

DRAFT RESOLUTION 2026-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING 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.**

PROPERTY LOCATION: 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

MITIGATED NEGATIVE DECLARATION APPLICATION: ND-25-001

PROPERTY OWNER/APPLICANT: LARRY DODGE

WHEREAS, the applicant, Larry Dodge, proposes subdivision of one lot into 12 lots with a Vesting Tentative map, construction of a new single-family residence on each lot (Lots 1-12), site work requiring a Grading Permit, and removal of large protected trees under Senate Bill 330 (SB330) on a vacant property;

WHEREAS, the project includes 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); and

WHEREAS, on December 17, 2025, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission considered all testimony and materials submitted, including the packet of materials contained in the Planning Commission Agenda Report for their meeting on December 17, 2025, along with any and all subsequent reports and materials prepared concerning this application, and continued the item to a date uncertain to allow the applicant and staff additional time to respond to questions raised at the December 17, 2025 meeting;

WHEREAS, on June 11, 2026, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission considered all testimony and materials submitted, including the packet of materials contained in the Planning Commission Agenda Report for their meeting on June 11, 2026, along with any and all subsequent reports and materials prepared concerning this application, and forwarded a recommendation of approval to the Town Council with modified Conditions of Approval; and

WHEREAS, this matter was scheduled to come before the Town Council for a special public hearing on June 23, 2026, and was regularly noticed in conformance with state and Town law; however, the hearing was cancelled due to lack of quorum; and

WHEREAS, this matter was rescheduled and came before the Town Council for a special public hearing on August 11, 2026, and was regularly noticed in conformance with state and Town law; and

WHEREAS, on August 11, 2026, the Town Council held a special public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meetings on December 17, 2025, and June 11, 2026, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council was able to make the findings required to approve the Architecture and Site, Subdivision, and Mitigated Negative Declaration applications.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Los Gatos does the following:

1. The following findings are made by the Town Council of the Town of Los Gatos. The facts and evidence that support these findings are contained and explained in the record of proceedings for the proposed project, including, without limitation, the Initial Study, Mitigated Declaration, and the staff reports for the Planning Commission and Town Council hearings.

(A) Finding required for the California Environmental Quality Act (CEQA):

A Recirculated Initial Study and Mitigated Negative Declaration were prepared for this project, determining that this project will not have a significant impact on the environment with adoption of the Recirculated Mitigated Negative Declaration and Mitigation Monitoring Reporting Program to mitigate potential impacts to a less than significant level. Each of the mitigation measures identified in the Recirculated Mitigated Negative Declaration are included in the Conditions of Approval attached hereto as Exhibit A.

(B) Finding required for consistency with the Town's Applicable General Plan:

The proposed project is consistent with the General Plan, subject to the approval of the incentives/concessions and waivers requested pursuant to the State Density Bonus Law and granting the requested exceptions to the maximum allowable density pursuant to the Builder's Remedy provisions of the Housing

Accountability Act [CA Gov. Code Section 65589.5 (d)]. Pursuant to Senate Bill 330, the General Plan applicable to the proposed project consists of the 2020 General Plan Land Use and Community Design Elements and the remainder of the 2040 General Plan, excluding those two Elements, as they existed on the date the applicant submitted its SB 330 preliminary application.

The applicable General Plan Land Use Element designates the project site as Agriculture. The site is zoned RC (Resource Conservation Zone).

The RC zoning district purpose and intent is to enhance the quality of life in the Town through the protection of open space, special land forms, scenic areas, watershed, wildlife and vegetation; to restrict access to and within these certain designated areas; to restrict the intensity of activity and development; to limit residential density; to reduce fire hazards in the hillside areas which are under Williamson Act contract with the Town; and to provide for open space in the form of parks, playgrounds, and other community facilities.

Although the proposed single-family residential development exceeds the density permitted by the General Plan and zoning regulations, the project qualifies for consideration under the Builder's Remedy provisions of the Housing Accountability Act. With approval of the requested exceptions to the General Plan land use designation, zoning regulations, and maximum allowable density, the project advances the Housing Element's housing objectives and is therefore consistent with the General Plan and its applicable elements. The property is not subject to a Williamson Act contract.

(C) Findings required to deny a Subdivision application:

As required by Section 66474 (a) through (g) of the State Subdivision Map Act, the map shall not be denied if any of the findings listed in that Section 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 Section 65589.5 (d).

Instead, the Town Council makes the following affirmative findings:

- 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, CA Gov. Code Section 65589.5 (d), because the property's zoning permits residential use.
- That the design and improvement of the proposed subdivision is consistent with all Town standards that can be applied in conformance with the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code Section 65589.5 (d).

- That the site is physically suitable for the type of development, because the site allows residential use based on its General Plan designation, zoning, and physical characteristics through granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code Section 65589.5 (d). The property is designated Agriculture in the General Plan and is zoned RC, which permits residential use. Its location is surrounded by a residential neighborhood supporting infill development, and the proposed project is designed to respond to site constraints such as topography, access, drainage, and adjacent uses. With the implementation of required site design, landscaping, drainage, and accessibility standards, the site can accommodate the proposed residential development in a manner consistent with applicable Town policies and State housing law through granting incentives, and waivers requested pursuant to the State Density Bonus Law and granting the requested exceptions to the maximum allowable density pursuant to the Builder's Remedy provisions of the Housing Accountability Act [CA Gov. Code Section 65589.5 (d)].
- That the site is physically suitable for the proposed density of development, with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code Section 65589.5 (d), because the proposed project is designed to respond to site constraints such as topography, access, drainage, and adjacent uses.
- 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 Recirculated Mitigation Monitoring and Reporting Program and the Conditions of Approval.
 - That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
 - 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.

(D) Findings required for 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. The Town's contracted fire service provider, the Santa Clara County Fire Department, reviewed and approved the project subject to compliance with California Public Resources Code Sections 4290 and 4291. The Fire Department approved the applicant's Alternative Means and Methods Request (AMMR) for a roadway segment less than 20 feet wide serving proposed Lot 10 and a future residence, consistent with 14 CCR Section 1270.06 and subject to mitigation measures found in the Conditions of Approval.
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 other public entity. The Town of Los Gatos contracts with the Santa Clara County Fire Department to provide fire protection and emergency response services within the Town.
 - b. The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

(E) Findings required for 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).

(F) Findings required for 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).

(G) Findings required for 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).

(H) Findings required for granting concession and waivers pursuant to State Density Bonus Law:

(1) Concession(s) or incentive(s): CA Gov. 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.

(2) Waivers: CA Gov. Code § 65915 (e):

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.

(3) The Town Council finds that none of the bases for denial of the requested incentives/concessions and waivers are present.

(I) Findings required to deny a project under the State Builder's Remedy Law:

As required by the Housing Accountability Act, CA Gov. Code Section 65589.5 (d), a qualifying housing development project invoking the 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 CA Gov. Code Section 65589.5 (d) of the Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use Designation.

(J) Considerations required 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 and the Town Council makes the following required determinations:

- (1) The project's Transportation Analysis evaluates transportation impacts using Vehicle Miles Traveled (VMT), consistent with CEQA Guidelines Section 15064.3, Senate Bill 743, and the Town's VMT significance thresholds adopted by Resolution 2020-045. The analysis found the proposed 12 single-family residences slightly exceed the Total Project-Generated VMT significance threshold, requiring a 2.83 percent VMT reduction to achieve a less-than-significant impact. The project does not exceed the Town's Boundary VMT threshold. To mitigate the impact, the project will construct sidewalks 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. These improvements are consistent with the Town's 2020 Bicycle and Pedestrian Master Plan, achieve the required VMT reduction, and reduce the transportation impact to a less-than-

significant level. The mitigation measures are incorporated into the project's Conditions of Approval.

- (2) The project includes a comprehensive approach to site planning, landscaping, architecture, and infrastructure designed to ensure compatibility with surrounding development and compliance with Town standards with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code Section 65589.5 (d).
 - (3) The landscape plan incorporates drought-tolerant, climate-appropriate plantings, including trees, shrubs, and groundcover, to enhance visual quality, provide year-round interest, and screen parking, utilities, and service areas. Tree replacement plantings are provided in accordance with Town requirements.
 - (4) The site layout is designed to respond to site conditions and adjacent residential uses, with building placement and orientation intended to reduce massing impacts, protect privacy, support solar access, and provide functional open space with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code Section 65589.5 (d).
 - (5) Stormwater drainage improvements are incorporated to manage runoff, reduce peak flows, and prevent adverse impacts to neighboring properties in compliance with applicable standards.
 - (6) The architectural design uses coordinated materials, colors, and articulated building forms to ensure compatibility with the surrounding neighborhood.
 - (7) Site lighting and furnishings are designed to support safety and usability while minimizing visual impacts and reinforcing a cohesive residential character. The project will comply with all applicable accessibility requirements under Title 24 and Town standards.
 - (8) No hazardous waste facilities are proposed.
2. The Town Council of the Town of Los Gatos approves Architecture and Site Applications (S-24-023 through -032 and S-24-059), Subdivision Application (M-24-013), and Mitigation Negative Declaration Application (ND-25-001) for subdivision of one lot into 12 lots with a Vesting Tentative Map, construction of a new single-family residence on each lot (Lots 1-12), 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 subject to the attached Conditions of Approval included as (Exhibit A) and the development plans (Attachment 2, Exhibits 15 through 27) and (Attachment 7, Exhibits 35 and 36).
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the

Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

DRAFT

PASSED AND ADOPTED at a special meeting of the Town Council of the Town of Los Gatos, California, held on the 11th of August 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA