrook School's proximity in other sections of the document, including the noise analysis. Yet the air quality section contains no health risk assessment for the school, no analysis of PM2.5 concentrations at the school property line during construction, no assessment of cumulative exposure over the two-to-three year construction period, and no consideration of the school's outdoor activity schedule relative to construction hours. The absence of this analysis is an independent deficiency in the IS/MND's air quality section, regardless of whether the NOx threshold exceedance is resolved.

G. The 56% Impervious Surface Increase Means the Emissions Model Is Wrong

As discussed in Section IV of these comments, the project's impervious surface area grew from 62,224 sf to 97,386 sf between the original IS/MND and the recirculation, a 56% increase. The CalEEMod model was run assuming a disturbance area of **5.38 acres** and construction of 12 residences at the original project scale. A 56% larger impervious footprint means more grading,

8-22

more equipment operating hours, more concrete and asphalt poured, more haul truck trips importing the 21,082 cubic yards of fill, and more construction workers driving to and from the site each day. Every one of these activities generates additional NOx and PM2.5 emissions. The modeled emissions of 64.40 lbs/day NOx were calculated against the smaller, incorrect project. The actual emissions from the larger project were never calculated.

We request that the Town require the CalEEMod model to be rerun using: (1) the correct 97,386 sf impervious surface area and corresponding disturbance acreage; (2) a specific, binding

8-23

mitigation option selected in advance and modeled in CalEEMod rather than offered as an unquantified alternative; (3) a health risk assessment for Hillbrook School as a sensitive receptor; and (4) results made available for public comment before any approval is granted.

VI. FIRE SAFETY, LANDSLIDE RISK, AND EMERGENCY ACCESS

A. Very High Fire Hazard Severity Zone: Analysis Is Superficial and Legally Insufficient

The project site is designated a Very High Fire Hazard Severity Zone (VHFHSZ) by CAL FIRE.

8-24

The IS/MND argues that clearing native vegetation *reduces* wildfire risk. This conclusion is facially inadequate. Replacing intact native oak woodland with 12 occupied residential structures introduces permanent new ignition sources including gas lines, electrical service, and vehicles on driveways. It also introduces continuous year-round human habitation and exterior lighting. The IS/MND does not acknowledge or analyze any of these new risk factors.

Letter 8, cont.

8-24, cont.

The project is required by Government Code Section 66474.02 to make findings to the State Board of Forestry and Fire Protection for any tentative map approved in a VHFHSZ. The Town's own staff report acknowledges this requirement. We request that the full findings and any CAL FIRE review be made part of the public record before any approval is granted.

B. Single-Access Hillside: Evacuation Analysis Is Missing

8-25

The project provides primary access via a single new private driveway from Twin Oaks Drive, with a separate emergency vehicle access (EVA) route connecting to Brooke Acres Drive. At the December 17, 2025 Planning Commission hearing, multiple neighbors and a member of the public with environmental review experience raised the single-access issue. As Planning Commissioner attendee Lee Quintana — who noted 15 years of environmental review experience with the City of San Jose, stated publicly that conducting studies and obtaining agency consultations *after* approval limits what can be done, and full mitigation may not be achievable. The fire access question is exactly such a study that must be completed before approval, not deferred until after.

We request a formal fire access review by the Santa Clara County Fire Department confirming that the proposed driveway meets VHFHSZ access width, grade, and turnaround standards for emergency vehicles, and that the EVA route meets code requirements as a functional emergency egress for 12 residences simultaneously evacuating.

C. Massive Fill on a Mapped Landslide Zone

8-26

The IS/MND acknowledges the project site is within: (a) a CGS-mapped landslide hazard zone; (b) a Santa Clara County mapped landslide hazard zone; and (c) a USGS "Many Landslides" area. Despite this, the project imports **21,082 cubic yards of fill** onto hillside slopes with documented historic landslide activity. This is an extraordinary volume of earthmoving for a site with this geological history.

The IS/MND's "low to moderate" landslide risk conclusion is based on the applicant's own Cornerstone Earth Group geotechnical report and a peer review by Cotton, Shires and Associates (January 2025). The peer review and any points of disagreement between the two geotechnical firms have not been made fully available to the public. We request that the complete Cotton, Shires peer review, including all correspondence between the two firms and any unresolved points of disagreement, be included in the public administrative record.

VII. REMOVAL OF 223 PROTECTED TREES, INCLUDING SEVEN DIRECTLY BEHIND OUR HOME

8-27

The project's arborist report identified **630 protected trees** on the 17.55-acre site. The project proposes removing **223 of those trees (35% of the total)**. The Town's Tree Protection Ordinance requires 551 replacement trees; the applicant proposes only 85 on-site and proposes to pay in-lieu fees for the remaining 466 trees.

In-lieu fees do not replace the ecological functions these trees perform on this specific hillside: slope stabilization, water infiltration, erosion control, carbon sequestration, and habitat for

Letter 8, cont.

8-27, cont.

protected species including raptors, bats, and dusky-footed woodrats. These functions cannot be replicated at a different location through fee payment. The MMRP itself (April 2026) acknowledges this: it confirms that the project "would not meet the required on-site tree replacement requirement" (Mitigation Measure IV-12). **This is an admission that the project conflicts with the Town's Tree Protection Ordinance, which is an objective development standard.**

8-28

Of direct personal significance to us: located within **Lot 6**, immediately behind our home, are **seven protected trees** that currently provide sound buffering, visual privacy screening, and light filtering between our property and the homes above on Cerro Vista. At the December 17, 2025 Planning Commission hearing, we raised the specific discrepancy between the applicant's visual rendering — which showed 35 new trees to be installed — and the actual plans, which showed only 7 new trees. This discrepancy was not resolved at the hearing. We request that it be addressed on the public record.

VIII. BUILDER'S REMEDY IS BEING MISUSED: THIS IS A LUXURY HILLSIDE SUBDIVISION, NOT AN AFFORDABLE HOUSING PROJECT

The applicant invokes Builder's Remedy to bypass the Town's General Plan designation, zoning, density limits, and virtually every applicable development standard. The project requests **58 separate waivers** from Town development standards, including: exceeding maximum building height on **all 12 lots**; exceeding maximum gross floor area on multiple lots; building outside the Least Restrictive Development Area; exceeding maximum cut and fill depths on **all lots**; and allowing swimming pools on slopes exceeding 30%.

8-29

The three affordable units, Lots 1, 11, and 12, are **clustered together in one corner of the development**, physically separated from the eight market-rate homes. The applicant has requested a waiver from "Comparable Bed/Bath Size of BMPs," explicitly acknowledging that the affordable units will be smaller and less equivalent than the market-rate homes. **This directly violates the Town's Below Market Price (BMP) program requirements, which mandate**:

- BMP units must be distributed throughout the project, not concentrated in one area
- BMP units must be of comparable size, quality, and finish to market-rate units
- BMP units must be indistinguishable in exterior appearance from market-rate units

As stated in Jill Fordyce's December 17, 2025 letter (Exhibit 31): *"The project sites all affordable units together in one corner of the development. The Town's own Below Market Price (BMP) guidelines require affordable homes to be spread throughout the project and be of similar size and quality to the market-rate units. Exempting the project from BMP standards would undermine the intended public good of affordable housing."*

8-30

Builder's Remedy does not shield a project from applicable objective standards where those standards safeguard public health and safety (Gov. Code § 65589.5(d)). The Town retains the authority — and the obligation — to deny concessions and waivers that create specific adverse impacts to public health and safety. This project's fire risk, landslide risk, drainage impacts, and

Letter 8, cont.

8-30, cont.

failure to meet BMP standards provide multiple independent bases for the Town to impose conditions or deny the scope of exceptions requested.

IX. THE HILLSIDE IS AN ACTIVE, THRIVING WILDLIFE HABITAT. THE IS/MND SYSTEMATICALLY UNDERSTATES ITS ECOLOGICAL VALUE.

A. Direct Personal Testimony: Wildlife Observed From Our Property Year-Round

We submit the following as lay witness testimony in the administrative record under CEQA. As residents of [redacted] Longmeadow Drive for 42 years, with a property line abutting Lot 5 of the proposed development, we have direct, continuous, year-round observation of the wildlife that uses this hillside:

- **Mule deer:** Herds of deer are visible from our backyard on a regular basis throughout all seasons, actively using the hillside immediately behind our home for foraging, movement, and shelter. As we write these comments, three deer are currently visible from our back yard.
- **Wild turkey:** Flocks of wild turkey are regularly observed foraging across the hillside and adjacent properties throughout the year. Six turkeys are currently visible from our back yard as we write.
- **Coyote:** Coyotes are heard and seen regularly from our back yard. The night before submitting these comments, coyotes were heard howling directly behind our property. Coyotes are apex predators requiring large, connected habitat areas to sustain their territories and prey base. Their consistent presence is direct evidence of a functioning ecological community on this hillside.

8-31

- **Raptors and birds of prey:** We regularly observe hawks and owls hunting over the hillside from our property. These include what appear to be red-tailed hawks, Cooper's hawks, and owls active at dusk and dawn, species consistent with those documented in the applicant's own biological survey.
- **Woodpeckers:** Woodpeckers, including what appear to be acorn woodpeckers and northern flickers, are frequently observed and heard in the oak woodland directly behind our home. These are oak-dependent species that require standing mature trees for foraging and nesting cavities.
- **Great Blue Heron (Ardea herodias), Photographically Documented on Lot 5 (Exhibit A):** We have personally and repeatedly observed a Great Blue Heron (Ardea herodias) standing and actively hunting on the ground on Lot 5 of the proposed development — the precise lot where the February 2026 field investigation discovered the previously uncharacterized ephemeral stream. On one occasion, the heron remained on Lot 5 for several hours, walking and actively foraging, consistent with hunting fish, frogs, and aquatic invertebrates in shallow water. We have photographed this bird on Lot 5 and submit that photograph as Exhibit A to these comments. The Great Blue Heron is a federally protected migratory species under the Migratory Bird Treaty Act (MBTA), 16 U.S.C. § 703. It is exclusively a wetland and riparian forager — it does not hunt in dry grassland. Its sustained, repeated presence on Lot 5, hunting in place for hours at a time, is direct photographic evidence that the ephemeral stream and associated wet habitat on Lot 5 support active aquatic foraging by a protected species. This is not a bird passing through. This bird was using the specific water feature as a regular food source. The

Letter 8, cont.

8-31, cont.

Great Blue Heron does not appear anywhere in the applicant's biological evaluation, the IS/MND species inventory, or the Mitigation Monitoring and Reporting Program. There is no survey protocol for this species, no analysis of its use of the Lot 5 water feature, and no mitigation for the destruction of the habitat it actively depends on. The development of Lot 5 will destroy this bird's foraging habitat in direct violation of MBTA protections and without any environmental analysis under CEQA.

- **Abundant songbirds and migratory species:** The hillside supports a diverse and clearly audible bird community throughout the year, including migratory species during spring and fall passage, consistent with the site's position adjacent to the Ross Creek watershed.

Under CEQA, firsthand observations by members of the public constitute substantial evidence in the administrative record. Our 42 years of continuous observation at this specific location — with our rear property line abutting Lot 5 — provides a baseline understanding of wildlife use that no single-day biological survey conducted during dry conditions can replicate. The photographic documentation of a Great Blue Heron actively foraging on Lot 5 for several hours (Exhibit A) is particularly significant: it is a protected species, documented by photograph, using the specific lot and water feature that the IS/MND failed to characterize until forced by recirculation. We submit all of these observations as substantial evidence that this hillside functions as active, productive, legally protected wildlife habitat — and that the IS/MND's conclusion of less-than-significant biological impact is not supported by the facts on the ground.

B. The Applicant's Own Biologist Documented This Wildlife, Then Dismissed Its Significance

The applicant's Biological Evaluation (Live Oak Associates, May 2025) documented the following wildlife directly on the 178 Twin Oaks project site during a single December 2024 field visit: coyote and gray fox scat; California slender salamander; acorn woodpecker; Nuttall's woodpecker; northern flicker; California scrub-jay; chestnut-backed chickadee; oak titmouse; ruby-crowned kinglet; white-breasted nuthatch; Bewick's wren; western bluebird; hermit thrush; American robin; house finch; lesser goldfinch; white-crowned sparrow; California towhee; yellow-rumped warbler; and San Francisco dusky-footed woodrat nests in the oak woodland understory.

8-32

That is a remarkable diversity of species documented during a single dry-season visit. The biological evaluation also identified the following state and federally protected species as having potential to occur on the site: white-tailed kite (California Fully Protected), golden eagle (California Fully Protected), pallid bat (California Species of Special Concern), Townsend's big-eared bat (California Species of Special Concern), San Francisco dusky-footed woodrat (California Species of Special Concern), American badger (California Species of Special Concern), California red-legged frog, and purple martin. The grassland habitat was specifically identified as foraging habitat for raptors.

Despite documenting this rich biological community, the IS/MND concludes the project's impact on wildlife is less than significant — a conclusion the Town's own biological peer reviewer (Coast Ridge Ecology, Patrick Kobernus, December 8, 2025) directly challenged. The peer reviewer specifically recommended that the biological report be amended to describe measures to prevent impacts to *"local urban wildlife species currently traversing the site,"* and

Letter 8, cont.

8-32, cont.

further identified additional species not analyzed in the original biological report, including the obscure bumble bee and the large marble butterfly, a species currently under federal listing review by USFWS.

C. The IS/MND Dismisses Wildlife Corridor Function Without Evidence

8-33

The IS/MND states the project site is "not within a local linkage or known wildlife corridor" and concludes there is no significant impact on wildlife movement. This conclusion is unsupported and contradicted by the evidence. A mapped corridor designation is not required for a site to serve active wildlife movement functions. Our direct, year-round observations of deer herds, coyote packs, turkey flocks, and diverse raptors confirm that this hillside serves as a functional movement zone connecting the Ross Creek watershed below to the hillside habitat above, regardless of how it is classified on a regional linkage map.

The Santa Clara Valley Bird Alliance and Sierra Club specifically identified this deficiency: the IS/MND fails to analyze habitat fragmentation, loss of canopy continuity for species movement, and disruption of the connection between hillside and riparian zones. The Town's biological peer reviewer further noted that the biological report does not address whether fencing will be installed — a critical question, since fencing creates a hard barrier to wildlife movement that would permanently sever the hillside habitat from the downslope corridor connecting to Ross Creek.

D. Nocturnal Wildlife and Nighttime Lighting: An Unanalyzed Impact

8-34

The IS/MND does not analyze the impact of permanent residential nighttime lighting on the nocturnal wildlife community that actively uses this hillside. The Town's own 2040 General Plan explicitly calls for a Bird Safety Ordinance and requires that new development reduce hazardous building and architectural elements for birds. The SCVBA/Sierra Club letter documented the ecological harm of artificial light at night (ALAN) at the urban-wildland interface, including: disorientation of migratory birds navigating by starlight; disruption of predator-prey dynamics for owls, bats, and coyotes; reduction of insect populations that sustain birds and bats; and suppression of melatonin and circadian disruption in nocturnal mammals.

Our personal observations of owls and coyotes active at night in the immediate vicinity of the proposed development footprint are direct evidence that the nocturnal wildlife community will be materially affected by 12 new residential structures with exterior lighting on a hillside that is currently entirely dark. This impact is not analyzed anywhere in the IS/MND.

E. The Great Blue Heron on Lot 5 Is a Standalone CEQA and Federal Legal Issue

8-35

We wish to make the legal significance of the Great Blue Heron observation unmistakably clear to the Town, the Planning Commission, and the Town Council. This is not simply a wildlife anecdote. It is a documented intersection of a federally protected species, a specific development lot, and a water feature whose environmental significance the applicant's own recirculation admitted was missed in the original review.

Consider what the record now shows in combination:

Letter 8, cont.

- The original IS/MND failed to characterize the full extent of the ephemeral stream on Lot 5, as confirmed by the February 2026 recirculation.
- The recirculated IS/MND acknowledges that development of Lot 5 will impact this stream and that full avoidance is not possible (Mitigation Measure IV-10).
- A Great Blue Heron, a species protected under the federal Migratory Bird Treaty Act that forages exclusively in shallow water, has been photographically documented actively hunting on Lot 5, in the area of that stream, for multiple hours at a time.
- The Great Blue Heron does not appear anywhere in the applicant's biological evaluation, the IS/MND, or the MMRP. No survey for this species was conducted. No mitigation for impacts to its foraging habitat was proposed.

8-35, cont.

The conclusion is unavoidable. The IS/MND approved construction on a lot containing active foraging habitat for a federally protected migratory bird, without identifying that species, analyzing the impact on it, or proposing any mitigation. Under the Migratory Bird Treaty Act, any construction activity that results in the harm, disturbance, or mortality of a Great Blue Heron or destruction of an active nest is a federal violation — regardless of what the IS/MND says. Under CEQA, the failure to identify and analyze a known, documented impact on a protected species is an independent basis for finding the IS/MND legally inadequate.

We formally request that the Town require a supplemental biological survey specifically assessing Great Blue Heron use of Lot 5 and the associated water features, and that no grading or ground disturbance be permitted on Lot 5 until that survey is complete, its findings are disclosed, and appropriate mitigation under both CEQA, the MBTA, and California Assembly Bill 454 is determined.

The RWQCB has raised concerns about this project's water jurisdiction since at least 2015. Photographic documentation of a Great Blue Heron — an obligate wetland forager — actively hunting on Lot 5 for several hours is precisely the type of evidence these agencies rely upon when determining whether a water feature is biologically significant and whether state permits are required. Under California's no net loss wetland policy, any project that fills or degrades a functioning wetland must demonstrate avoidance or compensatory mitigation. A Great Blue Heron hunting in a water feature for hours is direct evidence that the feature is functioning, and its loss cannot simply be dismissed as less than significant.

X. ADDITIONAL ENVIRONMENTAL CONCERNS RAISED IN THE PUBLIC RECORD

8-36

The following concerns have been raised by neighbors, conservation organizations, and responsible agencies in the administrative record and are incorporated into these comments by reference:

- **Dewatering of riparian vegetation:** The RWQCB warned that the project's bioretention basins and pervious pavement divert stormwater that currently supports riparian vegetation along the ephemeral stream into storm drains. This could deprive the riparian system of the hydrology it depends on. No hydromodification management analysis has been conducted.

Letter 8, cont.

8-37 • **Mosquito and public health hazard:** Multiple neighbors raised concerns at the December 17, 2025 hearing about standing water in the proposed bioretention ponds adjacent to Hillbrook School and residential properties. West Nile Virus is an active public health concern in Santa Clara County. The IS/MND does not analyze mosquito breeding risk or long-term maintenance obligations for the retention ponds.

8-38 • **Reliance on a 2017 uncertified EIR:** As noted by neighbors and the Sierra Club/SCVBA, the IS/MND incorporates by reference a 2017 EIR that was never adopted or certified by the Town. An uncertified EIR is not a valid CEQA document. Natural environments and species populations change over time; relying on environmental baselines from a decade-old, never-adopted document does not satisfy CEQA.

8-39 • **Deferred mitigation throughout:** The MMRP (April 2026) contains numerous mitigation measures that are explicitly conditioned on future events, future plan development, or future agency action — including the HMMP, the CDFW LSAA determination, the erosion and sediment control plan, and the ongoing stormwater management. CEQA Guidelines Section 15126.4(a)(1)(B) prohibits reliance on unspecified or undefined future mitigation.

8-40 • **Noise cumulative impact:** At the December 17, 2025 hearing, we raised the fact that noise studies conducted for Hillbrook School's Conditional Use Permit found that sound levels at our home were already at the threshold of unacceptable. The cumulative noise from both Hillbrook School operations and the proposed residential development will push sound levels above that threshold for our property. The IS/MND does not analyze cumulative noise impact.

8-41 • **Light and glare into adjacent residences:** The proposed homes will be positioned uphill from and looking directly down into our backyard and windows. The IS/MND does not analyze residential light and glare impacts on neighboring downslope properties.

XI. FORMAL PROCEDURAL REQUESTS

We formally request the Town to take the following actions:

8-42
- Require preparation of a full Environmental Impact Report (EIR) prior to any further project approvals, consistent with the "fair argument" standard under CEQA Guidelines Sections 15064 and 15065
- Suspend consideration of the Recirculated IS/MND until CDFW has determined whether a Lake or Streambed Alteration Agreement is required and SFRWQCB has issued or denied the Section 401 Water Quality Certification, with the conditions of those approvals made available for public comment
- Require supplemental biological field surveys conducted during wet-season conditions, including three-season floristic surveys for special-status plant species and wet-weather hydrological mapping of the full extent of the ephemeral stream and seasonal wetland
- Make the complete geotechnical peer review by Cotton, Shires and Associates (January 2025), including all correspondence with the applicant's geotechnical firm, available in the public administrative record
- Require an independent, Town-commissioned hydrology and drainage study specifically analyzing the downstream impact on adjacent residential properties, including 189 Longmeadow Drive, under multiple precipitation scenarios

Letter 8, cont.

8-42, cont.

- Require a groundwater seepage analysis for the area between the proposed bioretention pond and our property
- Provide a written explanation of the 35,162 square-foot increase in impervious surface between the original IS/MND (62,224 sf) and the Recirculated IS/MND (97,386 sf), and require updated stormwater calculations reflecting this change
- Require the air quality CalEEMod modeling to be re-run with feasible emission reduction measures incorporated, and make the results available for public comment
- Require a formal fire access review by the Santa Clara County Fire Department confirming compliance with VHFHSZ access standards for all 12 residential units
- Deny the requested waiver from "Comparable Bed/Bath Size of BMPs" and enforce the Town's BMP distribution and comparability requirements. Affordable units must be integrated throughout the project, not clustered, and must be of comparable size and quality to market-rate units
- Deny or withhold approval of the scope of Builder's Remedy exceptions requested, on the grounds that the project as proposed creates specific adverse impacts to public health and safety that the Town is not required to approve under Gov. Code § 65589.5(d)
- Include all technical studies, all agency correspondence (CDFW, RWQCB, USACE, CAL FIRE), and all public comments in the administrative record
- Require a supplemental biological survey specifically assessing Great Blue Heron (Ardea herodias) use of Lot 5 and the associated ephemeral stream water features, consistent with Migratory Bird Treaty Act obligations; prohibit grading or ground disturbance on Lot 5 until that survey is complete and its findings publicly disclosed
- Accept and enter into the administrative record the photographic documentation of a Great Blue Heron actively foraging on Lot 5 submitted as Exhibit A with these comments

XII. CONCLUSION

We are 42-year residents of Los Gatos. As we write these final words, we can see three deer and six wild turkeys from our back yard. Last night we heard coyotes howling behind our property. This morning we watched woodpeckers working the oaks on the hillside that would be graded away. These are not abstract ecological concerns. They are the living reality of what this hillside is, right now, today.

We support responsible housing development. We do not support this project, which uses Builder's Remedy, a law intended to serve working families, to build large luxury homes on an ecologically sensitive, actively used wildlife hillside that will flood our backyard, destroy a documented riparian corridor, remove 223 protected trees, fragment active wildlife habitat, create documented fire and landslide hazards, and expose Hillbrook School children to years of construction emissions with no mitigation measures modeled. Every technical report submitted in support of this project was calculated against a materially wrong project footprint. The environmental baseline was demonstrably incomplete when the review began and required recirculation to partially correct it. The state agencies with jurisdiction over the site's waterways have not yet issued required approvals.

The April 2026 recirculation did not cure the IS/MND's fundamental deficiencies. It confirmed them. The discovery of a previously unknown stream in the development footprint of the lot

Letter 8, cont.

8-42, cont.

directly behind our home, more than a year into environmental review, is proof that the site's environmental conditions are not yet adequately understood. Under CEQA, that uncertainty requires a full Environmental Impact Report. Anything less fails the public, fails the law, and fails our community.

We respectfully urge the Planning Commission and Town Council to require a full EIR, withhold approval of this project in its current form, and enforce the Town's applicable objective standards, including the BMP requirements that give affordable housing its meaning.

Respectfully submitted,

William and Kathryn Meleyco
[redacted] Longmeadow Drive
Los Gatos, CA 95032
[redacted]

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Letter 8, cont.

EXHIBIT A

Photographic Documentation of Great Blue Heron (Ardea herodias)
Actively Foraging on Lot 5, 178 Twin Oaks Drive, Los Gatos, CA
Date: March 6, 2023



Great Blue Heron (Ardea herodias) standing on the ground on Lot 5 of the proposed Surrey Farms Estates development site, actively foraging in the area of the ephemeral stream whose existence was not disclosed in the original IS/MND (September 2025) and was discovered only after an active storm event on February 12, 2026. The heron remained on Lot 5 for several hours. Great Blue Herons are obligate wetland and riparian foragers that do not hunt in dry grassland. This bird's sustained presence on Lot 5 is direct evidence that the ephemeral stream and associated water feature support active aquatic foraging by a federally protected species.

Protected under: Migratory Bird Treaty Act (MBTA), 16 U.S.C. § 703 | California Assembly Bill 454 (2019) | California Fish and Game Code

Not identified, surveyed, or analyzed anywhere in the applicant's Biological Evaluation, IS/MND, or Mitigation Monitoring and Reporting Program.

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LETTER 8: WILLIAM AND KATHY MELEYCO

Response to Comment 8-1
The comment is introductory and does not address the adequacy of the Recirculated IS/MND. It should be noted that the commenter's previous letter was included as Letter 15 and responded to within the Responses to Comments document associated with the first circulation, which was Exhibit 13 to the staff report for the Planning Commission hearing on December 17, 2025, available at the following address: https://losgatos-ca.municodemeetings.com/bc-pc/page/planning-commission-special-2.

Response to Comment 8-2
The comment summarizes the letter's additional comments, which are responded to in further detail below. Please also see Response to Comment 5-2.

Response to Comment 8-3
As noted by the comment and discussed within the Recirculated IS/MND, the addition of Mitigation Measures IV-10 and IV-11 to the IS/MND necessitated recirculation. Additional changes were not required due to new information. The commenter appears to suggest that because one error was found in the biological resources section of the IS/MND, then other items must have been missed. This is a logical fallacy that overestimates, without substantial evidence, the number of errors in the document because one error was found. Instead, the one error that was identified has been adequately addressed in the Recirculated IS/MND (Question IV-b,c within Section IV, Biological Resources) and substantial evidence continues to support that the remaining sections of the IS/MND are adequate.

Response to Comment 8-4
The Town has responded to the letter authored by the SCVBA and SCLP referred to by the commenter. The responses were included within Exhibit 11 of the staff report for the Planning Commission hearing on December 17, 2025, and, thus, are available for review.

Response to Comment 8-5
Please see Response to Comment 5-3, as well as Responses to Comments 2-1 through 2-4, which respond to the comments submitted by the RWQCB.

Response to Comment 8-6
Additional reaches were not mapped on-site. As discussed in Responses to Comments 2-3 and 2-4, with respect to the extent of the on-site ephemeral stream, as recently confirmed by LOA during their site visit on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral stream (Recirculated IS/MND, page seven), the project would impact the lower approximately 100 to 150 feet of the ephemeral stream.

Response to Comment 8-7
Contrary to the comment, the Recirculated IS/MND does not acknowledge that three-season floristic surveys are required for any particular species, but that such surveys were already conducted on-site.

Surveys are only conducted during the species blooming period. For example, Santa Clara red ribbons bloom between April and July; surveys for species would be timed based on conditions

that year during that window, as they were in 2012 and 2013. The project site does not support typical habitat for Santa Clara red ribbons; as noted on page 45 of the Recirculated IS/MND, the Biological Evaluation prepared for the proposed project concluded that Santa Clara red ribbons and bent-flowered fiddleneck are unlikely to occur on-site because the site supports only marginally suitable habitat for the species. In addition, the site is periodically disturbed due to annual mowing for fire abatement purposes, which typically occur throughout the site to approximately 15 feet from the property line. Full rare plant surveys in 2012 and 2013 during the various blooming periods, along with the on-going disturbance, confirmed that the site lacks suitable habitat for special status plants. Thus, the proposed project is not anticipated to result in adverse effects to special-status species and the conclusions of the Recirculated IS/MND remain adequate.

Response to Comment 8-8

The entirety of the seasonal wetland in the northwestern corner of the site would be avoided, as verified by LOA in coordination with the project engineer.

Please see Responses to Comments 2-3 and 2-4, which contain responses to the RWQCB comments submitted on the Recirculated IS/MND. In addition, according to LOA, the ephemeral stream is typical of ephemeral resources (i.e., only flows with water during or shortly after a rain event). The lack of a clear incised channel along the entire length of the ephemeral stream is a clear indication of the limited water flow most of the year. Notwithstanding, the majority of Lot 8, which is located upslope and to the east of the ephemeral stream, and that currently sheet flows towards the stream during storm events, would remain undisturbed. This upslope area is shown as DMA B in the Stormwater Control Plan sheet of the BAHM report. Similarly, much of the upslope areas on Lot 9, located on the western side of the drainage, would not be disturbed. Accordingly, development of the proposed project would not be expected to substantially alter the amount of stormwater entering the ephemeral stream during storm events, as those upslope areas that would remain undisturbed would continue to sheet flow to the ephemeral stream.

Response to Comment 8-9

The on-site field surveys adequately assessed the extent of on-site potentially suitable habitats for protected wildlife species. As noted on pages 46 and 47 of the Recirculated IS/MND, potentially suitable roosting and foraging habitat for pallid bat and Townsend's big-eared bat is present on-site, trees that could provide nesting habitat for raptors and migratory birds protected by the Migratory Bird Treaty Act (MBTA) are located on-site, and San Francisco dusky-footed woodrat nests were observed within the site. As a result, the IS/MND included Mitigation Measures IV-4 through IV-7 to reduce potential impacts to the foregoing special-status species to a less-than-significant level.

It should be noted that CEQA analysis identifies the *potential* for environmental impacts to occur, and the conclusions are intended to inform the decision-makers rather than make the ultimate conclusion related to the approval of a project. The pre-construction surveys required by the mitigation measures within the Recirculated IS/MND would occur immediately prior to commencement of on-site construction, but such timing is more appropriate than conducting surveys far in advance of construction activities, as the results of the on-site survey will capture the conditions of the site closer to the date of construction than surveys conducted for the IS/MND.

Furthermore, such surveys are not the full extent of the mitigation measure requirements related to special-status wildlife species. Pre-construction surveys are required as the first step to

conclusively identify the presence or absence of specific species, the mitigation measures included within the IS/MND specify what actions shall be taken if the surveys result in positive identification, as well as the appropriate overseeing authority.

Response to Comment 8-10

Please see Response to Comment 5-2.

Response to Comment 8-11

The CEQA process must be completed and a Notice of Determination filed with the County Clerk's Office before the regulatory permits may be issued. Regulatory agencies are not able to issue permits prior to certification of a CEQA document. Therefore, the commenter's assertions about the inadequacy of Mitigation Measures IV-10 and IV-11 are baseless.

Response to Comment 8-12

A lead agency may defer formulation of the details of a mitigation measure pending further study when necessary to do so, if the lead agency describes the mitigation actions that will be considered, adopts clear performance standards for measuring the effectiveness of the measures selected, and commits the agency to the mitigation plan. A mitigation performance standard is sufficient if the mitigation identifies specific criteria the agency will apply in determining that the impact will be mitigated (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525).

Mitigation Measure IV-10, which is included in the Recirculated IS/MND to address potential impacts related to the on-site ephemeral stream, includes adequate performance standards as shown on page 55 of the Recirculated IS/MND and below:

> An on-site habitat mitigation and monitoring plan (HMMP) would need to be developed with the goal of creating, restoring, and/or enhancing the ephemeral stream with habitat functions and values greater than or equal to those existing in the impact zone. At a minimum, the HMMP should include:
>
> - The location of all enhancement and/or restoration activities;
> - Planting specifications;
> - Site maintenance and management requirements;
> - Monitoring requirements;
> - Final success criteria; and
> - Adaptive management procedures.

Because Mitigation Measure IV-10 includes a specific, enforceable performance standards for the HMMP and identifies potential actions necessary to achieve the standards, Mitigation Measure IV-10 meets the requirements of Section 15126.4(a)(1)(B) of the CEQA Guidelines, and the Recirculated IS/MND does not inappropriately defer mitigation.

Response to Comment 8-13

Please see Responses to Comments 2-1 through 2-4.

The commenter incorrectly states that the Town cannot adopt a Mitigated Negative Declaration without knowing what conditions CDFW and RWQCB will impose – or whether they will require modifications that fundamentally alter the project's design or feasibility. First, there is no credible reason to think that the resource agencies will require a fundamental alteration of the project's

design given that, as demonstrated in Response to Comment 2-4, it is feasible to fully mitigate the project's impact to the ephemeral stream elsewhere on the project site.

Second, in compliance with CEQA Guidelines Section 15126.4(B), Mitigation Measures IV-10 and IV-11 include adequate performance standards and actions that would achieve such performance standards. As stated in Practice Under the California Environmental Quality Act,[6]

> The need to defer formulation of the specifics of a mitigation measure often arises when a regulatory agency will be issuing a permit or other approval for a project and can be expected to impose mitigation requirements independent of CEQA as a condition of approval. These requirements are ordinarily worked out through a consultation and approval process that takes place after the EIR is completed. In such situations, it is often desirable to defer formulation of the specifics of mitigation measures so that they can be designed to meet the regulatory agency's requirements while also providing adequate mitigation under CEQA. When it is anticipated that a regulatory agency will impose its own mitigation requirements on a project, formulation of the details of mitigation measures identified in an EIR may be deferred if the EIR requires regulatory agency review, identifies methods the agency will consider for mitigating the impact, and indicates the expected outcome.

The preceding demonstrates that Mitigation Measures IV-10 and IV-11 of the Recirculated IS/MND are adequate pursuant to CEQA as they recognize the role that the regulatory agencies will play in determining specific mitigation requirements when issuing permits. Compliance with the applicable permit requirements would ensure that the proposed project would not have a substantial adverse effect on state protected wetlands through direct removal, filling, hydrological interruption, or other means.

Response to Comment 8-14

The impervious area calculation included in the first circulation of the IS/MND of 62,224 sf was based on information provided by the applicant team to date at that time. A calculation error was subsequently identified by the project applicant and Town after the third round of plan submittals. As a result, the previously stated increase in impervious area of 56 percent was inaccurate and inadvertently misrepresented in the earlier submittal packages. All plans, calculations, and supporting documents associated with the proposed project have since been revised accordingly. It should be noted that neither the project site boundaries nor the overall disturbance area of the site have changed.

The proposed project is not expected to increase stormwater impacts to the adjacent downhill properties along the western edge of the site. While the development will add approximately 97,000 sf of new impervious area, the project also includes a new storm drainage system specifically designed to capture, slow down, treat, and control stormwater runoff before the runoff leaves the site, in accordance with applicable State and local stormwater regulations.

Under existing conditions, stormwater from approximately 14 acres of undeveloped hillside flows across the ground surface toward the western edge of the property and eventually drains to the existing inlet located near the northwest corner of the site. Because the site is currently undeveloped, much of this runoff travels as uncontrolled surface flow before reaching the inlet. With the proposed development, the majority of the runoff would instead be intercepted earlier,

[6] Stephen L. Kostka and Linda C. Klein. *Practice Under the California Environmental Quality Act, Volume 1*. CEB: March 2026 Update, Section 14.12.

through new storm drain inlets and underground pipes, that would collect and convey stormwater directly into the proposed storm drainage system. As a result, the amount of land area draining across the western edge of the site would be significantly reduced. In post-project conditions, the existing inlet at the northwest corner of the site would receive runoff from approximately 1.5 acres, compared to approximately 14 acres today.

In other words, although the project introduces additional paved and developed areas, the proposed development would include a much more controlled drainage system that would reduce the amount of uncontrolled surface water flowing toward the existing downhill properties.

The proposed stormwater treatment system/detention basin would further help manage runoff by temporarily storing and slowly releasing stormwater at controlled rates that would be designed to match existing pre-development conditions. The basin would collect runoff from approximately one acre of the developed site, which is substantially smaller than the existing tributary area currently draining toward the western property edge. The basin also includes an impermeable liner; as such, the basin would be designed to temporarily hold and meter water through the storm drain system, rather than allow water to infiltrate into the ground.

Overall, the proposed project replaces a large amount of existing uncontrolled surface drainage with a managed stormwater collection and detention system intended to reduce surface runoff along the western property boundary and maintain controlled discharge rates consistent with existing conditions.

Response to Comment 8-15

Please see Response to Comment 8-14.

The most recent BAHM report submitted to the Town (included as Appendix C to the Recirculated IS/MND) reflects the corrected post-project impervious area of 96,894 sf, as shown in Table 1 on page four of the BAHM report. In addition, all stormwater calculations and supporting BAHM model documentation associated with this revision have been updated and incorporated into the latest plan sets submitted to the Town. This updated analysis also reflects the proposed stormwater treatment and detention measures designed to control runoff rates and maintain post-project discharge conditions consistent with existing pre-development conditions.

With respect to the air quality modeling conducted for the proposed project, please see Response to Comment 8-22 below.

Response to Comment 8-16

The comment provides a summary of the construction-related criteria pollutant emissions analysis presented in the Recirculated IS/MND and also generally alleges that the mitigation measure included in the Recirculated IS/MND to reduce construction-related emissions is inadequate. As shown in the detailed responses below, the commenter's allegation is incorrect. Thus, the analysis presented within the Recirculated IS/MND is adequate. Please see Responses to Comments 8-17 through 8-22 below.

Response to Comment 8-17

Please see Responses to Comments 8-18 and 8-20.

Response to Comment 8-18

Section 15097 of CEQA requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

A Mitigation Monitoring and Reporting Program (MMRP) was prepared for the proposed project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Recirculated IS/MND, including Mitigation Measure III-1. The MMRP would be used by Town staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation and will provide for monitoring of construction activities and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the Town of Los Gatos. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The Town will be responsible for monitoring compliance.

In addition, as stated in Mitigation Measure III-1, conformance with the requirements of Mitigation Measure III-1 shall be confirmed through review and approval of plans by the Town of Los Gatos Parks and Public Works Department.

The commenter is incorrect in stating that the on-site project components and off-site sidewalk improvements were not modeled separately. Such modeling was conducted, and the emissions for the on- and off-site project components are presented separately within Table 2 of the Recirculated IS/MND. In addition, mitigated modeling was conducted using CalEEMod to analyze the reduction in emissions that would occur through the use of higher-tiered heavy-duty equipment during construction of the off-site improvements. However, the CalEEMod results reports for both the unmitigated and the mitigated modeling conducted to analyze the emissions associated with the off-site sidewalk improvements were erroneously omitted from Appendix A of the Recirculated IS/MND. Such reports are attached to this Responses to Comments document as Appendix A, and the emissions presented therein are consistent with the emissions presented within the Recirculated IS/MND. Thus, the Recirculated IS/MND adequately demonstrates that Mitigation Measure III-1 would reduce construction-related NO_X emissions to below the applicable threshold of significance, and a less-than-significant impact would occur.

Response to Comment 8-19

As discussed on pages 34 and 35 of the Recirculated IS/MND, although the timing of the off-site sidewalk improvements is unknown, in order to provide a conservative analysis, both off-site improvements are considered to occur concurrently with the on-site project construction. Nonetheless, separate modeling was conducted using CalEEMod to estimate the emissions associated with construction of the off-site sidewalk improvements. In addition, emissions for the on- and off-site project components are presented separately within Table 2 of the Recirculated IS/MND. Mitigated modeling was also conducted using CalEEMod to analyze the reduction in emissions that would occur through the use of higher-tiered heavy-duty equipment during construction of the off-site improvements. Both scenarios were determined to adequately reduce construction-related NO_X emissions to below the applicable BAAQMD threshold of significance. Thus, both options included in Mitigation Measure III-1 would be adequate to reduce the identified impact to a less-than-significant level.

Please see Response to Comment 8-18 regarding enforcement of Mitigation Measure III-1.

Response to Comment 8-20

As noted by the commenter, the BAAQMD BCMMs were listed in the Recirculated IS/MND. In addition, the commenter is correct that the Recirculated IS/MND states that the proposed project's required implementation of the BAAQMD's BCMMs would help to further minimize construction-related emissions, and that implementation of the BAAQMD BCMMs would reduce fugitive dust emissions resulting from project construction.

The commenter's claim that, "the IS/MND is claiming emission reductions from measures it never modeled," is false. The modeling conducted for the proposed project did not include implementation of the BAAQMD BCMMs in order to present a conservative, worst-case scenario emissions estimate. Emission reductions that would occur through implementation of the BAAQMD BCMMs were not accounted for in either the maximum unmitigated construction emissions estimates presented in Table 2 of the Recirculated IS/MND or the mitigated NO_X emissions estimate presented on page 37 of the Recirculated IS/MND. Even without considering implementation of the BAAQMD BCMMs, the construction-related ROG, PM_{10}, and $PM_{2.5}$ emissions were determined to be below the applicable BAAQMD thresholds of significance, and implementation of Mitigation Measure III-1 would be adequate to reduce construction-related NO_X emissions to below the applicable BAAQMD threshold of significance. Accordingly, the BAAQMD BCMMs are not necessary or required to reduce construction-related criteria pollutant emissions to a less-than-significant level and would result in further emissions reductions from what is presented in the Recirculated IS/MND.

Response to Comment 8-21

The commenter's claim that "Hillbrook School is a sensitive receptor that the air quality analysis ignores" is false. As stated on page 38 of the Recirculated IS/MND, "the nearest existing sensitive receptors to the project site are the Hillbrook School, which includes sport fields adjacent to the northern project site boundary, and the hillside residences surrounding the project site."

In addition, health risks associated with TACs generated by the proposed project were analyzed on page 39 of the Recirculated IS/MND. As stated therein, the proposed project would not involve any land uses or operations that would be considered major sources of TACs, including diesel particulate matter (DPM). As such, the project would not generate any substantial pollutant concentrations during operations. With regard to health risks associated with project construction, health risks resulting from exposure to TACs are dependent both on dosage and the exposure period. Both factors were considered when assessing the potential impacts resulting from emission of DPM during project construction. Page 39 of the Recirculated IS/MND presents a discussion of the limited duration of potential exposure, as well as the existing regulations that would reduce the emission of DPM. For instance, project construction would be limited to approximately two years, and all off-road equipment operating at the site would be subject to the In-Use Off-Road Diesel Vehicle Regulation, which requires increasingly stringent emissions standards be met by off-road equipment. Thus, nearby receptors, including Hillbrook School, would not be exposed to emissions from on-site construction equipment for a substantial amount of time, and emissions from on-site construction equipment must be reduced in compliance with the existing statewide regulations related to off-road diesel vehicles.

A common surrogate for DPM is fine particulate matter 2.5 microns in diameter ($PM_{2.5}$), which was estimated as part of the CalEEMod emissions estimates prepared for the Recirculated

IS/MND. As demonstrated in Table 2 of the Recirculated IS/MND, exhaust emissions of $PM_{2.5}$ would be released at a maximum rate of 13.22 pounds per day (lbs/day), which is far below the BAAQMD's thresholds for significance for exhaust-related $PM_{2.5}$. While BAAQMD's threshold of significance is not necessarily meant to serve as a threshold for DPM emissions, the fact that total exhaust related $PM_{2.5}$ emissions would be far below the BAAQMD's thresholds of significance provides an indication of the comparative scope of emissions that would occur due to the proposed project. Based on the above, the amount of DPM emitted during on-site construction activity would be low, and given the dispersive nature of DPM, the ultimate dosage at any nearby receptor location would be limited. Furthermore, the period of time during which DPM emissions would occur is also relatively limited.

Because health risks are a result of dosage and exposure duration, the Recirculated IS/MND concluded that the proposed project would not result in significant health risks related to project construction. Because the project was determined not to result in the substantial release of TACs, the project would not have the potential to result in health risks to nearby receptors, and a detailed health risk analysis is not warranted.

Response to Comment 8-22

As presented on page 34 of the Recirculated IS/MND, the CalEEMod modeling prepared for the proposed project assumed a disturbance area of 5.38 acres, which was based on the project's total disturbance area of 234,538 sf per the Preliminary Grading and Drainage Plan (see Figure 4 of the Recirculated IS/MND). The 234,538 sf (5.38 acre) disturbance area assumed within the CalEEMod modeling included both pervious and impervious surfaces, and was larger than both the 62,225 sf or the 97,386 sf of impervious surfaces noted in the comment.

In addition, CalEEMod bases grading, equipment operation, concrete/asphalt, and construction worker trip assumptions on the full disturbance area acreage, not on whether surfaces within the disturbance area would be pervious or impervious. Similarly, haul truck trips are based on the total amount of soil import/export anticipated to occur, not the amount of anticipated pervious/impervious surfaces on-site. Thus, the construction emissions estimated within the CalEEMod modeling prepared for the proposed project and presented within the Recirculated IS/MND are accurate, and would not change due to the increase in impervious surfaces noted within the comment.

Response to Comment 8-23

The comment is a summary of Comments 8-16 through 8-22. Please see Response to Comments 8-16 through 8-22 accordingly.

Response to Comment 8-24

While urbanized areas contain development that is technically flammable, the rapid spread of active wildfires is most prominent in undeveloped and vegetated areas. Therefore, the removal of on-site vegetation (i.e., wildfire fuel sources) would reduce wildfire spread. In addition, residential areas are located throughout Very High FHSZs and outside of FHSZs in equal measure; such development and the associated factors, such as standard lighting features, are not considered wildfire risks. The proposed project would also be situated near existing roads, water lines, and other utilities, which would reduce risks related to wildfire.

In addition, as noted within Section VIII, Greenhouse Gas Emissions, of the Recirculated IS/MND, the proposed project would be required to include all electric (i.e., no natural gas) appliances and

plumbing in order to comply with BAAQMD thresholds of significance. The proposed project would include undergrounding of the existing overhead electrical lines. In addition, in accordance with the Town's requirements, all new or relocated electric power lines would be installed underground. Thus, the electricity lines associated with the proposed project would not present a fire risk.

The proposed project would also be required to comply with all applicable State standards and regulations associated with prevention of wildfire hazards, including the CFC. As discussed on page 109 of the Recirculated IS/MND and reiterated in Response to Comment 5-49, the proposed project would be required to install fire sprinkler systems, fire hydrants, and other applicable requirements, as well as the requirements of Chapter 7A of the CBC, including the use of ignition-resistant materials and glazed exterior windows and doors. The Builder's Remedy status of the project does not affect the applicability of the foregoing requirements, which would significantly assist in reducing the threat of a wildfire spreading from undeveloped land to the proposed structures, as well as the potential of fire spreading from the site to surrounding areas.

Response to Comment 8-25

Contrary to the comment, potential impacts to evacuation are discussed under Question IX-f within Section IX, Hazards and Hazardous Materials, as well as under Section XX, Wildfire, of the Recirculated IS/MND.

In particular, the Recirculated IS/MND notes that the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's EOP, particularly with any emergency evacuation routes. Further, in addition to the proposed access points from Twin Oaks Drive and Cerro Vista Court (for Lot 10 only), as noted on page 76 of the Recirculated IS/MND, the proposed project would include a 20-foot-wide EVA route extending south from the site to connect to Brooke Acres Drive. Following construction of the EVA route, construction trips could use the roadway. During project operations, the EVA route could also be used for egress during evacuation scenarios. Furthermore, the project improvement plans would be submitted to the Town for review by the Town, which would ensure compliance with the CFC and CBC.

Response to Comment 8-26

The peer review of the GGHI identified seven points of recommended clarification.[7] The identified items of clarification are as follows:

1. Consider providing a maximum fill thickness differential across building pads to reduce the potential for differential fill settlement under shallow foundations;
2. Provide recommendations regarding how terraced walls should be designed and clarify how to evaluate if they are surcharging the lower terraced retaining wall;
3. Provide vehicle surcharge loads (including garbage trucks) to retaining walls located adjacent to driveways, streets and garages;
4. Prepare a geologic cross section through Borings EB-6, EB-5 and Test Pit TP-6, and revise the geologic contacts on Figure 2, accordingly;
5. Discuss the stability of 15-foot to 20-foot-high terraced retaining walls and with 2:1 slopes;
6. Provide clarification where the recommended subdrains should be placed; and
7. Prepare a plan showing the estimated limits of undocumented fill.

[7] Cotton, Shires and Associates, Inc. *Geologic and Geotechnical Peer Review.* January 6, 2025.

Cornerstone confirmed the above factors would be addressed once project grading and improvement plans were finalized.[8]

Response to Comment 8-27

Mitigation Measure IV-12 within the Recirculated IS/MND requires compliance with the Town's Tree Protection Ordinance, which includes standards for in-lieu fees within Division II of Chapter 29.10 of the Town's Municipal Code. Removal of trees does not violate the Town's Tree Protection Ordinance. Payment of in-lieu fees is a standard practice of the Town and is considered sufficient mitigation.

Response to Comment 8-28

The comment in part pertains to private views, which are not protected pursuant to CEQA. Further, seven trees would not provide appreciable sound buffering, as published sources, such as from the U.S. Forest Service,[9] have noted that an 100-foot-wide planted buffer is needed to reduce noise by a noticeable level (e.g., five to eight decibels). The planted buffer must be dense with trees and shrubs to prevent gaps (e.g., if you can see through the trees or between gaps, sound can pass through). The comment does not address the adequacy of the Recirculated IS/MND and has been noted for the record.

Response to Comment 8-29

The comment pertains to the Town's Below Market Price Housing Program, which does not relate to physical impacts on the environment and, thus, is outside the scope of CEQA. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 8-30

The comment summarizes previous comments. For the reasons discussed within the original circulation of the IS/MND, the Recirculated IS/MND, and Responses to Comments 8-24 through 8-26 and 8-29, the proposed project would not have an unmitigated significant impact related to fire risk, landslide risk, and drainage impacts.

Response to Comment 8-31

The wildlife species listed by the comment are not exclusively special-status species. Please see Response to Comment 8-35.

While the Biological Evaluation prepared for the proposed project may not address impacts to every common wildlife species that may use the site, and although all species play an important role in the environment, CEQA assigns priority to special-status species. As such, special-status species must be one of the primary focal points of a CEQA-level biological analysis. Under CEQA, many species listed on California's Taxa to Watch List, continental and region-specific USFWS Birds of Conservation Concern lists, and naturally rare species (such as raptors protected under California's Birds of Prey laws) are not required to be assessed, and mitigation for potential project impacts associated with such species is not warranted.

---

8 Cornerstone Earth Group. *Interim Response to Geotechnical Peer Review.* March 5, 2025.

9 U.S. Department of Agriculture, Forst Service, Southern Research Station. *General Technical Report SRS-109: Conservation Buffers, Design Guidelines for Buffers, Corridors, and Greenways*. September 2008.

As discussed on pages 41 and 42 of the Recirculated IS/MND, for purposes of the analysis for CEQA, special-status species include the following:

- Plant and wildlife species that have been formally listed as threatened or endangered, or are candidates for such listing by the USFWS or National Marine Fisheries (NMFS);
- Plant and wildlife species that have been listed as threatened or endangered or are candidates for such listing by the CDFW;
- CDFW Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue;
- CDFW Fully Protected Species; and
- Species on CNPS Lists 1 and 2, which are considered to be rare, threatened, or endangered in California by the CNPS and CDFW.

Furthermore, common birds and raptors found throughout California are protected under California Fish and Game Code Sections 3503, 3503.5, 3511, and 3513, which prohibit the "take, possession, or destruction of birds, their nests, or eggs," and also protected under the federal MBTA. Nesting-bird surveys are recommended if work activities are scheduled during the nesting season to protect any and all nesting birds. Mitigation Measure IV-4 within the Recirculated IS/MND would ensure additional surveying is conducted accordingly and active on-site nests are not disturbed by project construction. However, the commenter's characterization of special-status species reflects a personal interpretation and does not align with the criteria used in CEQA review.

Response to Comment 8-32

Please see Response to Comment 8-31. In addition, the special-status wildlife species listed by the commenter are discussed throughout pages 45 through 51 of the Recirculated IS/MND. As discussed therein, Mitigation Measures IV-1 through IV-8 would reduce potentially significant impacts to the foregoing wildlife species to a less-than-significant level.

With respect to the obscure bumble bee and large marble butterfly, the foregoing insect species are described as requiring suitable grassland and open habitats. Such habitats are similar in nature to the habitat required by Crotch's bumble bee and western bumble bee, which are noted in the Biological Evaluation as requiring meadow and grassland habitats. Because the Crotch's bumble bee and western bumble bee were considered absent from the site due to lack of suitable habitat and nectar plants, a similar conclusion would likely be reached for the obscure bumble bee and large marble butterfly. Please also see Response to Comment 3-7.

The commenter also refers to the "Town's own biological peer reviewer (Coast Ridge Ecology, Patrick Kobernus, December 8, 2025)" and indicates that Coast Ridge Ecology directly challenged the IS/MND. This statement is inaccurate and misleading as the Town does not have a contract with Coast Ridge Ecology for peer review services.

Response to Comment 8-33

Please see Response to Comment 3-4.

Response to Comment 8-34

Please see Response to Comment 3-10.

The comment does not provide any substantial evidence that additional lighting at the site that is designed consistent with the Town's Municipal Code and policies within the Hillside Design Standards and Guidelines would affect the breeding behavior of any special-status species to a degree that would preclude them from productive breeding. Therefore, substantial evidence that a direct significant impact would occur to any special-status species as a result of project lighting has not been provided.

Response to Comment 8-35

Please see Response to Comment 8-31.

The great blue heron is not a special-status species, due to its rarity, but rather a bird that is protected by the federal MBTA. There are several other migratory birds and nesting raptors that could occur on the project site, which is precisely why the IS/MND includes Mitigation Measure IV-4. Mitigation Measure IV-4 specifies that such surveying shall be conducted by a qualified biologist within seven days prior to tree removal or ground disturbing activities if such activities are scheduled to commence during the nesting season (February 1st through August 31st), when such impacts would be considered significant under CEQA. Mitigation Measure IV-4 would protect great blue heron should they be found nesting on-site, which is unlikely, as they typically nest in colonies in tall trees, often in close proximity to water (e.g., Vasona Park). While the project site may provide foraging opportunities for great blue heron, foraging habitat for this species, which is locally common, is not protected by federal or State law. Therefore, the commenter's claim that the Recirculated IS/MND did not identify nor mitigate for an impact related to protected bird species is false.

With respect to the RWQCB, please see Response to Comment 2-3 and 2-4.

Response to Comment 8-36

Please see Responses to Comments 2-3 and 8-8.

Response to Comment 8-37

Please see Response to Comment 6-3.

Response to Comment 8-38

Please see Response to Comment 5-2.

Response to Comment 8-39

Please see Responses to Comments 4-1, 5-18, 8-8, 8-12, and 8-13.

Response to Comment 8-40

Cumulative impacts are discussed within the Recirculated IS/MND under Question XXI-b within Section XXI, Mandatory Findings of Significance. Cumulative noise is evaluated on page 113 of the Recirculated IS/MND, as follows:

> With respect to cumulative noise impacts, the primary concern related to cumulative noise levels is increased traffic noise. As previously discussed, a doubling in traffic volumes is generally required to noticeably increase traffic noise levels. The project site is located in an area that is already developed; any proposed or anticipated projects located near the project site only involve the redevelopment of already-developed parcels rather than any development of vacant sites. For example, a parcel to the east of the project site at 15995

> Cerro Vista Drive has applied for site improvements requiring a grading permit, and a project located at 16005 Shannon Road north of the project site has requested approval for the demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks. As such, undeveloped parcels in the project vicinity that could be developed to double traffic volumes on surrounding roadways do not exist. Thus, the project's increase in vehicle trips in addition to cumulative development within the Town would not combine to cause a significant impact not already identified in the Town's General Plan.

It is unclear what type of project-related noise the commenter is concerned about. The project is residential in nature and would not generate operational noise that is any different from the commenter's own home. The commenter provides no substantial evidence that this residential project would create an adverse operational noise impact.

Response to Comment 8-41

Contrary to the comment, the Recirculated IS/MND evaluates whether the project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area under Question I-d on pages 30 and 31.

In addition, the Town acknowledges that the project would increase lighting in the area, including lighting from headlights. However, there is no substantial evidence showing that vehicle trips from 12 new homes would be considered substantial (see Appendix G, Section I, Question d), and furthermore, the CEQA threshold is focused on protecting nighttime views of the area, not interior private living spaces of adjacent homes.

Response to Comment 8-42

The comment is conclusionary and summarizes the letter's previous comments. Please see Responses to Comments 8-3 through 8-41 above.

Letter 9

From: George Montanari [redacted]
Sent: Monday, May 18, 2026 8:11 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Proposed Development of 178 Twin Oaks:

[EXTERNAL SENDER]

To: Los Gatos Planning Department

9-1

I wish to be clear that my concerns of the project has nothing to do with Jim Foley.
He is a friend and I have the highest respect.

Concerns:

9-2

1- 12 Homes and 12 ADU's could mean 3 cars per lot.
That is 72 cars, at least 2 trips a day up and back...thats an additional 288 cars per day driving past our home at a minimum.
That is not counting the landscapers, pool cleaners, house cleaners, family and friends ....etc

9-3

2- The 2-3 year construction and sales cycle will be a very taxing and will impact our quality of life, that brings no value to our little neighborhood.

3- As far as I can tell, he has access on Cerro Vista and is using it for only one house?
It would help all of us if he would split the access and impact.

9-4

4-I think the reason he is not sharing the impact and load away from our neighborhood is twofold, in my opinion only:
A- Its cheaper to over load the Surrey Farms neighborhood due to change in land elevations when coming in from Cerro Vista.
B- Major push back from Cerro Vista neighbors and he has a much friendlier group of neighbors in Surrey Farms.
C- Bringing in infrastructure is more costly from Cerro Visa due to distance.

5- Also I see no neighborhood access to the open space with trails and paths. Again there is no value to our neighborhood, while we bear the full load of the hillside side being developed.

Letter 9, cont.

9-4, cont.

Forcing the homeowners on Longmeadow to bear the brunt of the impact now and forever is wrong and frankly not what this town stands for. Yes growth is inevitable but the reduction of quality of life must be fair.

Thank you
George and Jill Montanari
[redacted] Longmeadow Dr
Los Gatos Ca 95032

George Montanari
Compass
The Premier Real Estate Company
Top producer since 1980
Nationally 1% Wall Street Journal
DRE# 00780027
[redacted]

[redacted]

[redacted]

State/National Ranking

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LETTER 9: GEORGE MONTANARI

Response to Comment 9-1
The comment is introductory and does not address the adequacy of the Recirculated IS/MND.

Response to Comment 9-2
Please see Response to Comment 6-2. The comment does not specifically address the adequacy of the Recirculated IS/MND. As noted on page 89 of the Recirculated IS/MND and based off of the CalEEMod results (see Appendix A to the Recirculated IS/MND), the proposed project is anticipated to generate approximately 113 trips per day.

Response to Comment 9-3
In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions ...." (PRC section 21100. subd. [d]). Therefore, comments concerning potential social or economic effects of the project, including quality of life comments, need not be analyzed or addressed further. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 9-4
Please see Responses to Comments 6-2, 8-25, and 9-3. The commenter does not provide further details or substantial evidence regarding what CEQA impacts would occur to the homeowners on Longmeadow Drive. The Recirculated IS/MND provides substantial evidence that all of the project's potentially significant impacts can be fully mitigated through the mitigation measures included in the document. Regarding access to the open space with trails and paths, as stated on page 15 of the Recirculated IS/MND, the proposed project would maintain open space and future trail easements within and along the southern and eastern boundaries of the site (see Figure 2 herein). The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Letter 10

-----Original Message-----
From: Philip Shanker [redacted]
Sent: Monday, May 4, 2026 11:30 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Surrey Farms

[EXTERNAL SENDER]

Hello,

10-1 Given the scope of this project it is my understanding that a full EIR report is not only indicated but legally required. The entire neighborhood is opposed to the scope of this project on this hillside. The developers refuse to significantly decrease the scope. The property was passed from the original owners to the family after the parents died. Since that time the family has tried through several attempts to pursue the project despite the entire affected neighborhood objections.

Regards,

Philip J Shanker,DVM

[redacted]

Sent from my iPhone

LETTER 10: PHILIP SHANKER

Response to Comment 10-1

Please see Response to Comment 5-2.

Letter 11

From: Camas J. Steinmetz [redacted]
Sent: Friday, May 15, 2026 5:04 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Sean Mullin <SMullin@losgatosca.gov>; Jon Witkin [redacted]
Subject: RE: CEQA Public Review -Notice of Intent - Recirculated IS/MND for 178 Twin Oaks Subdivision Project

[EXTERNAL SENDER]

Hello Erin,

Please see and consider my attached letter on the Recirculated IS/ MND submitted on behalf of my client Jon Witkin.

Kind regards,

Camas

Camas J. Steinmetz, Esq.
Jorgenson, Siegel, McClure & Flegel, LLP
[redacted]

Letter 11, cont.

JORGENSON, SIEGEL, McCLURE & FLEGEL, LLP

WILLIAM L. McCLURE
JOHN L. FLEGEL
DAN K. SIEGEL
JENNIFER H. FRIEDMAN
MINDIE S. ROMANOWSKY
GREGORY K. KLINGSPORN
NICOLAS A. FLEGEL
KRISTINA A. FENTON
KIMBERLY J. BRUMMER
CAMAS J. STEINMETZ
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DAVID L. ACH

DECEASED
JOHN D. JORGENSON
(1925-2025)
MARVIN S. SIEGEL
(1936 - 2012)
JOHN R.COSGROVE
(1932 - 2017)

May 18, 2026

Erin Walters, Senior Planner
Town of Los Gatos, Community Development Department
110 E. Main Street Los Gatos, CA 95030
Email: EWalters@losgatosca.gov

Via Email

Re: 178 Twin Oaks, Surrey Farms Estates Subdivision Project Recirculated Initial Study and Mitigated Negative Declaration

Dear Ms. Walters:

These comments on the Recirculated Initial Study and Mitigated Negative Declaration for the proposed 178 Twin Oaks, Surrey Farms Estates Subdivision Project ("Project") are submitted on behalf of my client Jon Witkin and follows our letter dated October 9, 2025 commenting on the original Initial Study and Mitigated Negative Declaration for the Project ("IS/MND") circulated on September 19, 2025.

11-1

We appreciate that that the Town took the public comments and input at the February 12, 2026 hearing seriously enough to conduct an additional on-site field investigation of the site and correct the IS/ MND determinations with respect to the Project's impact on biological resources and conclude that the Project will indeed have a potentially significant impact on riparian habitat and protected wetlands. However, we disagree that the mitigation measures identified will reduce these identified impacts to a less-than-significant level. The compensation structure proposed in Mitigation Measure IV-10 lack clear performance standards, success criteria, long-

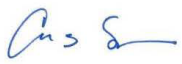
Letter 11, cont.

11-1, cont. term management and enforcement to ensure that these impacts will be reduced to a less-than significant level under the California Environmental Quality Act ("CEQA").

Moreover, the Recirculated IS/MND fails to address the serious deficiencies set forth in my October 9, 2025 letter. Accordingly, the comments set forth in that letter still stand. In summary, there is fair argument supported by substantial evidence in the record that the Project may have a significant adverse impact on the environment. Further, the IS/MND fails to adequately describe the Project, fails to adequately analyze the Project's significant environmental impacts under the California Environmental Quality Act ("CEQA"), and fails to identify feasible mitigation measures that reduce the impacts that are identified.

11-2 CEQA therefore mandates that an environmental impact report ("EIR") be prepared for the Project to ensure that the significant impacts of this Project are fully disclosed, analyzed, and mitigated and a full range of alternatives to the Project are identified and analyzed. We therefore request that Town Planning staff direct the environmental consultant to prepare an EIR and delay the Planning Commission's consideration of this Project until the EIR is prepared as required by CEQA.

Sincerely,



Camas J. Steinmetz, Esq.

LETTER 11: CAMAS STEINMETZ

Response to Comment 11-1
Please see Response to Comment 2-4.

Response to Comment 11-2
Please see Response to Comment 5-2.

Letter 12

Erin Walters, Senior Planner
Town of Los Gatos Community Development Department
110 Ease Main Street, Los Gatos, Ca 95030

RE: 178 Twin Oaks Drive, Surrey Farms Comments
Via Email

Ms. Walters

I believe we need to proceed with further studies. We can't ignore apparent safety and infrastructure deficiencies. I believe there is a big rush for housing and the planning commission are not fully taking into account the effects on current residents.

12-1 At the last meeting the town's environmental consultant did not seem very concerned with the county generated landslide map for the hillside. Two brief visits see did not see any scaring in the middle of the hillside. Although that may be covered over with weeds there was scaring in the middle of the hillside. After the 1989 Loma Prieta earthquake our family spent over $200,000.00 on home repair. Mostly foundation issues. The commissioners were more concerned with the unknown developer backing out of a previous commitment to construct a connecting neighborhood bike trail. I felt they easily dismissed any other issues.

12-2 With construction creating more quantity of water to be diverted off the hillside it is curious how all other similar subdivisions need storm drainage directed into a culvert and piped systems approved by the waterboards. A ponding basin was acceptable when the land was zoned agricultural and in the Williamson act. The proposed ponding basin creates many neighborhood issues as mosquito propagation. The Foley proposed berm will be washed away in a season. Paving over a stream bed / riparian corridor is receiving no special attention.

I knew Bob Dodge personally and he would never agree to this type of development as you are approving. He would develop in a careful, respectful manner. The land is only being entitled to be maximized and sold to the higher home builder bidder. We will also be subject to SB 9 and ADU further lot splits and building. Over the last few years we have seen massive failures in Los Angeles County with the Palisades fire and in Santa Barbara county with the Montecito flooding. We are in a designated high fire zone area. This type of overbuilding in a sensitive environmental areas always ends in disaster and we have to live through it. We currently do not have wide streets, sidewalks and night lightning. This parcel should be limited to one home per five acres or four homes maximum.

12-3 We really need to spend time to understand the ramifications of what we are creating for our town and neighbors. We can't turn over our future responsibilities to mis aligned consultants and special interest groups. Let's keep the neighborhood character and safety our prime concern.

Respectfully submitted
and Marsha Witkin
[redacted] twin Oaks Drive
70 year resident

LETTER 12: JON AND MARSHA WITKIN

Response to Comment 12-1

Potential impacts related to geology and soils, including the risks of landslide, are discussed in Section VII of the IS/MND. As discussed therein and shown in Figure 17 of the Recirculated IS/MND, the Recirculated IS/MND acknowledges that the California Geological Survey (CGS) mapping shows that all or a portion of the site lies within a landslide hazard area, and hazard mapping by Santa Clara County indicates that the eastern half of the site is within a County landslide hazard zone; USGS mapping shows that there were "Many Landslides" in the area containing the project site. However, the GGHI states that most active landslides have been observed to the south of the site, as evidenced by the State of California Landslide Inventory, and the stie is not within an area of active landslide hazard. According to the GGHI, most slopes steeper than 3:1 (horizontal:vertical) may experience some soil creep or localized shallow movement within colluvial soils that mantle the hillsides during periods of heavy rain and, thus, the GGHI includes recommendations for hillside grading requirements. The Recirculated IS/MND also includes the following analysis on page 67:

> During the excavation of test pits, evidence of either shallow or deep-seated landslide deposits were not observed, and field features indicative of slope failure and instability were not observed during the site reconnaissance. As such, the GGHI concluded that the underlying slopes of the project site are relatively stable and, thus, the landslide hazard is considered low to moderate. In addition, the peer review of the GGHI notes that the majority of the proposed residences (i.e., Lots 1, 2, 4, 5, 8, 9, 10, 11, and 12) are outside of the indicated on-site slopes (see Figure 17). While the proposed lots would exceed the maximum allowable graded cut or fill for each lot pursuant to the Hillside Development Standards and Guidelines, the proposed earthwork activities are accounted for in the analysis of the project-specific GGHI. Specifically, Section 6 of the GGHI discusses various requirements related to earthwork, including, but not limited to, temporary and permanent cut and fill slopes, subgrade preparation, wet soil stabilization, material for fill, compaction requirements, and trench backfill. Compliance with such requirements would ensure that the earthwork activities associated with the proposed project would be acceptable and would not lead to instability. Without incorporating the recommendations included within the GGHI, new fill placed for the planned structures and streets on existing inclined slopes could cause a significant impact related to slope instability.

Accordingly, Mitigation Measure VII-1, requiring compliance with the engineering recommendations of the GGHI, would ensure impacts related to soil instability would be reduced to a less-than-significant level.

Response to Comment 12-2

Please see Responses to Comments 2-4, 5-19, 6-3, and 8-8.

Response to Comment 12-3

Please see Response to Comment 6-2. The comment does not specifically address the adequacy of the Recirculated IS/MND, but expresses opinions generally in opposition of the proposed project. The comment will be forwarded to the decision-makers for their consideration.

Letter 13

From: Zamudio, Grant <[redacted]>
Sent: Monday, May 18, 2026 2:10 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Survey Farms Development Objection

[EXTERNAL SENDER]

Hi Erin,

I am writing to object to the proposed project. The grounds for my objection are below

Health & Safety Issues:

-fire, flooding, earthquake, and landslide hazards

-drainage and flooding of adjacent properties

-mosquito/disease abatement (due to retention ponds adjacent to our homes and Hillbrook School)

-pollution (light, air, water, noise)

-increased traffic through Surrey Farms and Kennedy corridor

13-1

Irreparable Environmental Harm Issues:

-harm to biological resources, protected species, and wildlife

-degradation of the hillside/ noncompliance with Hillside Development Standards and Hillside Specific Plan

-removal of protected trees

-interference with the Riparian Habitat (Ross Creek)

-detrimental effect on site geology and soils

-encroachment on protected wetlands

EIR Issue:

13-2

Additionally, we believe that a development of this scope and size on a rural hillside requires a formal EIR. Pursuant to CEQA, if there is substantial evidence, including reasonable inferences, supporting a *fair argument that a project may cause a significant environmental effect*, an EIR is mandatory. The "fair argument" standard is intentionally

Letter 13, cont.

13-2, cont.

low, designed to ensure environmental impacts are fully studied. *(It should be noted that the MND cites a 2017 EIR that was never adopted and certified by the Town.)*

Grant

Grant Zamudio, MCR

Vice Chair

Global Brokerage & Strategy

[redacted]

LETTER 13: GRANT ZAMUDIO

Response to Comment 13-1

Please see Responses to Comments 5-41, 6-2 through 6-4, 6-6, and 8-14.

Response to Comment 13-2

Please see Responses to Comments 5-2 and 6-7.

APPENDIX A

AIR QUALITY AND GREENHOUSE GAS MODELING RESULTS FOR OFF-SITE IMPROVEMENTS

Twin Oaks Lots 1-12 (Surrey Farms) Off-Site Improvements Custom Report

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5.18.1.1. Unmitigated

5.18.2. Sequestration

5.18.2.1. Unmitigated

8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Twin Oaks Lots 1-12 (Surrey Farms) Off-Site Improvements
Construction Start Date	9/1/2025
Lead Agency	Town of Los Gatos
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	12.8
Location	37.225321111983384, -121.95178138638185
County	Santa Clara
City	Los Gatos
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1946
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Road Widening	0.48	Mile	0.29	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	4.53	3.82	32.7	38.4	0.07	1.46	4.03	5.49	1.35	0.48	1.82	—	7,993	7,993	0.32	0.08	1.34	8,026
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.12	0.10	0.84	1.01	< 0.005	0.04	0.09	0.13	0.03	0.01	0.05	—	204	204	0.01	< 0.005	0.02	205
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.02	0.02	0.15	0.18	< 0.005	0.01	0.02	0.02	0.01	< 0.005	0.01	—	33.8	33.8	< 0.005	< 0.005	< 0.005	33.9

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	4.53	3.82	32.7	38.4	0.07	1.46	4.03	5.49	1.35	0.48	1.82	—	7,993	7,993	0.32	0.08	1.34	8,026
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

2025	0.12	0.10	0.84	1.01	< 0.005	0.04	0.09	0.13	0.03	0.01	0.05	—	204	204	0.01	< 0.005	0.02	205
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.02	0.02	0.15	0.18	< 0.005	0.01	0.02	0.02	0.01	< 0.005	0.01	—	33.8	33.8	< 0.005	< 0.005	< 0.005	33.9

3. Construction Emissions Details

3.1. Linear, Grubbing & Land Clearing (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.58	0.49	4.22	4.50	0.01	0.24	—	0.24	0.22	—	0.22	—	632	632	0.03	0.01	—	634
Dust From Material Movement	—	—	—	—	—	—	0.53	0.53	—	0.06	0.06	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.46	3.46	< 0.005	< 0.005	—	3.47

Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.57	0.57	< 0.005	< 0.005	—	0.58
Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.02	0.02	0.31	0.00	0.00	0.06	0.06	0.00	0.01	0.01	—	64.3	64.3	< 0.005	< 0.005	0.25	65.3
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.33	0.33	< 0.005	< 0.005	< 0.005	0.33
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.05	0.05	< 0.005	< 0.005	< 0.005	0.06

Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Linear, Grading & Excavation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	4.39	3.69	32.6	36.9	0.07	1.46	—	1.46	1.35	—	1.35	—	7,645	7,645	0.31	0.06	—	7,671
Dust From Material Movement	—	—	—	—	—	—	3.71	3.71	—	0.40	0.40	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.06	0.54	0.61	< 0.005	0.02	—	0.02	0.02	—	0.02	—	126	126	0.01	< 0.005	—	126
Dust From Material Movement	—	—	—	—	—	—	0.06	0.06	—	0.01	0.01	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.10	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	20.8	20.8	< 0.005	< 0.005	—	20.9
Dust From Material Movement	—	—	—	—	—	—	0.01	0.01	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.14	0.12	0.09	1.53	0.00	0.00	0.31	0.31	0.00	0.07	0.07	—	321	321	0.01	0.01	1.27	326
Vendor	< 0.005	< 0.005	0.03	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	27.0	27.0	< 0.005	< 0.005	0.07	28.2
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	4.95	4.95	< 0.005	< 0.005	0.01	5.02
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.44	0.44	< 0.005	< 0.005	< 0.005	0.46
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.82	0.82	< 0.005	< 0.005	< 0.005	0.83
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.07	0.07	< 0.005	< 0.005	< 0.005	0.08
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Linear, Drainage, Utilities, & Sub-Grade (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	2.25	1.88	17.2	19.9	0.04	0.69	—	0.69	0.64	—	0.64	—	4,090	4,090	0.17	0.03	—	4,104
Dust From Material Movement	—	—	—	—	—	—	1.59	1.59	—	0.17	0.17	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.03	0.24	0.27	< 0.005	0.01	—	0.01	0.01	—	0.01	—	56.0	56.0	< 0.005	< 0.005	—	56.2
Dust From Material Movement	—	—	—	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	< 0.005	0.04	0.05	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.28	9.28	< 0.005	< 0.005	—	9.31

Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.09	0.08	0.06	1.02	0.00	0.00	0.21	0.21	0.00	0.05	0.05	—	214	214	< 0.005	0.01	0.85	218
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.75	2.75	< 0.005	< 0.005	0.01	2.79
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.46	0.46	< 0.005	< 0.005	< 0.005	0.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.7. Linear, Paving (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.02	0.86	7.92	11.7	0.02	0.34	—	0.34	0.31	—	0.31	—	1,769	1,769	0.07	0.01	—	1,775
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	< 0.005	0.04	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.69	9.69	< 0.005	< 0.005	—	9.72
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.60	1.60	< 0.005	< 0.005	—	1.61
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06	0.06	0.04	0.72	0.00	0.00	0.14	0.14	0.00	0.03	0.03	—	150	150	< 0.005	0.01	0.59	152
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.77	0.77	< 0.005	< 0.005	< 0.005	0.78
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.13	0.13	< 0.005	< 0.005	< 0.005	0.13
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Linear, Grubbing & Land Clearing	Linear, Grubbing & Land Clearing	9/1/2025	9/3/2025	5.00	2.00	—
Linear, Grading & Excavation	Linear, Grading & Excavation	9/4/2025	9/12/2025	5.00	6.00	—

Linear, Drainage, Utilities, & Sub-Grade	Linear, Drainage, Utilities, & Sub-Grade	9/13/2025	9/20/2025	5.00	5.00	—
Linear, Paving	Linear, Paving	9/21/2025	9/23/2025	5.00	2.00	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Linear, Grubbing & Land Clearing	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grubbing & Land Clearing	Crawler Tractors	Diesel	Average	1.00	8.00	87.0	0.43
Linear, Grubbing & Land Clearing	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Grading & Excavation	Excavators	Diesel	Average	3.00	8.00	36.0	0.38
Linear, Grading & Excavation	Crawler Tractors	Diesel	Average	1.00	8.00	87.0	0.43
Linear, Grading & Excavation	Graders	Diesel	Average	2.00	8.00	148	0.41
Linear, Grading & Excavation	Rollers	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Grading & Excavation	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grading & Excavation	Tractors/Loaders/Backhoes	Diesel	Average	4.00	8.00	84.0	0.37
Linear, Grading & Excavation	Rubber Tired Loaders	Diesel	Average	1.00	8.00	150	0.36
Linear, Grading & Excavation	Scrapers	Diesel	Average	2.00	8.00	423	0.48
Linear, Drainage, Utilities, & Sub-Grade	Scrapers	Diesel	Average	1.00	8.00	423	0.48

Linear, Drainage, Utilities, & Sub-Grade	Rough Terrain Forklifts	Diesel	Average	1.00	8.00	96.0	0.40
Linear, Drainage, Utilities, & Sub-Grade	Tractors/Loaders/Backhoes	Diesel	Average	3.00	8.00	84.0	0.37
Linear, Drainage, Utilities, & Sub-Grade	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Drainage, Utilities, & Sub-Grade	Graders	Diesel	Average	1.00	8.00	148	0.41
Linear, Drainage, Utilities, & Sub-Grade	Plate Compactors	Diesel	Average	1.00	8.00	8.00	0.43
Linear, Drainage, Utilities, & Sub-Grade	Pumps	Diesel	Average	1.00	8.00	11.0	0.74
Linear, Drainage, Utilities, & Sub-Grade	Air Compressors	Diesel	Average	1.00	8.00	37.0	0.48
Linear, Drainage, Utilities, & Sub-Grade	Generator Sets	Diesel	Average	1.00	8.00	14.0	0.74
Linear, Paving	Rollers	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Paving	Paving Equipment	Diesel	Average	1.00	8.00	89.0	0.36
Linear, Paving	Pavers	Diesel	Average	1.00	8.00	81.0	0.42
Linear, Paving	Tractors/Loaders/Backhoes	Diesel	Average	3.00	8.00	84.0	0.37
Linear, Paving	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Linear, Grubbing & Land Clearing	—	—	—	—
Linear, Grubbing & Land Clearing	Worker	7.50	11.7	LDA,LDT1,LDT2
Linear, Grubbing & Land Clearing	Vendor	0.00	8.40	HHDT,MHDT
Linear, Grubbing & Land Clearing	Hauling	0.00	20.0	HHDT
Linear, Grubbing & Land Clearing	Onsite truck	—	—	HHDT

Linear, Grading & Excavation	—	—	—	—
Linear, Grading & Excavation	Worker	37.5	11.7	LDA,LDT1,LDT2
Linear, Grading & Excavation	Vendor	1.00	8.40	HHDT,MHDT
Linear, Grading & Excavation	Hauling	0.00	20.0	HHDT
Linear, Grading & Excavation	Onsite truck	—	—	HHDT
Linear, Drainage, Utilities, & Sub-Grade	—	—	—	—
Linear, Drainage, Utilities, & Sub-Grade	Worker	25.0	11.7	LDA,LDT1,LDT2
Linear, Drainage, Utilities, & Sub-Grade	Vendor	0.00	8.40	HHDT,MHDT
Linear, Drainage, Utilities, & Sub-Grade	Hauling	0.00	20.0	HHDT
Linear, Drainage, Utilities, & Sub-Grade	Onsite truck	—	—	HHDT
Linear, Paving	—	—	—	—
Linear, Paving	Worker	17.5	11.7	LDA,LDT1,LDT2
Linear, Paving	Vendor	0.00	8.40	HHDT,MHDT
Linear, Paving	Hauling	0.00	20.0	HHDT
Linear, Paving	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Linear, Grubbing & Land Clearing	—	—	0.29	0.00	—
Linear, Grading & Excavation	—	—	0.29	0.00	—
Linear, Drainage, Utilities, & Sub-Grade	—	—	0.29	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Road Widening	0.29	100%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2025	0.00	204	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

8. User Changes to Default Data

Screen	Justification
Land Use	Lot acreage adjusted to represent overall disturbance area associated with the proposed project.
Construction: Construction Phases	Based on typical construction practices, architectural coating assumed to start two weeks after the start of building construction and last for the same number of days. Demolition not required for the proposed project. Vertical Construction (Land Use Development) phase timing adjusted based on project-specific information provided by the project applicant.
Operations: Hearths	Based on applicant provided information, all 12 units would include electric fireplaces.

Twin Oaks Lots 1-12 (Surrey Farms) Off-Site Improvements Custom Report

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5.18.2.1. Unmitigated

5.18.2.2. Mitigated

8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Twin Oaks Lots 1-12 (Surrey Farms) Off-Site Improvements
Construction Start Date	9/1/2025
Lead Agency	Town of Los Gatos
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	12.8
Location	37.225321111983384, -121.95178138638185
County	Santa Clara
City	Los Gatos
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1946
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Road Widening	0.48	Mile	0.29	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Construction	C-5	Use Advanced Engine Tiers

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mit.	0.90	0.89	6.85	47.1	0.07	0.14	4.03	4.17	0.14	0.48	0.62	—	7,993	7,993	0.32	0.08	1.34	8,026
% Reduced	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mit.	0.03	0.03	0.19	1.21	< 0.005	< 0.005	0.09	0.10	< 0.005	0.01	0.02	—	204	204	0.01	< 0.005	0.02	205
% Reduced	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mit.	< 0.005	< 0.005	0.04	0.22	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	< 0.005	—	33.8	33.8	< 0.005	< 0.005	< 0.005	33.9
% Reduced	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

2.3. Construction Emissions by Year, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.90	0.89	6.85	47.1	0.07	0.14	4.03	4.17	0.14	0.48	0.62	—	7,993	7,993	0.32	0.08	1.34	8,026
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.03	0.03	0.19	1.21	< 0.005	< 0.005	0.09	0.10	< 0.005	0.01	0.02	—	204	204	0.01	< 0.005	0.02	205
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	< 0.005	< 0.005	0.04	0.22	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	< 0.005	—	33.8	33.8	< 0.005	< 0.005	< 0.005	33.9

3. Construction Emissions Details

3.1. Linear, Grubbing & Land Clearing (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

3.2. Linear, Grubbing & Land Clearing (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road	0.08	0.08	1.50	4.42	0.01	0.01	—	0.01	0.01	—	0.01	—	632	632	0.03	0.01	—	634
Dust From Material Movement	—	—	—	—	—	—	0.53	0.53	—	0.06	0.06	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.01	0.02	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.46	3.46	< 0.005	< 0.005	—	3.47
Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.57	0.57	< 0.005	< 0.005	—	0.58
Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.02	0.02	0.31	0.00	0.00	0.06	0.06	0.00	0.01	0.01	—	64.3	64.3	< 0.005	< 0.005	0.25	65.3
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.33	0.33	< 0.005	< 0.005	< 0.005	0.33
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.05	0.05	< 0.005	< 0.005	< 0.005	0.06
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Linear, Grading & Excavation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

3.4. Linear, Grading & Excavation (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.76	0.76	6.73	45.6	0.07	0.14	—	0.14	0.14	—	0.14	—	7,645	7,645	0.31	0.06	—	7,671
Dust From Material Movement	—	—	—	—	—	—	3.71	3.71	—	0.40	0.40	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipm	0.01	0.01	0.11	0.75	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	126	126	0.01	< 0.005	—	126
Dust From Material Movement	—	—	—	—	—	—	0.06	0.06	—	0.01	0.01	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.02	0.14	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	20.8	20.8	< 0.005	< 0.005	—	20.9
Dust From Material Movement	—	—	—	—	—	—	0.01	0.01	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.14	0.12	0.09	1.53	0.00	0.00	0.31	0.31	0.00	0.07	0.07	—	321	321	0.01	0.01	1.27	326
Vendor	< 0.005	< 0.005	0.03	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	27.0	27.0	< 0.005	< 0.005	0.07	28.2
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	4.95	4.95	< 0.005	< 0.005	0.01	5.02
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.44	0.44	< 0.005	< 0.005	< 0.005	0.46
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.82	0.82	< 0.005	< 0.005	< 0.005	0.83
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.07	0.07	< 0.005	< 0.005	< 0.005	0.08
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Linear, Drainage, Utilities, & Sub-Grade (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

3.6. Linear, Drainage, Utilities, & Sub-Grade (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.64	0.59	4.34	24.3	0.04	0.14	—	0.14	0.14	—	0.14	—	4,090	4,090	0.17	0.03	—	4,104
Dust From Material Movement	—	—	—	—	—	—	1.59	1.59	—	0.17	0.17	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.06	0.33	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	56.0	56.0	< 0.005	< 0.005	—	56.2
Dust From Material Movement	—	—	—	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.01	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.28	9.28	< 0.005	< 0.005	—	9.31

Dust From Material Movement	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.09	0.08	0.06	1.02	0.00	0.00	0.21	0.21	0.00	0.05	0.05	—	214	214	< 0.005	0.01	0.85	218
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.75	2.75	< 0.005	< 0.005	0.01	2.79
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.46	0.46	< 0.005	< 0.005	< 0.005	0.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.7. Linear, Paving (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

3.8. Linear, Paving (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.18	0.18	2.06	12.4	0.02	0.03	—	0.03	0.03	—	0.03	—	1,769	1,769	0.07	0.01	—	1,775
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.01	0.07	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.69	9.69	< 0.005	< 0.005	—	9.72
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.60	1.60	< 0.005	< 0.005	—	1.61
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06	0.06	0.04	0.72	0.00	0.00	0.14	0.14	0.00	0.03	0.03	—	150	150	< 0.005	0.01	0.59	152
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.77	0.77	< 0.005	< 0.005	< 0.005	0.78
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.13	0.13	< 0.005	< 0.005	< 0.005	0.13
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Linear, Grubbing & Land Clearing	Linear, Grubbing & Land Clearing	9/1/2025	9/3/2025	5.00	2.00	—
Linear, Grading & Excavation	Linear, Grading & Excavation	9/4/2025	9/12/2025	5.00	6.00	—
Linear, Drainage, Utilities, & Sub-Grade	Linear, Drainage, Utilities, & Sub-Grade	9/13/2025	9/20/2025	5.00	5.00	—
Linear, Paving	Linear, Paving	9/21/2025	9/23/2025	5.00	2.00	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Linear, Grubbing & Land Clearing	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grubbing & Land Clearing	Crawler Tractors	Diesel	Average	1.00	8.00	87.0	0.43
Linear, Grubbing & Land Clearing	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Grading & Excavation	Excavators	Diesel	Average	3.00	8.00	36.0	0.38
Linear, Grading & Excavation	Crawler Tractors	Diesel	Average	1.00	8.00	87.0	0.43
Linear, Grading & Excavation	Graders	Diesel	Average	2.00	8.00	148	0.41
Linear, Grading & Excavation	Rollers	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Grading & Excavation	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grading & Excavation	Tractors/Loaders/Backhoes	Diesel	Average	4.00	8.00	84.0	0.37
Linear, Grading & Excavation	Rubber Tired Loaders	Diesel	Average	1.00	8.00	150	0.36
Linear, Grading & Excavation	Scrapers	Diesel	Average	2.00	8.00	423	0.48
Linear, Drainage, Utilities, & Sub-Grade	Scrapers	Diesel	Average	1.00	8.00	423	0.48
Linear, Drainage, Utilities, & Sub-Grade	Rough Terrain Forklifts	Diesel	Average	1.00	8.00	96.0	0.40
Linear, Drainage, Utilities, & Sub-Grade	Tractors/Loaders/Backhoes	Diesel	Average	3.00	8.00	84.0	0.37
Linear, Drainage, Utilities, & Sub-Grade	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82

Linear, Drainage, Utilities, & Sub-Grade	Graders	Diesel	Average	1.00	8.00	148	0.41
Linear, Drainage, Utilities, & Sub-Grade	Plate Compactors	Diesel	Average	1.00	8.00	8.00	0.43
Linear, Drainage, Utilities, & Sub-Grade	Pumps	Diesel	Average	1.00	8.00	11.0	0.74
Linear, Drainage, Utilities, & Sub-Grade	Air Compressors	Diesel	Average	1.00	8.00	37.0	0.48
Linear, Drainage, Utilities, & Sub-Grade	Generator Sets	Diesel	Average	1.00	8.00	14.0	0.74
Linear, Paving	Rollers	Diesel	Average	2.00	8.00	36.0	0.38
Linear, Paving	Paving Equipment	Diesel	Average	1.00	8.00	89.0	0.36
Linear, Paving	Pavers	Diesel	Average	1.00	8.00	81.0	0.42
Linear, Paving	Tractors/Loaders/Backhoes	Diesel	Average	3.00	8.00	84.0	0.37
Linear, Paving	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Linear, Grubbing & Land Clearing	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grubbing & Land Clearing	Crawler Tractors	Diesel	Tier 4 Final	1.00	8.00	87.0	0.43
Linear, Grubbing & Land Clearing	Excavators	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Linear, Grading & Excavation	Excavators	Diesel	Tier 4 Final	3.00	8.00	36.0	0.38
Linear, Grading & Excavation	Crawler Tractors	Diesel	Tier 4 Final	1.00	8.00	87.0	0.43
Linear, Grading & Excavation	Graders	Diesel	Tier 4 Final	2.00	8.00	148	0.41
Linear, Grading & Excavation	Rollers	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38

Linear, Grading & Excavation	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Grading & Excavation	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	4.00	8.00	84.0	0.37
Linear, Grading & Excavation	Rubber Tired Loaders	Diesel	Tier 4 Final	1.00	8.00	150	0.36
Linear, Grading & Excavation	Scrapers	Diesel	Tier 4 Final	2.00	8.00	423	0.48
Linear, Drainage, Utilities, & Sub-Grade	Scrapers	Diesel	Tier 4 Final	1.00	8.00	423	0.48
Linear, Drainage, Utilities, & Sub-Grade	Rough Terrain Forklifts	Diesel	Tier 4 Final	1.00	8.00	96.0	0.40
Linear, Drainage, Utilities, & Sub-Grade	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	3.00	8.00	84.0	0.37
Linear, Drainage, Utilities, & Sub-Grade	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82
Linear, Drainage, Utilities, & Sub-Grade	Graders	Diesel	Tier 4 Final	1.00	8.00	148	0.41
Linear, Drainage, Utilities, & Sub-Grade	Plate Compactors	Diesel	Average	1.00	8.00	8.00	0.43
Linear, Drainage, Utilities, & Sub-Grade	Pumps	Diesel	Average	1.00	8.00	11.0	0.74
Linear, Drainage, Utilities, & Sub-Grade	Air Compressors	Diesel	Tier 4 Final	1.00	8.00	37.0	0.48
Linear, Drainage, Utilities, & Sub-Grade	Generator Sets	Diesel	Average	1.00	8.00	14.0	0.74
Linear, Paving	Rollers	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Linear, Paving	Paving Equipment	Diesel	Tier 4 Final	1.00	8.00	89.0	0.36
Linear, Paving	Pavers	Diesel	Tier 4 Final	1.00	8.00	81.0	0.42
Linear, Paving	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	3.00	8.00	84.0	0.37
Linear, Paving	Signal Boards	Electric	Average	0.00	8.00	6.00	0.82

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Linear, Grubbing & Land Clearing	—	—	—	—
Linear, Grubbing & Land Clearing	Worker	7.50	11.7	LDA,LDT1,LDT2
Linear, Grubbing & Land Clearing	Vendor	0.00	8.40	HHDT,MHDT
Linear, Grubbing & Land Clearing	Hauling	0.00	20.0	HHDT
Linear, Grubbing & Land Clearing	Onsite truck	—	—	HHDT
Linear, Grading & Excavation	—	—	—	—
Linear, Grading & Excavation	Worker	37.5	11.7	LDA,LDT1,LDT2
Linear, Grading & Excavation	Vendor	1.00	8.40	HHDT,MHDT
Linear, Grading & Excavation	Hauling	0.00	20.0	HHDT
Linear, Grading & Excavation	Onsite truck	—	—	HHDT
Linear, Drainage, Utilities, & Sub-Grade	—	—	—	—
Linear, Drainage, Utilities, & Sub-Grade	Worker	25.0	11.7	LDA,LDT1,LDT2
Linear, Drainage, Utilities, & Sub-Grade	Vendor	0.00	8.40	HHDT,MHDT
Linear, Drainage, Utilities, & Sub-Grade	Hauling	0.00	20.0	HHDT
Linear, Drainage, Utilities, & Sub-Grade	Onsite truck	—	—	HHDT
Linear, Paving	—	—	—	—
Linear, Paving	Worker	17.5	11.7	LDA,LDT1,LDT2
Linear, Paving	Vendor	0.00	8.40	HHDT,MHDT
Linear, Paving	Hauling	0.00	20.0	HHDT
Linear, Paving	Onsite truck	—	—	HHDT

5.3.2. Mitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Linear, Grubbing & Land Clearing	—	—	—	—
Linear, Grubbing & Land Clearing	Worker	7.50	11.7	LDA,LDT1,LDT2
Linear, Grubbing & Land Clearing	Vendor	0.00	8.40	HHDT,MHDT
Linear, Grubbing & Land Clearing	Hauling	0.00	20.0	HHDT
Linear, Grubbing & Land Clearing	Onsite truck	—	—	HHDT
Linear, Grading & Excavation	—	—	—	—
Linear, Grading & Excavation	Worker	37.5	11.7	LDA,LDT1,LDT2
Linear, Grading & Excavation	Vendor	1.00	8.40	HHDT,MHDT
Linear, Grading & Excavation	Hauling	0.00	20.0	HHDT
Linear, Grading & Excavation	Onsite truck	—	—	HHDT
Linear, Drainage, Utilities, & Sub-Grade	—	—	—	—
Linear, Drainage, Utilities, & Sub-Grade	Worker	25.0	11.7	LDA,LDT1,LDT2
Linear, Drainage, Utilities, & Sub-Grade	Vendor	0.00	8.40	HHDT,MHDT
Linear, Drainage, Utilities, & Sub-Grade	Hauling	0.00	20.0	HHDT
Linear, Drainage, Utilities, & Sub-Grade	Onsite truck	—	—	HHDT
Linear, Paving	—	—	—	—
Linear, Paving	Worker	17.5	11.7	LDA,LDT1,LDT2
Linear, Paving	Vendor	0.00	8.40	HHDT,MHDT
Linear, Paving	Hauling	0.00	20.0	HHDT
Linear, Paving	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Linear, Grubbing & Land Clearing	—	—	0.29	0.00	—
Linear, Grading & Excavation	—	—	0.29	0.00	—
Linear, Drainage, Utilities, & Sub-Grade	—	—	0.29	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Road Widening	0.29	100%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2025	0.00	204	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

8. User Changes to Default Data

Screen	Justification
Land Use	Lot acreage adjusted to represent overall disturbance area associated with the proposed project.
Construction: Construction Phases	Based on typical construction practices, architectural coating assumed to start two weeks after the start of building construction and last for the same number of days. Demolition not required for the proposed project. Vertical Construction (Land Use Development) phase timing adjusted based on project-specific information provided by the project applicant.
Operations: Hearths	Based on applicant provided information, all 12 units would include electric fireplaces.

PLANNING COMMISSION – *December 17, 2025*
REVISED REQUIRED FINDINGS AND CONSIDERATIONS FOR:

178 Twin Oaks Drive
Architecture and Site Applications S-24-023 through -032 and S-24-059
Vesting Tentative Map Application M-24-013
Mitigated Negative Declaration ND-25-001

Consider a Request for Approval for the Subdivision of One Lot into Twelve Lots with a Vesting Tentative Map, Construction of a New Single-Family Residence on Each Lot, Site Work Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on a Vacant Property Zoned RC. APN 532-16-006. A Recirculated Initial Study and Mitigated Negative Declaration Have Been Prepared.

Property Owner/Applicant: Larry Dodge
Project Planner: Erin Walters

FINDINGS

Required finding for CEQA:

- A Recirculated Initial Study and Mitigated Negative Declaration have been prepared for this project. It has been determined that this project will not have a significant impact on the environment with adoption of the Recirculated Mitigated Negative Declaration and Recirculated Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level.

Required finding for consistency with the Town's General Plan:

- That the proposed project is consistent with the General Plan with the incentives, and waivers requested pursuant to State Density Bonus Law and granting of the requested exceptions to the maximum allowed density pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).**

  Instead, the Town Council makes the following affirmative findings:

  a. That the proposed map is consistent with all elements of the General Plan with granting of

the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).
c. That the site is physically suitable for the type of development.
d. That the site is physically suitable for the proposed density of development.
e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat with implementation of the Mitigation Monitoring and Reporting Program and the Conditions of Approval.
f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Required Subdivision Map Findings for the Board of Forestry and Fire Protection:

- For tentative or parcel maps approved in state responsibility areas (SRA) or very high fire hazard severity zones (VH), the following findings are required to be made to the State Board of Forestry and Fire Protection (14 CCR Section 1266.02):
  1. A finding supported by substantial evidence in the record that the subdivision is consistent with:
     a. Regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, or
     b. Consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.
  2. A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:
     a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or tother public entity.
     b. The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code

§ 65589.5 (d).

Required compliance with the Town of Los Gatos Hillside Development Standards and Guidelines:

- The project meets the Town of Los Gatos Hillside Development Standards and Guidelines with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

Required compliance with the Town of Los Gatos Hillside Specific Plan:

- The project meets the Town of Los Gatos Hillside Specific Plan with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

Required for granting concession and waivers pursuant through State Density Bonus Law:

Concession(s) or incentive(s)

- CA Government Code § 65915:

(d) The Town shall grant concession(s) or incentive(s) requested by the applicant unless the Town makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

Waivers

- CA Government Code § 65915 (a)(2):

The Town shall grant waivers to the Town's development standards requested by the applicant unless the Town makes a written finding, based upon substantial evidence, that the development standard for which the waiver is requested would not physically preclude the construction of the development at the densities and with the concession permitted through Density Bonus Law.

Required findings to deny a project under State Builder's Remedy Law:

As required by CA Government Code § 65589.5 (d) of the California Housing Accountability Act, a qualifying housing development project invoking Builder's Remedy shall not be denied by the Town, or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, unless it makes written findings, based on the preponderance of the evidence in the record, as to one of the following: **None of the findings could be made to deny the application.**

1. The Town did not have a certified sixth cycle Housing Element by January 31, 2023.
2. The housing development project would not have a specific, adverse impact on the public health or safety.
3. The denial of the housing development project or imposition of conditions is not required in order to comply with specific state or federal law.
4. The housing development project is not proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. On the date the application for the housing development project was deemed complete, the Town had not adopted a revised housing element that was in substantial compliance with California Government Code Section 65589.5(d) of the California Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use Designation.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

PLANNING COMMISSION – *June 11, 2026 – Draft*
CONDITIONS OF APPROVAL

178 Twin Oaks Drive, Lots 1 -12
Vesting Tentative Map Application M-24-013
Architecture and Site Applications S-24-023 through S-24-033 and S-24-059
Mitigated Negative Declaration ND-25-001

Consider a Request for Approval for the Subdivision of One Lot into Twelve Lots with a Vesting Tentative Map, Construction of a New Single-Family Residence on Each Lot, Site Work Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on a Vacant Property Zoned RC. APN 532-16-006. A Recirculated Initial Study and Mitigated Negative Declaration Have Been Prepared.

Property Owner/Applicant: Larry Dodge
Project Planner: Erin Walters

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

APPLICABLE TO ALL LOTS

1. APPROVAL: This project is vested to the ordinances, policies, and standards in effect on December 19, 2023, and these conditions of approval conform to those ordinances, policies, and standards. This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, Development Review Committee, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested, pursuant to 29.20.335.
3. COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R): CC&Rs must be approved by the Town and recorded with the County prior to recording of map.
4. MASTER DEVELOPER: This project shall be developed and constructed by a single Master Developer responsible for the coordinated implementation of all site improvements, infrastructure, and building construction. Individual lots within the approved subdivision or development area shall not be sold, transferred, or otherwise conveyed to separate entities or individuals for the purpose of independent development, construction, or sale prior to completion of the project as a whole. Prior to recordation of any Final Map or issuance of any building permits, the applicant shall provide documentation to the Community Development Director demonstrating that a single Master Developer is responsible for construction and delivery of the project. Prior to issuance of any Certificates of Occupancy, the Town shall verify compliance with this condition. This condition shall be printed as a note on the Final Map.

5. BELOW MARKET PRICE (BMP) UNITS: The developer shall provide three (3) BMP units (low income) for sale to be sold at a price that is affordable to the target household low-income range, as required by the Town's applicable BMP Program Guidelines and the applicable BMP Resolution. A deed restriction shall be recorded prior to the issuance of any building permits for residential units, stating that the BMP unit must be sold and maintained as a below market price unit pursuant to the Town's BMP Ordinance and Guidelines.
6. AFFORDABLE HOUSING AGREEMENT: Prior to issuance of building permits for residential units, the developer shall enter into an Affordable Housing Agreement with the Town for provision of the required BMP units and to facilitate their sale pursuant to the BMP Program Guidelines and BMP Resolution in place at the time of building permit issuance.
7. PHASING OF THE CONSTRUCTION OF BMP UNITS: The Certificate of Occupancy for the first market rate unit shall not be issued until all three required BMP units have been constructed and Certificates of Occupancy for each BMP unit have been secured.
8. OPEN SPACE EASEMENTS: The Final Map submitted for recordation with the County Recorder shall include open space easements on Lots ~~2, 7,~~ 1, 4, 5, 6, 8, 9, ~~and~~ 10, 11 and 12 to protect unique natural features, habitats, and movement corridors on the property, as shown in the Development Plans and Exhibit 35 of the June 11, 2026, Planning Commission staff report. Easements lying in, on, over, under and along those certain strips of land designated and delineated as "O.S.E." (Open Space Easement). No activity or use shall be conducted in said open space easement which is not compatible with maintaining and preserving the natural or scenic character of the land. The open space easement shall be maintained by the property owner. Said easements shall be kept open and free from buildings and structures of any kind except public service structures, irrigation systems, and appurtenances thereto, lawful fences and all lawful roof overhangs.
9. PUBLIC TRAIL EASEMENTS: The Final Map submitted for recordation with the County Recorder shall include public trail easements to the Town of Los Gatos on Lots 1, 4, 5, 6, 8,9,10, 11 and 12 as shown in the Development Plans and Exhibit 35 of the June 11, 2026, Planning Commission staff report.
10. PUBLIC ART: The applicant shall comply with the requirements of Chapter 25, Article VII of the Town Code. The payment of the Los Gatos Public Art Fund in-lieu fee must be made prior to the issuance of any building permit for the development project.
11. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of Building and/or Grading Permits. Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within an updated arborist report.
12. REPLACEMENT TREES: New trees shall be planted to mitigate the loss of trees being removed. The number of trees and size of replacement trees shall be determined using the canopy replacement table in the Town Code.
13. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.

14. ARBORIST REQUIREMENTS: Prior to issuance of Building and/or Grading Permits, the developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the Building Permit plans and completed prior to issuance of a building permit where applicable and shall remain through all phases of construction.
15. TREE FENCING: Prior to issuance of Building and/or Grading Permits, protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed as shown on the Tree Protection Plan of the approved plans prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
16. TREE STAKING: Prior to final inspection, all newly planted trees shall be double staked using rubber tree ties.
17. LANDSCAPING: The final landscape plan shall comply with the Hillside Development Standards and Guidelines criteria for planting (ornamental planting shall be confined to areas within 30 feet of the house, inclusive of decks, patios and driveway). Prior to issuance of the Certificate of Occupancy, landscaping must be installed and completed.
18. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan, including landscape and irrigation plans and calculations, shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. The final landscape plan shall be reviewed by the Town's consultant prior to issuance of building permits. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
19. PROJECT IDENTIFICATION SIGNAGE: Project identification signage on the project site shall be removed within 30 days of final action on the applications.
20. EXTERIOR COLOR: The exterior colors of the house shall not exceed an average light reflectivity value of 30 and shall blend with the natural vegetation.
21. LRV DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior colors to be maintained in conformance with the Hillside Development Standards and Guidelines.
22. PROPERTY FENCE: All new fencing shall comply with Town Code Section 29.40.0315 at building permit stage, unless an exception is granted by the Community Development Director.
23. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security. The lighting plan shall be reviewed during building plan check.
24. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including

without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

25. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

ENVIRONMENTAL REVIEW MITIGATION MEASURE CONDITIONS APPLICABLE TO ALL LOTS *

26. *AIR QUALITY - III-1: The project applicant shall show on Improvement Plans via notation that the project contractor shall restrict the construction of the off-site sidewalk improvements along the north side of Blossom Hill Road between Regent Drive and Union Avenue and along the north side of Fisher Avenue between Mitchell Avenue and Roberts Road from occurring simultaneously with the on-site construction of the proposed project. Alternatively, if simultaneous construction of the on-site and off-site components of the proposed project cannot be avoided, prior to the initiation of ground disturbance associated with the off-site sidewalk improvements, the project applicant shall show on project improvement plans via notation the following requirements:
    - The contractor shall ensure that all construction equipment greater than 50 horsepower to be used in the construction of the off-site sidewalk improvements, including owned, leased, and subcontractor vehicles, shall be Tier 4 final off-road construction equipment. In addition, all off-road equipment operating at the off-site construction site must be maintained in proper working condition according to manufacturer's specifications.
    - Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.
    - Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

- Conformance with the foregoing requirements shall be confirmed through review and approval of plans by the Town of Los Gatos Community Development Department. Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.
- Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

Conformance with the foregoing requirements shall be confirmed through review and approval of plans by the Town of Los Gatos Parks and Public Works Department.

27. *BIOLOGICAL RESOURCES IV- 1, CALIFORNIA RED-LEGGED FROG: Within 48 hours prior to any ground disturbing activities or vegetation clearing within 50 feet of Ross Creek, a pre-construction survey for California red-legged frog shall be conducted by a qualified biologist. Survey results shall be submitted to the Town of Los Gatos Community Development Department.
28. *BIOLOGICAL RESOURCES IV- 2- CALIFORNIA RED-LEGGED FROG: If California red-legged frog is encountered, activities shall cease until the animal moves out of any proposed work area on its own or is relocated by a permitted qualified biologist. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.
29. *BIOLOGICAL RESOURCES IV- 3, CALIFORNIA RED-LEGGED FROG: During construction activities, fiber netting such as silt fence or similar material shall be used for erosion control where appropriate throughout the project site and within 50 feet of Ross Creek to ensure that California red-legged frog does not get trapped. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.
30. *BIOLOGICAL RESOURCES IV-4, WHITE-TAILED KITE AND OTHER NESTING RAPTORS AND MIGRATORY BIRDS: If tree removal or ground disturbing activities are scheduled to commence during the nesting season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted by a qualified biologist within seven days prior to such activities to identify possible nesting activity. Survey results shall be submitted to the Town of Los Gatos Community Development Department. If active nests are not found further mitigation is not required. If one or more active nests are found, a construction-free buffer of suitable dimensions shall be established around any active raptor or migratory bird nest for the duration of the project, or until the qualified biologist has determined that the chicks have fledged and are foraging independently from their parents. The buffer shall be identified on the ground with flagging or fencing. The buffer distance shall be determined by the on-site qualified biologist based on the species, level of disturbance activity, location of the nest, and the topography between the nest and the construction activity; the construction-free buffer shall consist of a minimum starting distance of 250 feet for raptors and 25 feet for other birds. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.
31. *BIOLOGICAL RESOURCES IV-5, PALLID BAT AND TOWNSEND'S BIG EARED BAT: Prior to the commencement of construction activities, a qualified biologist shall conduct a bat

habitat assessment of all potential roosting habitat features, including trees within the proposed impact footprint within the project vicinity. The habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one year prior to the start of construction. The results of the assessment shall be submitted to the Town of Los Gatos Community Development Department.

32. *BIOLOGICAL RESOURCES IV-6, PALLID BAT AND TOWNSEND'S BIG-EARED BAT: If potential roosting habitat is identified (cavities in trees or potential roosts within structures) within the areas proposed for impact, the biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through March on days with temperatures in excess of 50 degrees Fahrenheit) within seven days prior to the start of construction activities to determine the presence of roosting bats. The surveys are recommended to be conducted utilizing methods that are considered acceptable by CDFW and bat experts. Methods may include evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiberoptic cameras, or a combination thereof. If a non-breeding bat colony is discovered, the individuals shall be humanely evicted via two-step removal under the direction of a qualified biologist to ensure that harm or take would not occur to any bats as a result of tree removal. Two-step removal can only occur during March 1 to April 15 and September 1 to October 15 to avoid harm to maternity and overwintering colonies. If a maternity colony is detected, then a qualified biologist shall determine an appropriate size for a construction-free buffer to be established around the tree and remain in place until the qualified biologist has determined that the nursery is inactive. Tree removal shall preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.

33. *BIOLOGICAL RESOURCES IV-7, SAN FRANCISCO DUSKY-FOOTED WOODRAT: A qualified biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests between 30 and 14 days prior to the onset of construction activities. The survey shall encompass all construction zones within the woodland habitat and developed areas, and surrounding lands within 25 feet. Results of the assessment shall be submitted to the Town of Los Gatos Community Development Department. Identified nests shall be avoided, where possible, and buffered by a minimum of 20 feet. If avoidance is not possible, the nest(s) shall be manually deconstructed by a qualified biologist when helpless young are not present, typically during the non-breeding season (October through January). If is the qualified biologist has determined that young may be present during the nest deconstruction, a suitable buffer of a minimum of 20 feet shall be established around the nest until a qualified biologist determines that the young are independent enough to successfully move from the deconstructed nest. Approximate age of the juveniles shall be recorded when observed and appropriate time shall be extrapolated out to when they would be independent from their parents; then the deconstruction can continue after the biologist confirms that the young are not present in the nest at the time. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.

34. *BIOLOGICAL RESOURCES IV-8, AMERICAN BADGER: During the course of the pre-construction surveys for other species, a qualified biologist shall also determine the

presence or absence of badgers prior to the start of construction. If badgers are found to be absent, other mitigations for the protection of badgers shall not be warranted. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once a qualified biologist has determined that badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impacts to individuals or natal/reproductive den abandonment. The monitor shall be present until is the qualified biologist has determined that young are of an independent age and construction activities would not harm individual badgers. Additionally, all workers shall attend a "tailgate" training that includes a description of the species, a brief summary of the species' biology, and minimization measures and instructions on what to do if American badger is observed. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.

35. * BIOLOGICAL RESOURCES IV-9, BURROWING OWL: A qualified biologist shall conduct a preconstruction survey for burrowing owl following the 2012 CDFW Guidelines, or the most recent guidelines, which includes two surveys, one within 14 days prior to the start of construction and the second within 24 hours prior to the start of construction. If a lapse in project-related work of 15 calendar days or longer occurs, an additional survey shall be required prior to reinitiation. A written summary of the survey results shall be submitted to the Town of Los Gatos Community Development Department before any construction permits are issued. If burrowing owls or active burrows/refugia are not found, then further mitigation measures are not necessary. Identified burrowing owls shall be avoided and active burrowing owl burrows shall be avoided with a 250-foot non-disturbance buffer until the burrow is abandoned. The project biologist shall conduct a weekly check-in to confirm the buffer is still intact and confirm the current activity of that burrow. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Community Development Department.

36. <u>*BIOLOGICAL RESOURCES IV-10, WATER QUALITY CONTROL BOARD (SFRWQCB) AND CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW): Prior to initiation of any ground disturbance activities, the project applicant shall submit to the San Francisco Bay Regional Water Quality Board (SFRWQCB) an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State. The project proponent shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable SFRWQCB permit, which may include but not necessarily be limited to the following minimization and compensation measures.</u>

    a. <u>MINIMIZATION: Because full avoidance is not possible, actions shall be taken to minimize impacts to the ephemeral stream (e.g., potentially waters of the State and under jurisdiction of both RWQCB and CDFW). Measures taken during construction activities should include placing construction fencing around the ephemeral stream to</u>

be preserved to ensure that construction activities do not inadvertently impact these areas.

b. COMPENSATION: The proposed project would impact some small areas of the ephemeral stream. Therefore, the project shall replace the lost habitat value resulting from this impact through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near the impacted areas at a minimum of a 1:1 replacement-to-loss ratio as well as reseeding or replanting of vegetation in temporarily disturbed areas. The final mitigation amounts will be based on actual impacts to be determined during the design phase. If impacts are lessened, then the amount of mitigation should be appropriately reduced. It is anticipated that all compensation measures can be accommodated on-site within the existing ephemeral stream. An important consideration is to remove the existing culvert in the upper area of the stream. An on-site habitat mitigation and monitoring plan (HMMP) would need to be developed with the goal of creating, restoring, and/or enhancing the ephemeral stream with habitat functions and values greater than or equal to those existing in the impact zone. At a minimum, the HMMP should include:
   - The location of all enhancement and/or restoration activities;
   - Planting specifications;
   - Site maintenance and management requirements;
   - Monitoring requirements;
   - Final success criteria; and
   - Adaptive management procedures.

   Written verification of the 401 Water Quality Certification or Waste Discharge Requirements shall be provided to the Town of Los Gatos Community Development Department, prior to initiation of any ground disturbance activities.

37. *BIOLOGICAL RESOURCES IV-11: The CDFW maintains jurisdiction over the bed and bank of the bed, channel, and banks of any river, stream, or lake (Fish and Game Code Section 1602) and impacts to such areas may require a Lake or Streambed Alteration Agreement (LSAA). Prior to initiating construction activities, the project shall notify CDFW of the intentions of the project to determine if an LSAA is required. If required, mitigation may include restoration or enhancement of resources on-site as specified in Mitigation Measure IV-10. Written verification of Section 1600 LSAA or, if a LSSA is not required, written correspondence from CDFW to this effect, shall be provided to the Town of Los Gatos Community Development Department, prior to initiation of any ground disturbance activities.

38. * BIOLOGICAL RESOURCES IV-~~10~~12: Prior to the start of construction activities, the applicant shall comply with the Town of Los Gatos Tree Protection Ordinance, and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree. If the trees proposed for removal are found to be in good condition, and the tree removal permit is granted primarily for the convenience of the applicant, then the full cost and responsibility of such removal shall be borne by the applicant, including planting of replacement trees. According to the Tree Mitigation and Protection Plan prepared for the proposed project, the project would not meet the required on-site tree replacement requirement; thus, the project applicant shall pay the appropriate in-lieu fees, pursuant to the requirements of Division II of Chapter 29.10 of

the Town's Municipal Code. The above noted requirements shall be completed to the satisfaction of the Town of Los Gatos Planning Division.

39. *CULTURAL RESOURCES V-1: If historic, archaeological, or paleontological resources are encountered during subsurface excavation activities, all construction activities within a 100-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. The Town shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA, the Town and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologists shall also conduct appropriate technical analyses, prepare a comprehensive written report and file the report with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials.

40. *CULTURAL RESOURCES V-2: If human remains, or remains that are potentially human, are found during construction, all work shall be halted immediately within 100 feet, and a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Santa Clara County Coroner (pursuant to Section 7050.5 of the State Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill (AB) 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or MLD must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to the Town's satisfaction.

41. *GEOLOGY AND SOILS VII-1: Prior to approval of any grading or improvement plans for the project, a licensed engineer shall review the plans to ensure the engineering

recommendations set forth in the site-specific Geotechnical and Geologic Hazard Investigation prepared for the proposed project by Cornerstone Earth Group are adequately incorporated, including all relevant CBSC standards, to the satisfaction of the Town's Engineer. All grading and improvement plans shall be reviewed and approved by the Town of Los Gatos Community Development Department and the Town's Engineer.

42. *HYDROLOGY AND WATER QUALITY X-1: Prior to any ground-disturbing activities, the project applicant shall prepare and submit a final erosion and sediment control plan for review and approval by the Town of Los Gatos Engineering Division of the Parks and Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Prior to any ground disturbance, the on-site aquatic features (i.e. the ephemeral drainage/drainage swale and Ross Creek) shall be flagged by a qualified biologist with highly visible flagging tape, or similar, to clearly demarcate the limits of the aquatic features, and interim erosion control measures shall be installed around the aquatic features, at a minimum. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. The project contractor shall provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plan and SWPPP shall be prepared in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) shall be developed 48 hours prior to any likely precipitation event, defined by a 50 percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (https://www.cpc.ncep.noaa.gov/) which shall accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Parks and Public Works Department and the Building Department shall conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

43. *NOISE XIII-1: For any construction proposed within 25 feet of a noise-sensitive receptor, the proposed project shall implement construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools; use mobile construction equipment with smart back-up alarms; and implement additional noise attenuation techniques during the clearing, earth moving, grading, and foundation/conditioning phases of construction, such as

temporary sound barriers between the construction site and the sensitive receptors. The foregoing requirements shall be included in the grading plan to the satisfaction of the Town's Engineer and shall be submitted for review and approval to the Town of Los Gatos Community Development Department.

44. *NOISE XIII-2: Any compaction required within 26 feet of existing structures adjacent to the off-site improvement areas shall be accomplished by using static drum rollers, rather than vibratory compactors/rollers, which use weight instead of vibrations to achieve soil compaction. As an alternative, preconstruction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. The above requirements shall be included by way of notation on any future improvement plans approved for the off-site improvements to the satisfaction of the Town of Los Gatos Community Development Department.

45. *TRANSPORTATION XVII-1: Concurrent with submittal of final project improvement plans, the project applicant shall also submit to the Town of Los Gatos, Parks and Public Works Departement for review and approval off-site improvement plans showing the construction of new sidewalks at the following intersections:
    - Along the north side of Blossom Hill Road between Regent Drive and Union Avenue; and
    - Along the north side of Fisher Avenue between Mitchell Avenue and Roberts Road.

    The improvement plans shall demonstrate, to the satisfaction of the Town Engineer, that the off-site sidewalk improvements would comply with all applicable design parameters and requirements set forth by the Town of Los Gatos. The off-site improvements shall be constructed prior to the issuance of any certificate of occupancy for the project.

APPLICABLE TO LOT 3

46. TREE PROTECTION: Prior to issuance of a grading or building permit, the grading and retaining wall plans shall be revised to ensure no work occurs within the dripline of Trees #569 and #566. The revised plans shall be reviewed and approved by the Town's Consulting Arborist, at the applicant's expense, prior to permit issuance.

APPLICABLE TO LOTS 7 AND 8

47. SWIMMING POOL: Prior to the issuance of a building permit, the proposed pool location shall be modified to ensure that the pool is located on a slope less than 30 percent, consistent with the Hillside Development Standards and Guidelines.

Building Division

APPLICABLE TO ALL LOTS

48. PERMITS REQUIRED:
    a. A Building Permit is required for the construction of each new single-family residence and attached garage.

b. Additional Building Permits will be required for retaining walls supporting a surcharge that are not part of a building foundation.
c. A separate Building Permit will be required for each swimming pool.
d. A separate Building Permit will be required for the PV System and must be finalized prior to the issuance of the Certificate of Occupancy.

49. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12. Building Permit applications received after December 19, 2025, will be subject to the 2025 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
50. CONDITIONS OF APPROVAL: The Conditions of Approval must be included on plan sheets within the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
51. BUILDING AND SUITE NUMBERS: Submit requests for new building addresses to the Building Division before submitting the building permit application.
52. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
53. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
54. FOUNDATION INSPECTIONS: A pad certificate, prepared by a licensed civil engineer or land surveyor, shall be submitted to the project Building Inspector at the time of the foundation inspection. This certificate shall certify compliance with the recommendations specified in the Soils Report and confirm that the building pad elevations and on-site retaining wall locations and elevations have been prepared in accordance with the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
    d. Retaining wall(s) locations and elevations
55. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be directly printed onto a plan sheet.
56. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.

d. A door buzzer, bell or chime shall be hard wired at primary entrance.

57. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans and provide its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
58. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
59. WILDLAND-URBAN INTERFACE: This project is in a Wildland-Urban Interface High Fire Area and must comply with the relevant Wildland-Urban fire protection regulations in effect at the time of permit submittal.
60. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
61. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
62. APPROVALS REQUIRED: The project requires the following departments and agencies' approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks a Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
Engineering Division

APPLICABLE TO ALL LOTS

THE FOLLOWING CONDITIONS SHALL BE ADDRESSED OR NOTED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING OR GRADING PERMIT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

63. PAYMENT OF PARKS AND PUBLIC WORKS (“PPW”) ENGINEERING PLAN CHECK FEE AND INSPECTION FEE: At the time of the first construction submittal, the Applicant shall submit to the Town Engineer for approval a detailed construction project cost estimate prepared and stamped by the Applicant’s civil engineer. The cost estimate shall break out on-site and off-site improvements separately. This cost estimate will be used to determine the Engineering Plan Check Fee. A final construction cost estimate shall be

provided once the project plans are approved. This cost estimate will be used to determine the Engineering Inspection Fee. The Engineering Inspection Fee must be paid prior to the issuance of any construction related permit.

64. THIRD-PARTY PLAN CHECK FEE AND INSPECTION FEE (Special projects only): The Town will procure a third-party engineering firm to perform Plan Review and Inspection Services. Applicant shall provide an initial deposit of for consultant plan review and inspection services, plus a 20 percent deposit for staff time to process the project. This deposit and fee are required at the time of the project building permit submittal. Once this deposit is received, the Town will select the consultant and initiate the plan review process. The Applicant's deposit will be charged on a time and materials basis. A supplemental deposit will be required if the remaining deposit is expected to be exhausted prior to completion of the work. Permitted work will not be allowed to continue without available funds to complete the required inspection services. Third-party engineering services will be required for the duration of the construction and project closeout phases.

65. STORM DRAINAGE FEE: The Applicant shall pay Storm Drainage Fees in accordance with the Town's Adopted Schedule of Fees and Charges in effect at the date of Housing Crisis Act of 2019 (SB330) application for the future construction of drainage facilities serving new buildings, improvements, or structures to be constructed which substantially impair the perviousness of the surface of land. The estimated fee based on the fiscal year 2023-2024 fee schedule and various lot acreages are as follows:
    a. Lot 1 – 0.5 acres - $2,435.50.
    b. Lot 2 – 0.79 acres - $3,848.09.
    c. Lot 3 – 0.55 acres - $2,679.05.
    d. Lot 4 – 0.59 acres - $2,873.89.
    e. Lot 5 – 0.85 acres - $4,140.35.
    f. Lot 6 – 0.78 acres - $3,799.38.
    g. Lot 7 – 1.18 acres - $4,871.00.
    h. Lot 8 – 4.9 acres - $4,871.00.
    i. Lot 9 – 1.7 acres - $4,871.00.
    j. Lot 10 – 5.48 acres - $4,871.00.
    k. Lot 11 – 0.11 acres - $535.81.
    l. Lot 12 – 0.11 acres -$535.81.

66. TRAFFIC IMPACT FEES: The Owner shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the fee schedule in place at the time of the Housing Crisis Act of 2019 (SB 330) application, in accordance with the law. The fiscal year 2023-2024 Comprehensive Fee Schedule amount for new average daily trip generated is $1,104.00. The new average daily trips generated shall be obtained from the Institute of Transportation Engineers most current trip generation data released at the time the fee is paid. The fee shall be paid before issuance of any certificate of occupancy, including any temporary certificates that may be issued.

67. CONSTRUCTION ACTIVITIES MITIGATION FEE (ORDINANCE 2189): Per the Town's Comprehensive Fee Schedule, the project is subject to the Town's Construction Activities Mitigation Fee based on the square footage of new buildings. The fee is $1.43

per square foot of new residential and non-residential building area. The fee shall be calculated based on the square footage total for all units shown on the construction plans to the approval of the Town Engineer. Payment of this fee shall pe paid prior to issuance of the first building permit.

68. PERMITS REQUIRED BY OTHER AGENCIES: The Applicant shall obtain all applicable permits from federal, state, and local agencies as required to construct the proposed improvements. The Applicant is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, Fish and Wildlife (1603), The Bay Area Joint Aquatic Resources Permit Application (JARPA), Regional Water Quality Control Board, Santa Clara County Roads and Airports, Valley Water, or Habitat Permit. If the project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to PPW prior to issuance of any required Town permits. If the Town is required to be a party to the permit application and a fee is required, the Applicant shall reimburse the Town for its cost. A copy of these permits shall be provided to the satisfaction of the Town Engineer prior to the issuance of the first building permit.

69. GRADING PERMIT: A grading permit is required for all site grading and drainage work that is outside the perimeter of a building, retaining wall footing, or other structure authorized by a valid building permit. The Applicant must submit a grading permit application after the appeal period of the entitlement approval process has passed. The grading permit application shall include detailed grading plans and associated required materials. Plan check fees are based on the scope of onsite work. Prior to approval of the grading permit, the Applicant shall pay all fees due and provide faithful performance and payment securities for the performance of the work described and delineated on the approved grading plan, final erosion and sedimentation control plan, and interim erosion and sedimentation control plan (if required), in an amount to be set by the Town Engineer (but not to exceed one hundred (100) percent) of the approved estimated cost of the grading and erosion and sedimentation control measures. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney: (1) Bond or bonds issued by one or more duly authorized corporate sureties on a form approved by the Town; (2) Deposit with the Town, money, or negotiable bonds of the kind approved for securing deposits of public monies; or (3) other instrument of credit from one or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment. The grading permit shall be issued prior to the issuance of the building permit unless otherwise allowed by the Town Engineer. The permit shall be limited to work shown on the grading plans approved by the Town Engineer. In granting a permit, the Town Engineer may impose any condition deemed necessary to protect the health, safety, and welfare of the public, to prevent the creation of a nuisance or hazard to public or private property, and to assure proper completion of the grading including but not limited to: (1) Mitigation of adverse environmental impacts; (2) Improvement of any existing grading or correction of any existing grading violation to comply with Town Code; (3) Requirements for fencing or other protection of grading which would otherwise be hazardous; (4) Requirements for dust, erosion, sediment, and noise control, hours of

operation and season of work, weather conditions, sequence of work, access roads, and haul routes; (5) Requirements for safeguarding watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels; (6) Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced; (7) Temporary and permanent landscape plans.

70. PUBLIC IMPROVEMENTS: Prior to the approval of any permits or final map, whichever comes first, the Applicant/Owner must complete construction of public improvements listed in these conditions. Prior to any work being done in the Town's right-of-way, the Applicant must submit Public Improvement Plans for review and approval. All public improvements shall be made in accordance to the Town's latest adopted Standard Plans, Standard Specifications, and Engineering Design Standards and constructed prior to final map approval unless otherwise noted below. The Applicant is required to confirm the location of existing utility lines by potholing. Prior to any potholing, Applicant shall submit an Encroachment Permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right-of-way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
Once the Public Improvement Plans have been approved, the Applicant shall submit an application for an Encroachment Permit. The Encroachment Permit requires the Applicant to post the required bonds and insurance and provide a one (1) year warranty for all work to be done in the Town's right-of-way or Town easement. New concrete shall be free of stamps, logos, names, graffiti, etc. Any new concrete installed that is damaged shall be removed and replaced at the Contractor's sole expense. Prior to issuance of the encroachment permit, the Applicant shall submit a temporary traffic control plan ("TTCP") inclusive of all modes of travel for any lane or sidewalk closures. Special provisions such as limitations on working hours, protective enclosures, or other means to facilitate public access in a safe manner may be required. The TTCP shall comply with the State of California Manual of Uniform Traffic Control Devices ("MUTCD") and standard construction practices. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans. Right-of-way/Public improvements shall include, at a minimum, the following items:

a. BLOSSOM HILL ROAD: The Applicant shall install sidewalk along the north side of Blossom Hill Road between Regent Drive and Union Avenue.
b. FISHER AVENUE: The Applicant shall install sidewalk along the north side of Fisher Avenue between Mitchell Avenue and Roberts Road.
c. DRIVEWAY APPROACH(ES): The Applicant shall install three (3) Town Standard

driveway approaches as shown on the approved plans. The new driveway approaches shall be constructed per the Town Standard Drawing.

d. CERRO VISTA COURT: Due to construction activities, new utility cuts along the project frontage, and the anticipated project's truck traffic, the Applicant shall grind and provide a 2.5" overlay along the full width of Cerro Vista Court from Cerro Vista Drive to the driveway at Lot 10 frontage. Prior to overlay, any base failure repair or required dig-outs identified by the PPW Inspector shall be completed. The Town Engineer shall approve the roadway repair prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.

e. TWIN OAKS DRIVE: Due to construction activities, new utility cuts along the project frontage, and the anticipated project's truck traffic, the Applicant shall grind and provide a 2.5" overlay along the full width of Cerro Vista Court from Cerro Vista Drive to the driveway at Lot 10. frontage. Prior to overlay, any base failure repair or required dig-outs identified by the PPW Inspector shall be completed. The Town Engineer shall approve the roadway repair prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.

71. TREE REMOVAL PERMIT: The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal of existing trees on-site or in the public right-of-way prior to the issuance of a building permit or demolition building permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.

72. NEIGHBORING RUNOFF: Revise the proposed grading to ensure that the proposed improvements do not divert runoff to the detriment of adjacent properties.

73. PHASED PERMITS: The Applicant may, with the approval of the Town Engineer, phase the permits to expedite the construction process. If this is done, each phase of the work will require a separate and complete set of plans to be submitted, reviewed, and approved prior to the issuance of the said permit. Overlapping of permits may occur, if approved by the Town Engineer. No work on the next phase of construction, in advance of the permitted work, may occur. No "at risk" work will be permitted. Only the below phased permitted work will be allowed:
    a. Clearing-Grubbing/Rough Grading
    b. Fine Grading
    c. Underground Utilities
    d. Site Improvements
    e. Off-Site Improvements
    f. Plans shall be submitted, reviewed, and approved by the Town Engineer prior to the commencement of work.

74. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS: The Grading Permit Plans and Public Improvement Plans (together referred to as "Improvement Plans") shall be submitted as a set to Parks and Public Works Department along with a title report dated no older than 30 days from the date the Improvement Plans are submitted. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and

constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details.

a. Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website. The Improvement Plans shall include:

b. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a "Table of Responsibilities" summarizing ownership, access rights, and maintenance responsibilities for each facility (streets, utilities, parks, landscaping, etc.), a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.

c. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.

d. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.

e. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.

f. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.

g. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.

h. A Photometric Lighting Plan analyzing the full-width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.

i. A Traffic Signal Plan (as applicable) shall include a conduit schedule, conduit plan, pole locations, streetlights, intersection striping, power connection and meter locations, and as directed.

j. A Landscaping Plan for the project site and the full width of the public rights-of-way adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.

k. A Composite Plan showing civil, landscape, electrical, and joint trench locations combined on one drawing to identify potential conflicts between disciplines. The Composite Plan shall include the size, location, and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground). A note shall be placed on the joint trench composite plans which states that the plan agrees with Town Codes and Standards and that no underground utility conflict exists.

l. General Notes found in the Town of Los Gatos General Guidelines.

m. A statement in the general notes indicating the need to obtain a Caltrans Oversized/Overweight Vehicles Transportation Permit if oversized or overweight vehicles are expected to be used.

n. A statement that all utility boxes in vehicular pathways shall be traffic-rated.

75. STANDARD PLAN COMPLIANCE: The project shall comply with the Town's Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, the design of all off-site storm drainage facilities shall be in accordance with most current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.

76. EXISTING FACILITY PROTECTION AND REPAIR: All existing public utilities shall be either protected in place, relocated, or repaired. The Applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the Applicant's operations. This includes sidewalk, curb and gutter, streetlights, valley gutters, curb ramps, and any other existing improvements in the area that are not intended to be removed and replaced. The Applicant shall request a walk-through with the PPW construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to issuance of the first certificate of occupancy of the project.

77. UNDERGROUND UTILITIES: All new services to the development shall be placed underground in accordance with the various utility regulations. Transformers and switch gear cabinets within designated Underground Districts shall be placed underground unless otherwise approved by the Town Engineer. Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.

78. UTILITY RESPONSIBILITIES: The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. Currently, the public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in

Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.

79. UTILITY COMPANY COORDINATION: The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit "Will Serve" letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current "Carrier of Last Resort") with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Grading Permit review.

80. PREPARATION OF ELECTRICAL PLANS: All street lighting and traffic signal electrical plans shall be prepared by a California registered professional engineer experienced in preparing these types of plans. The Applicant shall submit necessary stamped and signed Traffic Signal Plan with the Improvement Plans.

81. EXTERIOR SITE LIGHTING STANDARDS: The Applicant shall submit a photometric plan for on-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the Town Engineer and shall be addressed on the construction plans submitted for the first building permit. Any subsequent building permits that include any site lighting shall also meet these requirements.

82. STORM DRAINAGE STUDY: The Applicant shall submit a Storm Drainage Study for the proposed development stormwater conveyance system evaluating pre- and post-development peak discharge rates for the theoretical 2-year, 10-year, and 100-year (50-percent, 10-percent, and 1-percent annual chance) storm events including supporting hydraulic calculations for proposed pipe network. The study must address sizing and design details for the stormwater treatment systems proposed with the development. The study shall include an evaluation of the project site drainage including topography, natural drainage patterns, and existing man-made diversions (structures, raised pads, fences, etc.). If the study indicates that the theoretical water surface elevation or hydraulic grade line of the proposed development during a 10 percent annual chance storm event is above ground level at any point, the Applicant shall construct and dedicate to the Town new downstream storm drainage facilities necessary to achieve a connection point water depth no more than 80 percent full during the projected 10 percent annual chance storm event. The study must evaluate the 1 percent annual chance storm event base flood elevation. The finish floor elevations of all structures shall be constructed to be reasonable safe from flooding per Town Code Section 29.90.080(1)(c.) which is typically done by constructing finished floors at 1-foot above

base flood elevation. The Applicant shall submit the study for review and approval by the Town Engineer prior to the issuance of the first building permit.

83. STORMWATER MANAGEMENT PLAN: The Applicant shall develop a Storm Water Management Plan ("SWMP") that complies with the California Water Board regulations and delineates site design measures, source control measures, low-impact-development (LID) treatment measures, hydromodification management measures, and construction site controls as appropriate. The Plan must indicate erosion protection measures for the inlet structures (e.g., pipe outlets, pump dissipator pipes, and/or bubblers). For the Bay Area Hydrologic Modification ("BAHM") analysis, the Applicant must provide pump operations and intended routing during various runoff conditions (i.e., treatment runoff vs. Hydrologic Modification controls) and the rationale for the pump size selected relative to the treatment flow rate. The Applicant shall update the BAHM analysis to conform to project conditions to the satisfaction of the Town Engineer and include a summary of the changes made to the BAHM analysis since the entitlement plan review for review by the C3 consultant. The Applicant must select and indicate bioretention area plants capable of withstanding and surviving the higher design ponding conditions. If pumps are proposed, the Applicant must:
    a. Provide pump discharge rates that receiving bioretention areas are capable of treating, to avoid consistently overwhelming the bioretention areas.
    b. The Applicant must include an alarm system that will notify the owner or operator of a pump failure.
    c. If off-site improvements modify the quantities of regulated and unregulated off-site impervious area, the Applicant must update Section 2, item "d" and Section 8 of the C.3 Data Form to reflect those changes.
84. DEVELOPER STORM WATER QUALITY RESPONSIBILITY: The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 – Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
85. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drains (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language using methods approved by the Town Engineer on all storm inlets surrounding and within the project parcel. Furthermore, storm drains shall be designed to serve exclusively stormwater. Dual-purpose storm drains that switch to sanitary sewer are not permitted in the Town of Los Gatos. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
86. OFF-SITE DRAINAGE: The Applicant shall not alter any existing drainage patterns without an approved Grading Permit.
87. CLEAN, INSPECT, AND REPAIR STORM LINE: If the project will connect to the public storm drainage system, the Applicant is required to evaluate the conditions of the

existing storm lines along the project frontage by videotaping and providing the result to the Town Engineer. The Applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company and be completed prior to building permit issuance. The video of the inspection shall be reviewed with PPW and any cracked, broken, or otherwise compromised integrity is found, the areas of the line along the project frontage shall be repaired by the Applicant at the applicant's expense. The Applicant shall include the required repairs on the Improvement Plans submitted. All necessary repairs to the storm line shall be completed and approved prior to the project connecting to the storm drainage system.

88. GRADING AND DRAINAGE WINTER MORATORIUM: All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan does not guarantee approval. Any approved and executed plan must be kept on-site while the project is in construction.

89. SWPPP AND EROSION CONTROL: The Applicant shall prepare and submit a comprehensive stormwater pollution prevention plan (SWPPP) inclusive of interim and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall ensure a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) monitors erosion and sediment control as required by the Construction General Permit. The Applicant must take measures to ensure continuous compliance with the Construction General Permit, and shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the Applicant is to implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The Applicant shall provide the Town Engineer the assigned Notice of Intent (NOI) permit number received after filing a Notice of Intent under the Construction Stormwater General Permit. The erosion control plans and SWPPP shall comply with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). All test submitted to the regional board must also be submitted to the Town Engineer. Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the recognized storm

season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

90. SITE TRIANGLE AND TRAFFIC VIEW AREA: Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.

91. GEOTECHNICAL REVIEW: Prior to building permit issuance, the Applicant's Geotechnical Engineer shall submit a design level geotechnical report. The report will require a peer review by the Town's geological and geotechnical consultant. A deposit and fee for the peer review will be required per the Town's current fee schedule, unless there are any remaining deposit funds from the entitlement phase. The Town will route the design level geotechnical report to the Town's peer review consultant once the report is submitted and deposit and fee are available. Once approved, the geotechnical engineer shall review the grading and drainage plan and proposed pavement and foundation design to verify that the design is in accordance with their recommendations. The Applicant's Geotechnical Engineer's approval shall be conveyed to the Town either by letter or by signing and stamping the plans. All grading operations and soil compaction activities shall be per the approved project's design level geotechnical report. The Applicant shall add this condition to the general notes on the grading plan.

92. GEOTECHNICAL ENGINEER OBSERVATION: All grading activities shall be conducted under the observation of, and tested by, a licensed geotechnical engineer. A report shall be filed with the Town of Los Gatos for each phase of construction stating that all grading activities were performed in conformance with the requirements of the project's design level geotechnical report. The Applicant shall submit a Final Geotechnical Construction Observation and Testing Summary in an "as-built" letter/report prepared and submitted to the Town prior to issuance of the certificate of occupancy. The Applicant shall add this condition to the general notes on the grading plan.

93. FLOODPLAIN MANAGEMENT: The Applicant shall submit to the Town Engineer a letter stamped and signed by the Engineer in Charge stating that: 1) all requirements of Chapter 29, Article 9 of the Town Code have been satisfied; 2) all other required state and federal permits have been obtained; 3) the site is reasonably safe—a state where hazards and conditions leading to harm are controlled, and a person can expect an environment to be free from dangers that a reasonable person would anticipate—from flooding; and 4) the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point. If the site is filled above the base flood elevation,

the lowest pad and floor elevations shall be certified by a California registered professional engineer or land surveyor and provided to the Town Engineer.

94. PRECONSTRUCTION MEETING: After the issuance of any Grading or Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:
    a. They have read and understand these project Conditions of Approval;
    b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and
    c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.
95. FLOOR DRAINS: All floor drains shall be plumbed to connect to the sanitary sewer system only. Site design must facilitate drainage away from building floor drains.
96. GARBAGE/RECYCLE STORAGE AND SERVICE: The Applicant shall provide adequate area for the purposes of storing garbage, composting and recycling collection containers for scheduled servicing by the Town's solid waste collection provider. The collection containers shall not be placed in the right-of-way except during the period of time necessary to allow removal of the waste. brought to the service area on the day of service and returned to the storage enclosure by the property owner that same day. The containers are not to be in public view or in the public right-of-way prior to or beyond the scheduled service times. A letter from West Valley Collection and Recycling confirming serviceability and site accessibility shall be provided to the Town Engineer for approval prior to the approval of an occupancy permit.
97. OVERHEAD UTILITY CLEARANCE: For projects that have overhead utility lines on-site that travel over new buildings, the Applicant shall obtain a letter from the utility company indicating that there is adequate overhead clearance from the utility to the proposed building. The letter shall be submitted with the first set of improvement plans submitted. The plans shall show the existing utility pole, any necessary proposed pole protection (including overhead clearance warning identification), and shall be confirmed satisfactory with the utility company. The letter shall be to the approval of the Town Engineer.
98. SITE LANDSCAPING COORDINATION: The Applicant shall coordinate the overall site landscaping and the stormwater treatment area landscaping. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the facility. Sanitary sewer facilities cannot be aligned through stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

99. TEMPORARY CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the project to obtain any and all proposed or required easements and/or permissions necessary to perform any work on neighboring

private property herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.

100. SUBDIVISION (FINAL) MAP: The Applicant shall have a subdivision map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with the Los Gatos Town Code and the Subdivision Map Act. Existing buildings shall be demolished prior to the recordation of the map if they will conflict with any newly created lot line. The Town Council must approve all Final Maps. The Town Council meeting will be scheduled after the Final Map, Public Improvement Plans, Stormwater Treatment Facilities Maintenance Agreement, Landscape Maintenance Agreement, Subdivision Improvement Agreement (if applicable) and constructed improvements (onsite and offsite) are approved by the Town Engineer. The Final Subdivision Map shall be approved by PPW and recorded by the County Recorder's Office prior to first building permit review of any market rate lots. In lieu of the Town Clerk's Office coordinating the recordation of the Final Map(s) with the County, the Applicant may submit a map guarantee by the Applicant's title company for the release of the signed Final Map to the title company for recordation. Prior to the Town's release of the Final Map, the Town Engineer may require the Applicant to submit to the Town an electronic copy of the map in the AutoCAD Version being used by the Town at the time of recordation. It is the Applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after Town approval.

101. SUBDIVISION IMPROVEMENT AGREEMENT ("SIA") – If any required subdivision or public improvements is not completed to the satisfaction of the Town Engineer before the final map is recorded or filed, the subdivider shall, prior to the approval by the Town Council of the final map and if permitted by Town Engineer, enter as a contractor into an agreement with the Town per Town Code Section 24.40.020, Gov. Code Section 66462(a), and shall arrange to provide Payment and Performance bonds each for 100 percent of the cost of subdivision and public infrastructure improvements to be constructed. These improvements shall include, but not be limited to, roadway construction, sidewalk, curb and gutter, storm lines, street lights, utilities and signal equipment. Town Standard insurance shall be provided per the terms of the agreement. The agreement will be forwarded to the Town Council for approval with project Final Map. The SIA shall be approved by the Town Council prior to Final Map approval.

102. MONUMENTS: The applicant shall arrange for the engineer to have all monuments set per recorded map. A certificate letter by the Surveyor or Engineer stating the monuments are set per plan shall be provided to the Town Engineer prior to occupancy.

103. IMPROVEMENTS AND CONDITIONS: Pursuant to Gov. Code § 66499.30 No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by this division or local ordinance, until the final map thereof in full compliance with this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located

104. COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R): The Applicant shall prepare and submit project Covenants, Conditions and Restrictions (CC&R) for the project. The

CC&Rs shall be submitted with the project map for review and approval of the Town Engineer, the Town Attorney, and the Planning Manager. The CC&Rs shall include relevant project Conditions of Approval and shall include language that restricts the Homeowner's Association from making changes to the CC&Rs without first obtaining approval from the Town. References to the Stormwater Treatment Facilities Maintenance Agreement obligations shall be incorporated. The CC&Rs shall be reviewed and approved prior to the Town Council approval of the Final map.

105. PLAN DEFICIENCIES: Prior to final map approval, Applicant shall remedy existing plan inconsistencies and deficiencies remaining in entitlement plans.
106. C.3. REVIEW: Owner/Applicant shall complete C.3. Stormwater Review with Town Stormwater Consultant. Outstanding comments must be addressed prior to final map approval.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO RELEASE OF UTILITIES, FINAL INSPECTION, OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WHICHEVER OCCURS FIRST, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

107. ELEVATION CERTIFICATE: An elevation certificate per FEMA requirements must be completed by a Land Surveyor or Civil Engineer. The elevation certificate shall be submitted and approved by the Town Engineer prior to issuance of the first building certificate of occupancy.
108. RECORD DRAWINGS: The Applicant shall submit a scanned PDF set of stamped record drawings and construction specifications for all off-site improvements to the Department of Parks and Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The Applicant shall also provide the Town with an electronic copy of the record drawings in the AutoCAD Version being used by the Town at the time of completion of the work. The Applicant shall also submit an AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.
109. RESTORATION OF PUBLIC IMPROVEMENTS: The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.
110. STORMWATER TREATMENT FACILITIES MAINTENANCE AGREEMENT: The Applicant shall execute and record a Stormwater Treatment Facilities Maintenance Agreement to

ensure perpetual maintenance of the regulated project's treatment facilities. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. The Town-Standard Stormwater BMP Operation and Maintenance Agreement will be provided by PPW upon request. The agreement shall be executed prior to occupancy of the first building and include the following:

a. The property owner shall operate and maintain all on-site stormwater treatment facilities in good condition and promptly repair/replace any malfunctioning components.
b. The property owner shall inspect the stormwater treatment facilities at least twice per year and submit an inspection report to PPW at PPW_Stormwater@losgatosca.gov no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report. Written records shall be kept of all inspections and shall include, at minimum, the following information:
    i. Site address;
    ii. Date and time of inspection;
    iii. Name of the person conducting the inspection;
    iv. List of stormwater facilities inspected;
    v. Condition of each stormwater facility inspected;
    vi. Description of any needed maintenance or repairs; and
    vii. As applicable, the need for site re-inspection.
c. The property owner shall not make any design changes to the system with the Town's approval.
d. The property owner(s) shall develop a maintenance and replacement schedule for the stormwater treatment facilities that describes maintenance frequency and responsibility. This maintenance schedule shall be included with the approved Stormwater Treatment Facilities Maintenance Agreement.
e. The property owner(s) shall reimburse the Town for the cost of site inspections required under the Municipal Regional Permit.
f. The property owner(s) shall authorize Town Staff to perform maintenance and/or repair work and to recover the costs from the property owner in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety.

111. STORMWATER MANAGEMENT FACILITIES INSPECTION: Prior to final inspection, the Applicant must facilitate the testing of all stormwater facilities by a certified QSP or QSD to confirm the facilities are meeting the minimum design infiltration rate. All tests shall be made at on 20 foot x 20 foot grid pattern over the surface of the completed stormwater facility unless otherwise approved by the Town Engineer. All soil and infiltration properties for all stormwater facilities shall be evaluated by the geotechnical engineer. Percolation tests (using Double Ring Infiltrometer Testing) at horizontal and vertical (at the depth of the stormwater facility) shall be conducted for each stormwater facility. A 50 percent safety factor shall be applied to the calculated percolation test and shall be used as the basis for design (the design percolation rate). The geotechnical report shall include a section designated for stormwater design, including percolation results and design parameters. Sequence of construction for all stormwater

facilities(bioswales, detention/ retention basins, drain rock, etc.) shall be done toward final phases of project to prevent silting of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

112. PROJECT CONSTRUCTION SETUP: All storage and office trailers will be kept off the public right-of-way.
113. PUBLIC WORKS CONSTRUCTION NOTICE: The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
114. PROJECT CONSTRUCTION SCHEDULE: The contractor shall submit the project schedule in a static PDF 11”x17” format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same formats as the original.
115. PROJECT CONSTRUCTION HANDOUT: The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
116. PROJECT CONSTRUCTION SUPERVISION: The Contractor shall always provide a qualified supervisor on the job site during construction.
117. PUBLIC WORKS CONSTRUCTION INSPECTION: All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall be removed as deemed appropriate by the Town Engineer.
118. PROJECT CONSTRUCTION HOURS: Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
    a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
    b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.

c. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.
f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.
h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.

119. PROJECT CONSTRUCTION BEST MANAGEMENT PRACTICES: All construction activities shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

120. PROJECT CONSTRUCTION EXCAVATION: The following provisions to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction:
a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
b. Travel speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
c. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
d. Water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to ensure proper control of blowing dust for the duration of the project.
e. Watering on public streets and wash down of dirt and debris into storm drain systems is prohibited. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the PPW Inspector, or at least once a day.

Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the Town Engineer. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be coordinated with the San José Water Company.

f. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Construction Inspector.

g. Construction grading activity shall be discontinued in wind conditions in excess of 25 miles per hour, or that in the opinion of the PPW Inspector cause excessive neighborhood dust problems.

h. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.

i. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

j. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

k. Prior to issuance of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.

l. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.

m. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.

121. MATERIAL HAULING ROUTE AND PERMIT: For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance

shall be the responsibility of the Applicant. Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval.

122. PROJECT CLOSE-OUT: Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until such time as all required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.

123. DOWNTOWN HOLIDAY CONSTRUCTION MORATORIUM: Due to concerns for business impacts during the holiday season (defined as starting the Monday of Thanksgiving week through January 1), there shall be no construction activities in the Downtown area within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the Town Engineer.

124. CONSTRUCTION WORKER PARKING: The Applicant shall provide a Construction Parking Plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Town Engineer prior to issuance of Town permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the Town permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§15.40.070).

125. SITE WATER DISCHARGE: In accordance with the Town Code, Prohibition of Illegal Discharges (Los Gatos Town Code Section 22.30.015), the Town Engineer may approve in coordination West Valley Sanitation District the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Town Engineer.
126. ACCESS EASEMENT: Owner/Applicant is responsible for securing easements necessary for access to Lot 10 and/or utility connection prior to building permit review.
127. SUBDIVISION STREET NAMES: Applicant to obtain Town Council approval for any proposed street name not present on Town approved street names list.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS ENTITLEMENT OCCUPIES THE PREMISES

128. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP): Post construction storm water pollution prevention requirements shall include:
    a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully-loaded hourly rates.
    b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
    c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
    d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
    e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
    f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

APPLICABLE TO ALL LOTS

129. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

130. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. All comments below that result from PRC 4290 are identified by **. Where a conflict exists between local and 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08.

131. SUBDIVISION MAP FINDINGS REPORT: For tentative or parcel maps approved in Very High Fire Hazard Severity Zones (VHFHSZ), the approving body is required to make and submit two findings to the State Board of Forestry and Fire Protection (Board) within 30 days of map approval. CCR, Title 14, Sec. 1266.02. Provide copies of the two finds reports made to the State Board of Forestry and Fire Protection.

132. **WIDTH: (As Noted on Sheet 7.0) (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6"). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.

133. **ROAD SURFACES: (As Noted on Sheet 7.0) (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
134. **GATE ENTRANCES: (a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). (b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. (c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used. (d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.09. Gate on EAE shall meet the requirement.
135. FIRE HYDRANT SYSTEMS REQUIRED: (As Noted on Sheet 7.0) Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet. [CFC, Section 507.5.1]
136. FIRE DEPARTMENT (ENGINE) ROADWAY TURNAROUND REQUIRED: (As noted on sheet 7.0) Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Provide an approved fire department engine driveway turnaround with a minimum radius of 50 feet outside and 30 feet inside. Maximum grade in any direction shall be 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. [CFC Section 503.2.5].
137. FIRE APPARATUS (ENGINE) ACCESS ROADWAY REQUIRED: (As noted on sheet 7.0): Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
138. FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED: (As noted on sheet 7.0) An access driveway shall be provided having an all-weather surface of either asphalt, concrete or other engineered surface capable of supporting 75,000 pounds and approved by a civil engineer. It shall have a minimum unobstructed width of 12 feet,

vertical clearance of 13 feet 6 inches, minimum turning radius of 40 feet outside, and maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1.

139. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
140. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
141. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
142. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
143. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed. Gate on EAE shall meet the requirement.
144. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other

such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

APPLICABLE TO LOT 1

145. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
146. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 1) is 500 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 2

147. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
148. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

149. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 2) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 3

150. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
151. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
152. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 3) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 4

153. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.

154. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
155. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 4) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 5

156. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
157. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
158. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 5) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 6

159. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the

midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.

160. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

161. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 6) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 7

162. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.

163. FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED: An access driveway shall be provided having an all-weather surface of either asphalt, concrete or other engineered surface capable of supporting 75,000 pounds and approved by a civil engineer. It shall have a minimum unobstructed width of 12 feet, vertical clearance of 13 feet 6 inches, minimum turning radius of 20 feet inside and 40 feet outside, and a maximum slope of 15%. The angle of approach to a driveway shall be designed and constructed with a maximum 5% slope for a minimum of 20ft. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1. **During building permit, provide a stamped civil engineer letter to justify the traction of the driveway to support 75,000 lbs.**

164. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
165. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 7) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 8

166. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
167. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
168. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 7) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 9

169. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be

provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.

170. FIRE APPARATUS (ENGINE)ACCESS DRIVEWAY REQUIRED: An access driveway shall be provided having an all-weather surface of either asphalt, concrete or other engineered surface capable of supporting 75,000 pounds and approved by a civil engineer. It shall have a minimum unobstructed width of 12 feet, vertical clearance of 13 feet 6 inches, minimum turning radius of 20 feet inside and 40 feet outside, and a maximum slope of 15%. The angle of approach to a driveway shall be designed and constructed with a maximum 5% slope for a minimum of 20ft. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1. **During building permit, provide a stamped civil engineer letter to justify the traction of the driveway to support 75,000 lbs.**
171. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
172. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 9) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 10

173. **TURNAROUND (LOT 10 Only): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(e) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
174. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: (As noted on sheet A1.1) An approved fire apparatus turnaround is required for all dead-end access roads and driveways in excess of 150 feet. [Ref: CFC 503.2.5]. All turnarounds shall have a

maximum slope of 5% in any direction. Placement of any architectural feature within a turnaround is not permitted. All turnarounds shall be provided an approved metal, all weather sign or other approved notices or markings that shall include the words "NO PARKING – FIRE DEPARTMENT TURNAROUND". Turnarounds located on parcels shall be provided with a sign at the entrance to the parcel that shall include the words "FIRE DEPARTMENT TURNAROUND ON SITE". Installations shall conform to Fire Department Standard Details and Specifications sheet D-1.

175. **WIDTH: (Approved PRC 4290 request of exception shown on Sheet 7.3) (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter Articles 1-5, § 1273.01.

176. MODIFIED FIRE SPRINKLERS REQUIRED (Lot 10 Only): (Per Approved PRC 4290 request of exception shown on sheet 7.3) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

177. FIRE APPARATUS (ENGINE)ACCESS ROADWAY REQUIRED: (Approved PRC 4290 request of exception shown on sheet 7.3) Provide an access roadway with a paved all weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.

178. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 10) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3] **Fire flow appears not to meet requirement for VB construction. Per applicant to mitigate fire flow requirement, VA construction will be proposed for the entire structure. During building permit phase, show on coversheet that VA construction type will be used as part of this planning approval condition.**

APPLICABLE TO LOT 11

179. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
180. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
181. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 11) is 1125 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

APPLICABLE TO LOT 12

182. ** TURNAROUND (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
183. FIRE SPRINKLERS REQUIRED (Lot 1 to Lot 9, Lot 11 and 12): (As noted on sheet 7.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For

the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

184. REQUIRED FIRE FLOW: The minimum required fireflow for this project **(Lot 12) is 500 Gallons Per Minute (GPM)** at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]

From: Joe Mannina [redacted]
Sent: Wednesday, December 17, 2025 11:51 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: 178 Twin Oaks Comments From Surrey Farms Resident

[EXTERNAL SENDER]

Hi Erin,

I live in the Surrey Farms neighborhood where the 178 Twin Oaks project proposal is located.

As part of this new development, I would like to propose consideration for a new path to connect our Surrey Farms neighborhood to the paved trail surrounding the Kennedy Court neighborhood via a connection on both ends of Brook Acres Drive.

Walking my dog on Kennedy Road has become very dangerous over the past couple of years and a new path would provide many benefits for both neighborhoods including safety.

Thanks for your consideration.

Joseph and Julie Mannina

[redacted] Los Gatos, CA 95032

EXHIBIT 43

From: [redacted]
Sent: Sunday, February 1, 2026 4:08 PM
To: Erin Walters <EWalters@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>
Subject: Fw: New Ponds Proposed for Los Gatos at 178 Twin Oaks Drive

[EXTERNAL SENDER]

Erin and James,

The purpose of this note is to update you about my concerns regarding the subject ponds.

First, I thank you for clarifying the Town's process which at present **does not** practice coordination with the Santa Clara County Vector Control. This response only heightened my concerns. It led me to seek the advice of Dr. Nayer Rahiri, District Manager, Santa Clara County Mosquito and Vector Control District. Please see my letter to her and her response below.

I want to call your special attention to the second paragraph of her letter:

"Vector control can provide technical recommendations during the planning and design phase of construction projects to help prevent conditions that may support mosquito breeding, such as the creation of ponds or areas of standing water. We do not have enforcement authority, and our involvement must be initiated by the permitting agency or the city. If the City or project planners do not reach out to us for review, we are unable to require changes or impose conditions."

Given the extraordinary complexity of the subject development and its reliance on ponds with standing water to control runoff, I strongly recommend that the Town's Planning Commission immediately make a formal request to Dr. Rahiri, for review and advice regarding the design and management of the proposed ponds.

This review should include not only the physical design and operation of the ponds, but also the proposed private ownership and management structure, as well as the need for easements to access the ponds by Vector Control. My neighbors and I are very concerned about the practicality of what has been proposed so far.

Please confirm whether the Town will make this request to Dr. Rahiri.

Sincerely Yours,

Christopher Bajorek, PhD

[redacted]

Los Gatos, CA 95032

[redacted]

[redacted]

From: Zahiri, Nayer <nayer.zahiri@cep.sccgov.org>
Sent: Thursday, January 22, 2026 10:41 AM
To: [redacted]
Subject: RE: New Ponds Proposed for Los Gatos at 178 Twin Oaks Drive

Hello Dr. Bajorek,

Thank you for reaching out and for sharing your concerns regarding the new construction project in the City of Los Gatos and the potential for standing water that could become mosquito breeding sources in the future. We appreciate the community's vigilance on this important public health issue.

Vector control can provide technical recommendations during the planning and design phase of construction projects to help prevent conditions that may support mosquito breeding, such as the creation of ponds or areas of standing water. However, our role is advisory only. We do not have enforcement authority, and our involvement must be initiated by the permitting agency or the city. If the City or project planners do not reach out to us for review, we are unable to require changes or impose conditions.

For concerns related to stormwater management, water runoff, and environmental planning, we recommend contacting the appropriate City or County agencies that oversee project approvals and environmental health compliance. Specifically, you may wish to reach out to:

- The City of Los Gatos Planning Department
- Santa Clara County Department of Environmental Health
- Santa Clara County Watershed Protection Program

These agencies have the authority to review project plans, require mitigation measures, and coordinate with us as needed to address potential mosquito issues before construction is completed.

Please feel free to contact us if the City or permitting authority requests our input, or if you have additional questions about mosquito prevention and public health.

Thank you again for your concern and engagement.

Sincerely,

Nayer

Nayer Zahiri, Ph.D. Entomology

District Manager

Santa Clara County Mosquito & Vector Control District

1580 Berger Dr., San Jose, CA 95112

Office: (408) 918-3317

vector.santaclaracounty.gov

From: [redacted]
Sent: Thursday, January 22, 2026 9:39 AM
To: Zahiri, Nayer <nayer.zahiri@cep.sccgov.org>
Subject: [EXTERNAL] New Ponds Proposed for Los Gatos at 178 Twin Oaks Drive

Dear Dr. Zahiri,

I live in East Los Gatos, CA. I am writing this note on behalf of the 50 homeowners in our existing development. We are concerned about mosquito infestation from a planned extension of this community.

The purpose of this note is to seek your advice regarding the proposed housing development that plans to install several ponds to manage water runoff. The main concern centers on the design of these ponds which will cause standing water, which in turn could cause mosquito breeding and the concomitant spread of West Nile Virus disease. The largest of these ponds is to be located immediately next to the Hillbrook Elementary School. I believe it will be wise to have your organization review the design of these ponds before they are built.

The proposed development is planned at 187 Twin Oaks Drive, Los Gatos. It will consist of 12 homes plus Additional Dwelling Units on a steeply sloped parcel of land. The entire

development, including the ponds, is to remain private and to be managed by a homeowners' association. This plan is currently under review by the Town of Los Gatos Planning Commission.

The Town's planning staff indicated to me that they have no intention of having the proposed development reviewed by your team prior to construction. They plan to inform you after it is completed.

It seems to me that this would be putting the horse before the cart. We are especially concerned about the viability of the pond designs and the proposed management of the ponds.

I look forward to your advice how to best handle the review of the proposed ponds.

Sincerely Yours,

Christopher Bajorek, PhD

[redacted]

Los Gatos, CA 95032

[redacted]

[redacted]

From: Sameer Bidichandani [redacted]
Sent: Monday, May 18, 2026 9:27 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Shabina Mirajkar [redacted]>
Subject: development on the hill that backs Surrey Farms in Los Gatos

[EXTERNAL SENDER]

Dear Sir / Madam,

Regarding the twelve-home subdivision proposed for development on the hill that backs Surrey Farms in Los Gatos.

As with previous submissions for development on this site, we remain concerned with:

Health & Safety Issues:

-fire, flooding, earthquake, and landslide hazards

-drainage and flooding of adjacent properties

-mosquito/disease abatement (due to retention ponds adjacent to our homes and Hillbrook School)

-pollution (light, air, water, noise)

-increased traffic through Surrey Farms and Kennedy corridor

Irreparable Environmental Harm Issues:

-harm to biological resources, protected species, and wildlife

-degradation of the hillside/ noncompliance with Hillside Development Standards and Hillside Specific Plan

-removal of protected trees

-interference with the Riparian Habitat (Ross Creek)

-detrimental effect on site geology and soils

-encroachment on protected wetlands

EIR Issue:

Additionally, we believe that a development of this scope and size on a rural hillside requires a formal EIR. Pursuant to CEQA, if there is substantial evidence, including reasonable inferences, supporting a *fair argument that a project may cause a significant environmental effect*, an EIR is mandatory. The "fair argument" standard is intentionally low, designed to ensure environmental impacts are fully studied. *(It should be noted that the MND cites a 2017 EIR that was never adopted and certified by the Town.)*

thanks

Sameer Bidichandani & Shabina Mirajkar

[redacted] Twin Oaks Dr, Los Gatos, CA 95032

[redacted]

[redacted]

-----Original Message-----
From: karri greenfield [redacted]
Sent: Tuesday, May 19, 2026 12:27 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Twin Oaks proposed housing

[EXTERNAL SENDER]

Ms. Walters,

I am a homeowner in the Surrey Farms neighborhood where the proposed housing on Twin Oaks is being discussed. My main concern is fire safety. I strongly encourage the town to consider a second entry and exit to the proposed property.

Thank you,

Karri Greenfield

[redacted] Longmeadow Dr.

Sent from my iPhone

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