



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/11/2026

ITEM NO: 1

DATE: August 6, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Consider a Recommendation by the Planning Commission to Approve 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 (SB330) 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, Subdivision Application M-24-013, and Mitigated Negative Declaration Application ND-25-001. An Initial Study and Recirculated Mitigated Negative Declaration Have Been Prepared. Property Owner/Applicant: Larry Dodge. Project Planner: Erin Walters.**

RECOMMENDATION: Staff recommends that the Town Council consider the Planning Commission's recommendation and adopt the draft Resolution to approve 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 (SB330) on vacant property zoned RC located at 178 Twin Oaks Drive.

FISCAL IMPACT:

Approving the Architecture and Site, Subdivision, and Mitigated Negative Declaration applications does not impact the Town's budget.

STRATEGIC PRIORITY:

The proposed project aligns with the adopted Core Goal of Community Character and the Strategic Priority to preserve the Town's small-town charm and provide a range of housing

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Senior Planner

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

opportunities, while diligently maintaining and implementing the Housing Element.

BACKGROUND:

Project Site

The subject hillside property is approximately 17.55 acres of vacant land that takes access from Twin Oaks Drive (Exhibit 4 of Attachment 2). The hillside project site contains scattered oak woodlands and a small portion of East Ross Creek crossing the site's farthest southwestern corner through a buried culvert. The site is surrounded by low density or hillside residential properties on all sides, with a partially shared property line with Hillbrook School to the north. The property generally sits east of Twin Oaks Drive, north of Brooke Acres Drive, and southwest of Cerro Vista Court and Cerro Vista Drive. The property has a General Plan designation of Agriculture and is zoned RC, or Resource Conservation.

Project Summary

The applicant proposes to subdivide the site into twelve lots ranging from 0.10 to 5.48 acres (Sheet 2.0 of Exhibit 15 of Attachment 2). The western slope would be developed with 11 two-story single-family residences (eight market-rate and three below-market-rate units), while the eastern portion would remain undeveloped. One additional two-story residence is proposed on the northeastern slope (Lot 10). Access would be provided by a new private cul-de-sac from Twin Oaks Drive, an EVAE connection to Brooke Acres Drive, and a separate driveway from Cerro Vista Court for Lot 10. Three of the 12 units (25 percent) would be designated as low-income Below Market Price (BMP) units, exceeding the minimum affordability requirement under the Builder's Remedy provisions (Lots 1, 11 and 12).

Full discussion and analysis of the project is provided in the December 17, 2025, and June 11, 2026, Planning Commission Staff Reports (Attachments 2 and 7). The proposed development plans are included in Exhibits 15 through 27 of Attachment 2, Exhibit 35 (Open Space Easements and Future Trail Easements), and Exhibit 36 (Lots 5 and 6 Vegetation Buffer) found in Attachment 7.

State Housing Laws

The applicant is utilizing the provisions of Senate Bill 330 (SB 330), State Density Bonus Law (SDBL), and the Builder's Remedy. The project qualifies as a Builder's Remedy project, and the applicant has invoked the provisions of the Builder's Remedy with this project. As a result, the planning application is subject to the requirements of the state Housing Accountability Act (HAA). These statutory frameworks are discussed in detail in the December 17, 2025, and June 11, 2026, Planning Commission Staff Reports, included as Attachments 2 and 7.

Planning Commission

On December 17, 2025, the Planning Commission considered the project (Attachments 2 through 5), 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 included in the December 17, 2025, Planning Commission Verbatim Minutes (Attachment 6) and discussed in the June 11, 2026, Planning Commission staff report (Attachments 7-9).

On June 11, 2026, the Planning Commission received additional information and public testimony and voted 4-1 to recommend that the Town Council approve the project, subject to the modified Conditions of Approval as included in Attachment 12 and incorporated into Exhibit A of Attachment 1. The June 11, 2026, Planning Commission Verbatim Minutes are provided in Attachment 10. Additional details regarding the Planning Commission's review, discussion, and recommendation are provided below.

DISCUSSION:

A. Planning Commission:

On June 11, 2026, the Planning Commission received additional information and public testimony regarding the project (Attachments 7-9). The June 11, 2026, Planning Commission Verbatim Minutes are included as Attachment 10.

The Planning Commission discussed the recirculated Initial Study/Mitigated Negative Declaration (IS/MND), including the newly identified ephemeral drainage feature on Lot 5, the proposed biological mitigation measures, and whether the project's environmental impacts could be mitigated to a less-than-significant level. The Commission also discussed the timing of regulatory agency permits and the implementation and monitoring of mitigation measures. A summary of the environmental review is provided later in this report.

The Commission considered project revisions made since the hearing on December 17, 2025, including enhanced vegetation screening, proposed private open space and public trail easements, drainage improvements, and the applicant's responses to previous Commissioner questions.

During deliberations, the Planning Commission discussed modifications to the Conditions of Approval, including expansion of the proposed public trail easement; addition of a public pedestrian and bicycle access gate; specific plant selection and enhanced landscape screening; establishment of a Maintenance Association and Private Road Maintenance Agreement; enhanced maintenance requirements for on-site stormwater treatment facilities; and additional construction management requirements for construction vehicles and equipment.

Following deliberation, the Planning Commission voted 4-1 to recommend that the Town Council adopt the recirculated IS/MND and approve the project, subject to the modified Conditions of Approval as included in Attachment 12 and incorporated into Exhibit A of Attachment 1.

B. Requested Incentives, Waivers, and Exceptions:

The project includes deviations from the Town's development standards requested pursuant to the SDBL and the Builder's Remedy. The applicant's justification for these deviations is provided in Exhibit 5 of Attachment 2.

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

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 Constructing Trails	Project wide

The applicant is requesting 58 waivers, where the project qualifies for unlimited waivers under SDBL.

Requested Waivers	
Reduced Lot Area	Lots 11 and 12
Reduced Setbacks	Lots 1, 3, 6, 11, and 12
Exceeding the Maximum Gross Floor Area	Lots 2,3,4,7,8,9,10, and 12
Building Outside the Least Restrictive Development Area (LRDA)	Lots 3,6, and 7
Exceeding Maximum Building Height	All Lots
Exceeding Maximum Graded Cut and Fill Depths	All Lots
Swimming Pools on Slopes greater than 30 percent	Lots 7 and 8
Reduced Guest Parking	All Lots
Location of BMP Units	Project wide
Comparable Bed/Bath Size of BMP Units	Project wide

The application meets the definition of a Builder's Remedy project and is invoking the following exceptions to Town standards pursuant to Builder's Remedy on the following page:

Requested Exceptions through Builder's Remedy	
General Plan Designation	Project wide
Zoning Designation	Project wide
Density	Project wide

Staff notes that, pursuant to the HAA and the Builder's Remedy provisions applicable to this project, objective development standards may not be applied in a manner that would render a housing development project infeasible unless the project would result in a specific adverse impact on public health or safety and there is no feasible method to mitigate or avoid that impact. The HAA defines "feasible" as capable of being accomplished successfully within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

The legal framework for Senate Bill 330; HAA; SDBL; Builder's Remedy; and the applicant's requests for incentives, waivers, and exceptions are described in the December 17, 2025, Planning Commission staff report (Attachment 2).

ENVIRONMENTAL REVIEW:

The project's IS/MND was circulated by the Town for public review from September 19, 2025, through October 8, 2025. Following the public review period, Raney Planning and Management, Inc. 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 December 17, 2025, Planning Commission hearing, Live Oak Associates, Inc. (LOA), the Town's Consulting Biologists, 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-up 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 and IV-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 of Attachment 7).

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 Planning and Management, Inc,

the Town's environmental consultant, prepared written responses to comments received during the public review period as found in (Exhibit 40 of Attachment 7).

The Recirculated IS/MND 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.

On June 11, 2026, the Planning Commission Desk Item included an Errata for the project's Recirculated IS/MND, which strengthens the previously included performance standards of Mitigation Measure IV-10 (Exhibit 46 of Attachment 9). Recirculation of the IS/MND was not required.

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) and the revised measure IV-10 identified in the June 11, 2026, Errata are included in the Revised Recirculated MMRP (Attachment 11) and Revised Conditions of Approval (Exhibit A of Attachment 1).

PUBLIC COMMENTS:

Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, project signs were installed on the site along Twin Oaks Drive and Cerro Vista Court. Additionally, notice cards for the Town Council meeting were mailed to all property owners and residents within 1,000 feet, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library.

Visual simulations were completed by the Town's consultant and posted to the Town's website by September 1, 2025 (Attachment 2, Exhibit 10).

Staff conducted outreach through the following online communication channels to publicize the availability of the visual simulations, the public review of the IS/MND, the Recirculated IS/MND, and the public hearings:

- 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 before the December 17, 2025, and June 11, 2026, Planning Commission hearings were included in the corresponding Staff Reports, Addenda, and Desk Item Reports (Attachments 2 through 7).

Public Comments received between 11:01 a.m., Thursday, June 11, 2026, and 3:00 pm, Thursday, August 6, 2026, are included as Attachment 13.

CONCLUSION:

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 and in the December 17, 2025, and June 11, 2026, Planning Commission staff reports, 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 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 (Exhibit 5 of Attachment 2). The proposed development plans are included in Exhibits 15 through 27 of Attachment 2, Exhibit 35 (Open Space Easements and Future Trail Easements); and Exhibit 36 (Lots 5 and 6 Vegetation Buffer) found in Attachment 7.

On June 11, 2026, the Planning Commission forwarded a recommendation of approval to the Town Council with modified Conditions of Approval.

RECOMMENDATION:

Staff recommends that the Town Council adopt the draft Resolution included as Attachment 1 to make the required findings and approve the Architecture and Site applications, Subdivision application, and Mitigated Negative Declaration application subject to the conditions of approval (Attachment 1, Exhibit A).

ALTERNATIVES:

Alternatively, the Council can:

1. Approve the applications with additional and/or modified conditions;
2. Continue the matter with specific direction; or
3. Deny the applications and make the required findings for denial.

COORDINATION:

This report was coordinated with the offices of the Town Manager and Town Attorney.

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SUBJECT: 178 Twin Oaks Drive

DATE: August 6, 2026

ATTACHMENTS:

1. Draft Resolution making the required findings and approving the applications subject to the Conditions of Approval (included as Exhibit A)
2. December 17, 2025, Planning Commission Staff Report, with Exhibits 1-27
3. December 15, 2025, Planning Commission Addendum, with Exhibit 28
4. December 16, 2025, Planning Commission Addendum 2 Report, with Exhibits 29 and 30
5. December 17, 2025, Planning Commission Desk Item, with Exhibit 31
6. December 17, 2025, Planning Commission Verbatim Minutes
7. June 11, 2026, Planning Commission Staff Report, with Exhibits 32 through 43
8. June 9, 2026, Planning Commission Addendum, with Exhibits 44 and 45
9. June 11, 2026, Planning Commission Desk Item, with Exhibit 46
10. June 11, 2026, Planning Commission Verbatim Minutes
11. Revised Recirculated Mitigation Monitoring and Reporting Program, July 2026
12. Modified Conditions of Approval – Redlined
13. Public Comments received between 11:01 a.m., Thursday, June 11, 2026, and 3:00 pm, Thursday, August 6, 2026