

PLANNING COMMISSION – May 27, 2026
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

14789 Oka Road

Architecture and Site Application S-24-052
Vesting Tentative Map Application M-24-017
Mitigated Negative Declaration ND-26-001

Consider a Request for Approval to Construct a Multi-Family Residential Development (138 Units), a Condominium Vesting Tentative Map, Remove Large Protected Trees, and Site Improvements Requiring a Grading Permit Under Senate Bill 330 (SB 330) on a Vacant Properties Zoned R:1:8:HCOZ and R-1:8. APNs 424-08-074 and-035. An Initial Study and Mitigated Negative Declaration Have Been Prepared. Property Owner: Edward Morimoto. Applicant: Erik Hayden, Urban Catalyst. Project Planner: Erin Walters

FINDINGS

Required finding for CEQA:

- An Initial Study and Mitigated Negative Declaration were prepared for this project. It was determined that this project will not have a significant impact on the environment with adoption of the Mitigated Negative Declaration and 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 granting of the exceptions to the maximum allowed density requested 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 exceptions to Town standards requested 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 the granting of the exceptions to Town standards requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code §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 exceptions to Town standards

requested 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 compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the granting of the exceptions to Town standards requested 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 Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

- The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with the granting of the exceptions to Town standards requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

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 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 §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.

Required finding for consistency with CA Gov. Code § 65863 regarding state Regional Housing Needs Assessment (RHNA) requirements, the Town's Housing Element Sites Inventory, and No Net Loss Law:

As required for approval of a development of any parcel with greater units by income category than was identified in the Town's Housing Element for that parcel:

- The project would provide a greater number of low- and above moderate-income units than anticipated in the Housing Element Sites Inventory, which identified the site for 26 above moderate-income units. The project would result in a net cumulative gain of 28 low-income units and 84 above moderate-income units for the site.
1. The proposed development's residential density is consistent with the Housing Element, and the remaining sites identified in the Housing Element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the Town's share of the regional housing need pursuant to Section 65584.
 2. The remaining sites in the Housing Element inventory are adequate to meet the requirements of Section 65583.2 and to accommodate the RHNA pursuant to Section 65584. The remaining unmet need for the Town's RHNA at each income level and the remaining capacity of the Housing Element is provided in the table below. The remaining capacity at each income level of the Housing Element is greater than the remaining unmet RHNA need at each income level. The Town is not required to identify additional sites to accommodate the remaining RHNA as a result of this project.

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.

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