



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/27/2026

ITEM NO: 2

DATE: May 22, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: 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 (SB330) on Vacant Properties Zoned R-1:8:HEOZ and R-1:8. **Located at 14789 Oka Road.** APN's 424-08-074 and -035. Architecture and Site Application S-24-052, Subdivision Application M-24-017, and Mitigated Negative Declaration Application ND-26-001. An Initial Study and Mitigated Negative Declaration Have Been Prepared. Property Owner: Edward Morimoto, Yuki Farms, LLC. Applicant: Erik Hayden, Urban Catalyst. Project Planner: Erin Walters.

RECOMMENDATION:

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 work requiring a Grading Permit under Senate Bill 330 (SB 330) on a vacant properties zoned R-1:8:HEOZ and R-1:8 located at 14789 Oka Road.

PROJECT DATA:

General Plan Designation: Low Density Residential and Public
Zoning Designation: R-1:8:HEOZ, Single Family Residential, 8,000 sf lot minimum: Housing Element Overlay Zone and R-1:8, Single Family Residential, 8,000 sf lot minimum
Applicable Plans & Standards: General Plan; Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development
Parcel Size: 6.41 acres

PREPARED BY: Erin M. Walters
Senior Planner

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

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Mobile Home Park	Medium Density Residential	RMH
South	Jewish Community Center and Multi-Family Residential	Public and Medium Density Residential	R-1:8 and R-M:5-12
East	Orchard	Low Density Residential	R-1:8:HEOZ
West	Los Gatos Creek Trail	Open Space	R-1:8

CEQA:

In accordance with the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (MND), Response to Comments, and MND Errata Sheet were prepared for this project (Exhibit 1, 16 and 17). It was determined that this project will not have a significant impact on the environment with adoption of the MND and Mitigation Monitoring and Reporting Program (MMRP) in Exhibit 15, to mitigate potential impacts to a less than significant level.

FINDINGS:

- As required by CEQA for adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and that the project, with adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, will not have a significant effect on the environment per CEQA;
- As required that the project is consistent with the General Plan with the granting of exceptions requested pursuant to the Builder’s Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d);
- As required by Section 66474 of the Subdivision Map Act with the granting of exceptions to Town standards requested pursuant to the Builder’s Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d);
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the granting of exceptions to Town standards requested pursuant to the Builder’s Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d);
- The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with the granting of exceptions to Town standards requested pursuant to the Builder’s Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d);
- As required by the Builder’s Remedy provision of the Housing Accountability Act for granting exceptions pursuant to CA Gov. Code § 65589.5 (d); and
- As required by CA Gov. Code § 65863 regarding state RHNA requirements, the Town’s Housing Element Sites Inventory, and No Net Loss Law.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The application includes a Vesting Tentative Map, requiring approval by the Town Council, pursuant to Town Code Section 29.10.020. The Planning Commission will provide a recommendation to the Town Council who will render the final decision on the project.

BACKGROUND:

A. Project Site

The subject property consists of two contiguous parcels totaling approximately 6.71 acres, located on the northwest side of Oka Road, approximately 980 feet from the intersection of Oka Road and Lark Avenue (Exhibit 1). The project site is currently developed as a walnut orchard.

The subject properties have a General Plan designation of Low Density Residential and Public. The properties are zoned Single Family Residential with a Housing Element Overlay Zone (R-1:8:HEOZ) and Single Family Residential (R-1:8). The HEOZ overlay is applied to sites included in the Sites Inventory of the Housing Element and modifies development standards such as density, lot coverage, FAR, and height. The HEOZ became effective on December 21, 2023.

The Preliminary Application under SB 330 was deemed submitted on May 6, 2024, establishing the vesting date for the application. Therefore, the application is subject to the provisions of the HEOZ, including minimum density and the Town's development standards that were in effect on May 6, 2024.

On September 13, 2024, the applicant submitted a formal application, within 180-days of the established vesting date as required by state law. Through the Town's technical review process, the application was deemed complete on November 20, 2024, within the timelines prescribed by state law.

The applicant seeks approval for the proposed residential project utilizing the Builder's Remedy provisions under the Housing Accountability Act (HAA) [CA Gov. Code § 65589.5 (d)(5)].

The application includes a Vesting Tentative Map, requiring approval by the Town Council, pursuant to Town Code Section 29.10.020. The applicant seeks a recommendation on the

development proposal from the Planning Commission to the Town Council, who will render the final decision on the project.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property consists of two contiguous parcels totaling approximately 6.71 acres, located on the northwest side of Oka Road, approximately 980 feet from the intersection of Oka Road and Lark Avenue (Exhibit 1). The project site is currently developed as a walnut orchard.

To the west of the site lies Los Gatos Creek, including its associated levee and riparian corridor, which are separated from the project site by an existing fence and an unpaved maintenance access road. Surrounding land uses are varied. A mobile home community is located to the north. To the east are agricultural lands and a single-family residence. The Los Gatos Swim and Racquet Club is located northeast, across Oka Road. To the south is the Jewish Community Center with an associated preschool, as well as apartment buildings. To the west, beyond Los Gatos Creek, are the Los Gatos Creek Trail and multi-family residential developments. Fremont Court runs along the western boundary of the mobile home community to the north as a paved roadway and transitions into an unpaved maintenance access road both north and south of the project site, including along its western boundary. This access road extends under State Route 85 (SR 85), connecting to existing single-family residential development north of SR 85, and continues southward to connect with Lark Avenue.

B. Project Summary

The applicant proposes to remove the existing orchard and construct a multi-family residential development consisting of 138 units distributed among 18 separate three-story buildings (Exhibit 20). The applicant submitted a Project Description Letter and a Letter of Justification discussing the project (Exhibits 5 and 6). New private roads would provide circulation through the site, taking access from two private roads from Oka Road. The proposed project also includes a right-of-way dedication of five feet and frontage improvements along the Oka Road frontage. Of the 138 proposed units, 28 units would be designated as low-income Below Market Price (BMP) units.

C. Zoning Compliance

The project sites are zoned R-1:8:HEOZ (Single Family Residential: Housing Element Overlay Zone) and R-1:8 (Single Family Residential). The subject site is Housing Element Site E-2, as identified in the Housing Element Sites Inventory. The HEOZ is intended to increase the supply and the mix of housing types, tenure, and affordability within the Town of Los Gatos.

Through appropriate densities, concessions, and fee deferrals or waivers, the HEOZ encourages the development of housing affordable to all income levels on sites within the Town that are deemed to be most appropriate for such uses. The Housing Element lists sites within the Town of Los Gatos as key housing opportunities. The R-1:8 zone is intended to create the best possible location and development standards for single-family dwellings, assure adequate light, air, privacy, and open space for each dwelling; minimize traffic and parking congestion; and reduce hazards from encroachment of industry and commercial activity.

The Builder's Remedy provision of the HAA specifically prohibits a local agency from relying on inconsistency with zoning and general plan standards as a basis for denial of a qualifying housing development project. There is no limit on the amount of exceptions requested as a part of a Builder's Remedy project. As noted in the Letter of Justification (Exhibit 6), the application requests exceptions to Town Code standards, including increases to the maximum allowable density and building height, as well as reductions in required setbacks and parking. Details regarding the applicable Town Code requirements, the extent of the requested exceptions, and the applicant's justification are provided in Exhibit 6.

APPLICABLE LAWS:

A. Senate Bill 330

The Housing Crisis Act of 2019, or Senate Bill 330 (SB 330), became effective on January 1, 2020, and will remain in effect until it sunsets on January 1, 2030. SB 330 provides an expedited review process for housing development projects and offers greater certainty for applicants by allowing an optional vesting opportunity through the Preliminary Application process. Submittal of a Preliminary Application allows an applicant to provide a specific subset of information on the proposed housing development ahead of providing the full amount of information required by the Town for a housing development application. Once the Preliminary Application is "deemed submitted" and payment of the permit processing fee is made, a vesting date is established, freezing the applicable fees and development standards that apply to the project while the applicant assembles the rest of the materials necessary for a full application submittal. Eligible projects are exempt from discretionary review and must be consistent with objective zoning and design standards. The statute requires that a final decision be made in no more than five public hearings, including appeals. The SB 330 Preliminary Application for this project achieved a vesting date of May 6, 2024.

B. Housing Accountability Act

The HAA is codified at CA Gov. Code § 65589.5. Per Section 65589.5, a local agency can impose objective development standards so long as those standards meet the following criteria:

- 1) Are appropriate to, and consistent with, meeting the local agency's share of its Regional Housing Needs Allocation (RHNA);
- 2) Are applied to facilitate and accommodate development at the density permitted on the site and proposed by the applicant;
- 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.

A local agency may not deny, reduce the density of, or make infeasible housing development projects that are affordable to low- or moderate-income households and are consistent with local objective development standards.

In order for a development to qualify for the protections under the HAA it must meet the definition of a "housing development project." Furthermore, for a project to qualify for the affordable housing protections, it must also meet the definition of "Housing for very low-, low-, or moderate-income households."

1) What is an eligible housing development project?

Pursuant to CA Gov. Code § 65589.5 (h)(2), a "housing development project" is a use consisting of residential units only, mixed-use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term "units" is plural, a development must consist of more than one unit to qualify under the HAA. The development can consist of attached or detached units and may occupy more than one parcel, so long as the development is included in the same development application.

Pursuant to CA Gov. Code § 65589.5 (h)(3), "a housing development affordable to lower- or moderate-income households" means a project that provides either of the following:

- At least 20 percent of the total units shall be sold or rented to lower-income households. Lower-income households are those persons and families whose income does not exceed that specified by Health and Safety Code § 50079.5, which is 80 percent of area median income; or
- 100 percent of the units shall be sold or rented to persons and families of moderate income, or persons and families of middle income. Moderate-income households

are those persons and families whose incomes are 80 percent to 120 percent of area median income (Health and Safety Code, § 50093.). Moderate-income households are those persons and families whose income does not exceed 150 percent of area median income [CA Gov. Code § 65008 subd. (c)].

In addition, the rent or sales prices of the affordable housing that is provided cannot exceed the following:

- For lower-income units, the monthly housing cost does not exceed 30 percent of 80 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower-income eligibility limits are based; or
- For moderate-income units, the monthly housing cost does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

2) What are Objective Development Standards?

Pursuant to CA Gov. Code § 65589.5 (f), local agencies are not prohibited from requiring a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies that were in effect at the time of project vesting. Those standards, conditions, and policies must meet the following criteria:

- Be appropriate to, and consistent with, meeting the local agency's share of its RHNA;
- Be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development; and
- Meet the definition of "objective." Objective standards are those that 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 development applicant and the public official.

3) HAA Provisions Addressing Disapproval of Housing Development Projects

Pursuant to Government Code Section 65589.5, the HAA limits, but does not prohibit a local agency from disapproving a housing development project. The HAA defines "disapproval" to include the following:

- A vote to disapprove a housing development project application.
- Failure to comply with statutory deadlines for a decision, including, but not limited to:

- 90 days after certification of an environmental impact report pursuant to the California Environmental Quality Act (“CEQA”);
- 60 days from the date of adoption of a negative declaration pursuant to CEQA; or
- 60 days from a determination by the local agency that the project is exempt from CEQA.

The foregoing is a non-exhaustive list of the local agency actions that constitute “disapproval” of a housing development project under the HAA.

4) Ability to Impose Development Conditions

The HAA does not prohibit a local agency from imposing conditions of approval on housing development projects. However, the HAA limits the application of conditions that lower the residential density of the project and, for housing affordable to low- and moderate-income households, would render the project economically infeasible or would have a substantial adverse effect on the viability of the proposed housing, unless specific findings are made and supported by a preponderance of evidence in the record. The “preponderance of the evidence” standard requires that local agencies weigh the evidence and conclude that the evidence on one side outweighs the evidence on the other side (i.e. 51 percent to 49 percent).

5) Determination of Consistency with Applicable Standards is Based on “Reasonable Person” Standard

In most cases, courts will uphold an agency’s determination if there is “substantial evidence” to support that determination. “Substantial evidence” means that there is reasonable, adequate evidence in the administrative record to support of the agency’s findings. However, when a project is subject to the HAA, a housing development project will be deemed consistent with local standards if there is substantial evidence that could allow a “reasonable person” to conclude that it is consistent.

6) Denial of a Housing Project that is Consistent with Local Standards

When a proposed housing development complies with applicable local standards, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall adopt written findings supported by a preponderance of the evidence that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and

- There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing project or the approval of the project upon the condition that it be developed at a lower density. “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.

7) Denial or Conditioning of Affordable Housing Affordable to Low- and Moderate-Income Households

The HAA specifies findings that local agencies must make if they wish to deny a housing development project that provides housing affordable to low- or moderate-income households, or condition such a project so as to render it infeasible or have a substantial adverse effect on the viability or affordability of the project. These findings are in addition to the findings described above. Under the version of the HAA that was in effect at the time that the Preliminary Application for this project was submitted, the local agency must make one of the following specific findings based upon a preponderance of the evidence:

- The local government has an adopted Housing Element and has met its share of the RHNA in all income categories proposed in the housing development project.
- The housing development project would have a specific, adverse impact upon public health or safety and there is no feasible method to mitigate or avoid the impact without rendering the project unaffordable or financially infeasible.
- Denial of the housing project or the imposition of conditions is required to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low- and moderate-income households.
- The housing development project is proposed on land zoned for agriculture or resource preservation that is either 1) surrounded on two sides by land being used for agriculture or resource preservation; or 2) does not have adequate water or wastewater facilities to serve the housing development project.
- The housing development project meets both of the following conditions:
 - Is inconsistent with both the zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. This finding cannot be used when the project is inconsistent with one, but is consistent with the other; and
 - The local government has an adopted Housing Element in substantial compliance with state housing element law. This finding cannot be used when:
 - The project is proposed for a site identified as suitable or available for very low-, low-, or moderate-income households within the Housing Element and the project is consistent with the specified density identified in the Housing Element; or

- The local agency has failed to identify sufficient adequate sites in its inventory to accommodate its RHNA, and the project is proposed on a site identified in any Element of its General Plan for residential use or in a commercial zone where residential uses are permitted or conditionally permitted.

In September 2024, the California State Legislature passed, and the Governor signed into law, Assembly Bill 1893 (AB 1893), which went into effect on January 1, 2025. AB 1893 made revisions to the findings in subsection (d) of Government Code Section 65589.5. However, the applicant for this project has not chosen to invoke the provisions of AB 1893. Therefore, the findings enumerated above are the ones that remain relevant to this project.

8) Violations of the HAA

If a plaintiff alleges an HAA violation and prevails, the court must issue an order compelling compliance with the HAA in 60 days. The court may also issue an order directing the local agency to approve the project. If the plaintiff prevails, the court awards attorney fees and costs to the plaintiff. If the local agency fails to comply with the order, the court must impose a minimum fine of \$10,000 per housing unit.

C. Housing Accountability Act - Builder's Remedy

The California Legislature adopted the Housing Accountability Act (HAA) to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects" [CA Gov. Code § 65589.5 (a)(2)(K)]. It is the policy of the state that the HAA "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing" [Gov. Code § 65589.5 (a)(2)(L)]. The "Builder's Remedy" provision of the HAA specifically prohibits a local agency from relying on inconsistency with zoning and general plan standards as a basis for denial of a qualifying housing development project unless the agency has adopted a sixth cycle housing element in substantial compliance with state law by January 31, 2023. The Town's sixth cycle housing element was certified by the California Department of Housing and Community Development (HCD) on July 10, 2024. The Preliminary Application for this project achieved a vesting date of May 6, 2024, prior to certification of the Town's Housing Element. Therefore, the project qualifies as a Builder's Remedy project and the applicant has invoked the provisions of Builder's Remedy with this proposed project.

The applicant is invoking the following through Builder’s Remedy:

Requested Exceptions through Builder’s Remedy
General Plan Designation
Zoning Designation
<ul style="list-style-type: none"> • Increased Density
<i>Zoning Standards</i>
<ul style="list-style-type: none"> • Exceeding Maximum Height • Reduced Front and Rear Setbacks • Reduced Parking • Reduced Visitor Parking
<i>Objective Design Standards (ODS)</i>
<ul style="list-style-type: none"> • Short term bicycle parking spaces <ul style="list-style-type: none"> • A2.1 ODS • A2.2 ODS • A2.3 ODS • A2.4 ODS • A.7.1 ODS - Pedestrian Oriented Lighting Spacing • A8.2 ODS - 10-foot-wide landscape buffer • A.11.b ODS - Private Recreation Space Ground Floor • B.1.2 - Upper Floors above Two Stories Setback
<i>Below Market Price Program (BMP)</i>
<ul style="list-style-type: none"> • Comparable Bed/Bath Size of BMP’s

The applicant seeks to invoke the Builder’s Remedy provisions, thereby permitting the project to move forward despite non-conformance with the existing General Plan designation, zoning regulations, and established density thresholds as discussed in greater detail in the sections that follow.

The Town can impose objective, quantifiable, and written development standards on Builder's Remedy projects, as long as those standards do not render the project infeasible. The Town bears the burden of proof to demonstrate that application of a development standard will not render a project infeasible.

DISCUSSION:

A. General Plan and Zoning Consistency

The proposed 138-unit multi-family residential use is not consistent with the site's current General Plan land use designations of Low Density Residential and Public. The Low Density Residential and Public designations do not permit the type or intensity of residential development proposed. Additionally, the proposed multi-family residential use is not consistent with the site's current zoning designations of R-1:8:HEOZ, or Single Family-Residential, 8,000 sf lot minimum/Housing Element Overlay Zone and R-1:8, or Single Family-Residential. Development in the R-1:8:HEOZ and R-1:8 zones are limited to single-family dwellings, provide that there is not more than one (1) principal residential structure on a lot.

The project is being processed under the Builder's Remedy provisions of the HAA. Under these provisions, local agencies are prohibited from denying a qualifying housing development project solely on the basis of inconsistency with General Plan or zoning standards. Additionally, the HAA does not establish a limit on the number or extent of exceptions that may be requested for a qualifying Builder's Remedy project. The Town can impose objective, quantifiable, and written development standards on Builder's Remedy projects, as long as those standards do not render the project infeasible. The Town bears the burden of proof to demonstrate that application of a development standard will not render a project infeasible.

B. Density

The site's underlying R-1:8:HEOZ and R-1:8 zoning allows a maximum density of zero to five (0-5) dwelling units per acre, which would allow a maximum of 34 units on the project site. The proposed project includes 138 units, resulting in an overall density of approximately 20.6 dwelling units per acre, or approximately 16.4 dwelling units per acre when excluding the 28 affordable units and considering only the 110 market rate units.

Density	
Proposed	Maximum Allowed
16.4 du/acre (110 market rate units)	0-5 du/acre (34 units)

The proposed project exceeds the maximum allowable density for the site. The applicant has invoked the Builder's Remedy and does not intend to rezone the site.

Additional information and justification for this request is provided in the applicant's Letter of Justification (Exhibit 6).

C. Architecture and Site Analysis

The project includes 138 units distributed among 18 buildings (Exhibit 20). The unit types include two- and three bedrooms floor plans. The buildings would range from seven to eight attached dwelling units in a townhouse configuration, each served by private roadways. A summary of the unit types and buildings is provided on sheet C.1.1 and A.3 of Exhibit 20. A Project Description Letter and Letter of Justification discussing the project are included as Exhibits 5 and 6.

D. Building Design

The project incorporates a traditional architectural vernacular consistent with forms and materials found throughout the Town. (Exhibit 20, Sheets A.22 and A.23). The buildings are three stories tall with a maximum height of 43 feet, 3-1/8 inches, where 30 feet is the maximum allowed. Exterior materials include composition roof shingles; lap, stucco, masonry veneer, cementitious paneling, and board and batten Hardie board siding; vinyl windows; and metal awnings and railings.

Review by the Town's Consulting Architect is typically required for Architecture and Site applications. For this application, it should be noted that the feedback provided by the Consulting Architect is subjective in nature and should not be used as the basis for a decision since the Town's review is limited to objective standards only, pursuant to SB 330. The Town's Consulting Architect reviewed the proposed project and provided feedback and recommendations (Exhibit 8). The Consulting Architect noted that the proposed project is not consistent with the Town's existing character or scale. The Consulting Architect discussed issues and concerns related to pedestrian circulation, site edge landscaping, common areas, façade massing, setbacks along Oka Road, residential façades and entries, end unit design, roof slopes, and façade articulation and materials. The Consulting Architect made recommendations on following topics:

1. Provide more building façade elevation variety;
2. Provide more individualized unit entry gardens and porches;
3. Enhance the two entry drives with facing project entries and balconies;
4. Break up three story walls;
5. Explore lowering the height of end units to improve the entry drive and interior paseos scale;
6. Eliminate material and color changes in the same plane;
7. Explore bringing more of the Common Open Space into a centralized location;
8. Improve the Paseos by breaking up long vistas with landscaping and trellises;
9. Enhance the 475 feet long auto courts with more landscaping, façade variety, and articulation;
10. Relocate the utility equipment at the front entries; and
11. Upgrade fencing (e.g., Laurel Mews).

The applicant submitted a letter responding to these recommendations (Exhibit 9). The applicant notes that the project is not required to comply with these requirements due to the applicability of the Builder’s Remedy provision of the HAA.

The project meets the ODS for building design with the following exception requested through Builder’s Remedy:

- **ODS B.1.2 – Setback for Upper Floors Above Two Stories**

The project proposes less than five feet setbacks, whereas the ODS requires the upper floors above two stories to be set back by a minimum of five feet from the ground-floor facade (Exhibit 20, Sheet A.35).

Additional information regarding the requested ODS exceptions is provided in Exhibit 19.

E. Height

The proposed development consists of three-story buildings with a maximum height of 43 feet, 3-1/8 inches, whereas the maximum permitted height in the R-1:8:HCOZ and R-1:8 zoning districts is 30 feet. Pursuant to the Town Code, building height is measured from the natural or finished grade, whichever is lower and results in a lower profile. The project proposes to import fill to elevate the site and establish building pads above the modeled 100-year floodplain, raising all proposed building floor elevations to at least one foot above the FEMA-identified base flood elevation. As a result, the added fill increases the overall building height as defined by the Town Code.

Building Height	
Maximum Proposed	Maximum Allowed
43 feet, 3-1/8 inches	30 feet

The proposed three-story townhomes exceed the maximum allowable building height of 30 feet pursuant to Town Code Section 29.40.410. The applicant asserts that the project may utilize an exception under the Builder’s Remedy provisions of the HAA [Government Code § 65589.5 (d)(5)]. Additional information and justification for this request is provided in the applicant’s Letter of Justification (Exhibit 6).

F. Subdivision and Site Design

The project includes a Vesting Tentative Map for condominium purposes (Exhibit 20, Sheet C9). The subdivision would accommodate 18 residential buildings and associated easements for private roads, utilities, emergency vehicle access, and sanitary sewer infrastructure. The map also includes a five-foot right-of-way dedication along Oka Road, as required by the Town.

The project proposes two 26-foot wide private entry drives from Oka Road (Exhibit 20, Sheet C3.0). Internal circulation would be provided by three 22-foot wide private roads connecting to the two primary north-south access roads. In response to concerns from residents of the adjacent Bonnie View Mobile Home Park, the applicant proposed shifting the northern entrance road approximately 15 feet farther from the shared property line. This change is not reflected in Exhibit 20 and would occur during the construction documentation phase, subject to compliance with Town and agency requirements. Exhibit 18 illustrates the proposed modification, and a corresponding condition of approval has been included in Exhibit 3. The project also includes 20 guest parking spaces located along the two primary private roads and is discussed further in the parking section of the report.

The 18 residential buildings are arranged in a grid layout across the property, with three buildings across and six buildings deep (Exhibit 20, Sheet C3.0). Each unit includes a ground-floor porch and a second-story balcony, providing private open space for residents.

Common landscaped open space is located in front of the three buildings fronting Oka Road. Two landscaped paseos provide pedestrian circulation and common open space between the 12 interior buildings. At the rear of the site, the three westernmost buildings are connected by a landscaped pedestrian pathway. Additional pedestrian walkways connect residents to a community recreation area at the northwest rear corner of the property, which includes walking paths, seating areas, and open space and bio retention areas. The conceptual landscape plan shows trees, shrubs, and other plantings distributed throughout the site (Exhibit 20, Sheet L4).

The applicant requested Builder's Remedy exceptions to the following ODS standards related to landscaping and open space:

- **ODS A.7.1 – Pedestrian-Oriented Lighting Spacing:**
The project proposes pedestrian lighting spaced approximately 90 linear feet apart, whereas the ODS requires pedestrian light fixtures to be located no more than 30 linear feet apart along pedestrian paths (Exhibit 20, Sheet L-4).
- **ODS A.8.2 – 10-Foot-Wide Landscape Buffer**
The project proposes a landscape buffer ranging from five to 15 feet in width along the northern property line shared with the mobile home park, with additional separation provided by the private street, parking areas, and sidewalk. Buildings would be located a minimum of 45 feet from the shared property line. The ODS requires a minimum 10-foot-wide landscape buffer along the full length of the shared property line between multi-family or Residential Mixed-Use development and adjacent residential properties. The proposed buffer includes a six-foot-tall solid masonry wall and trees planted at a rate of one tree per 30 linear feet along the shared property line (Exhibit 18, and Exhibit 20, Sheet L4).

- **ODS A.11.b – Private Recreation Space at Ground Floor:**

Each unit provides private recreation space of up to 75 square feet at the ground level; however, the ground-floor private recreation areas do not meet the minimum 120-square-foot requirement established by the ODS. In addition, all units include private 60-square-foot decks or balconies on the second floor (Exhibit 20, Sheet A.38) .

Additional information regarding the requested ODS exceptions is provided in Exhibit 19. The applicant asserts that the project may utilize an exception under the Builder’s Remedy provisions of the HAA [Government Code § 65589.5 (d)(5)]. Additional information and justification for this request is provided in the applicant’s Letter of Justification (Exhibit 6).

G. Setbacks

Pursuant to Town Code Section 29.40.405, the minimum front yard setback is 25 feet, the minimum side yard setback is 8 feet, and the minimum rear yard setback is 20 feet for the R-1:8 zone. The proposed setbacks are summarized below:

Setbacks		
	Proposed	Required Minimum
Front	8 feet, 6 inches	25 feet
Right Side	45 feet, 3-5/8 inches	8 feet
Left Side	57 feet, 3-5/8 inches	8 feet
Rear	15 feet, 2-3/8 inches	20 feet

The proposed project does not meet the required minimum front or rear yard setbacks. The applicant asserts that the project may utilize an exception under the Builder’s Remedy provisions of the HAA [Government Code § 65589.5 (d)(5)]. Additional information and justification for this request is provided in the applicant’s Letter of Justification (Exhibit 6).

H. Grading

The Preliminary Grading Plan, included as Sheet C-4.0 of Exhibit 20, provides information regarding proposed earth movement activities. Grading would modify site elevations to accommodate the 18 residential buildings, private roads, parking areas, landscaped areas, and associated site improvements. The project proposes the importation of fill to elevate the site and establish building pads above the modeled 100-year floodplain, with all proposed finished floor elevations raised to at least one foot above the FEMA-identified base flood elevation. The proposed grading includes a maximum of approximately two feet of cut and three feet, five inches of fill. Preliminary estimates indicate a cumulative import quantity of approximately 17,884 cubic yards, which exceeds the 50 cubic yard threshold requiring approval of a Grading Permit. The Town’s Parks and Public Works Engineering staff included a condition of approval requiring submittal and review of a Grading Permit concurrent with the required Building Permit applications (Exhibit 3).

I. Transportation Analysis

Hexagon Transportation Consultants prepared a Transportation Analysis (i.e. Traffic Study) for the proposed project (Exhibit 1, Appendix C). As noted in the memorandum, the analysis replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to CEQA and establishing the thresholds of significance to comply with Senate Bill 743 (Resolution 2020-045). Consistent with State CEQA Guidelines Section 15064.3, the Town has adopted the following thresholds of significance to guide in determining when a land use project will have a significant transportation impact. First, Total Project Generated VMT, where a significant impact would occur if the total VMT per service population for the project would exceed a level of 11.3 percent below the total VMT per service population for the Town of Los Gatos baseline conditions. Second, Project's Effect on VMT/Boundary VMT, where a significant impact would occur if the project increases the total (boundary) County-wide VMT by 6.5 percent compared to baseline conditions.

Using the VTA Model, the inputs of 138 multi-family dwelling units results in a total of 7,844 daily VMT, or 22.6 VMT per service population. Therefore, because 22.6 VMT is below the applicable threshold of 26.1, the Transportation Analysis concluded that project-generated VMT would not result in a significant impact. In addition, the generated trips would represent a 0.0211 percent increase in the total County-wide VMT, which is less than 6.5 percent of baseline conditions. The proposed project is presumed to have a less-than-significant impact on VMT, and the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 (b).

The project will widen Oka Road along the entire street frontage through a required five-foot dedication. Improvements along the project frontage include a new street section, curb, gutter, landscape strip, landscaping, streetlights, five-foot wide sidewalk, and bike lane consistent with the Oka Road frontage south of the project (Exhibit 3). A Condition of Approval is included in Exhibit 3, requiring implementation of a TDM plan in accordance with the General Plan TDM policy (Policy MOB-1.1).

In addition to the VMT analysis, the Traffic Study provides a trip generation analysis based on the Institute of Transportation Engineer's (ITE) Trip Generation Manual (11th Edition). The Traffic Study estimated that the proposed project would generate a total of 994 daily trips, with 66 trips (17 inbound and 49 outbound) during the AM peak hour, and 79 trips (47 inbound and 32 outbound) during the PM peak hour. The intersection level of service analysis shows that with the project traffic, the study intersections would continue to operate at acceptable levels of service and experience no queuing issues.

The Traffic Analysis included recommended Conditions of Approval, which have been included in Exhibit 3.

J. Parking

Based on the vesting date of the application, the applicable Town Code requirements for parking in a multi-family residential project are 1.5 spaces for each unit, plus one space per unit for guest parking. This equates to 207 parking spaces and 138 guest parking spaces, a total of 345 parking spaces. The proposed project includes a total of 276 parking spaces located within private garages; however, 54 of these spaces are configured as tandem spaces and are not counted toward the Town Code parking requirement. The project proposes 20 guest parking spaces, which is 118 spaces fewer than required by Town Code.

Parking			
	Proposed	Required Minimum	Difference
Garage Parking	222 spaces	207 spaces	-15 spaces
Garage Tandem	54 spaces	Tandem not permitted	--
Total	276 spaces	207 spaces	--
Guest Parking	20 spaces	138 spaces	-118 spaces

The proposed project does not meet the minimum parking requirements for general parking or guest parking.

The applicant asserts that the project may utilize an exception under the Builder’s Remedy provisions of the HAA [Government Code § 65589.5 (d)(5)]. Additional information and justification for this request is provided in the applicant’s Letter of Justification (Exhibit 6).

K. Bike Parking

Each residential unit provides long-term bike parking in each the private garages, a total of 138 where 138 is required by the ODS. Through Builder’s Remedy the applicant has requested exceptions to the ODS short-term bike parking requirements. The project is not providing any short-term bike parking on site; therefore, the project does not meet the following ODS:

- ODS A2.1 - Short-term bicycle parking space shall be located within 50 feet of the primary pedestrian building entrance.
- ODS A2.2 - Short-term bicycle parking shall be provided at a rate of one space per dwelling unit and one space per 2,000 square feet of non-residential floor area.
- ODS A2.3 - Each short-term bicycle parking space shall be a minimum of seven feet in length and two feet in width.
- A2.4 ODS - If more than 20-short term bicycle spaces are provided, at least 50 percent of the spaces shall be covered by a permanent solid-roofed weather protection structure.

The applicant asserts that the project may utilize an exception under the Builder's Remedy provisions of the HAA [Government Code § 65589.5 (d)(5)]. Additional information and justification for this request is provided in the applicant's Letter of Justification (Exhibit 6).

L. Tree Impacts

The project site is currently developed with an existing English walnut (*Juglans regia*) orchard, with approximately 376 trees located within the vicinity of the proposed development. Of these, 375 trees are proposed for removal. Three of the trees proposed for removal are protected under the Town's Tree Protection Ordinance, including two English walnut trees with trunk diameters greater than 18 inches (Trees #17 and #64) and one large coast live oak (Tree #375). The remaining trees are exempt from protection under the ordinance.

Based on the canopy size of the protected trees proposed for removal, approximately 12 replacement trees (24-inch box size) would be required to mitigate impacts. The preliminary landscape plan (Exhibit 20, Sheets L4 and L5) identifies 203 proposed trees to be planted at a 15-gallon size; however, these would not qualify as replacement trees because Town Code requires a minimum 24-inch box size for replacement trees. Pursuant to the Mitigation Monitoring and Reporting Program (Exhibit 15) and the Conditions of Approval (Exhibit 3), the applicant is required to revise the landscape plan to include the following on-site replacement trees:

- Tree #375 shall be replaced with six 24-inch box Coast Live Oaks (*Quercus agrifolia*);
- Tree #17 shall be replaced with three 24-inch box native shade trees, such as Valley Oaks (*Quercus lobata*) or California Sycamores (*Platanus racemosa*); and
- Tree #64, which is in poor health, shall be replaced with three 24-inch box native trees, such as Black Walnuts (*Juglans hindsii*) or California Buckeyes (*Aesculus californica*).

The applicant submitted an Arborist Report, which was reviewed by the Town's Consulting Arborist. Following revisions, the Arborist Report was determined to be consistent with the Town's requirements. The final Arborist Report is included as Exhibit 10, and applicable Conditions of Approval are provided in Exhibit 3.

M. Public Health and Safety Standards

During the Town's review process, the Town's Planning, Building, and Parks and Public Works staff, as well as the Santa Clara County Fire Department, reviewed the application for compliance with applicable objective standards. Although exceptions pursuant to Builder's Remedy are requested for some of the design and density standards, the proposed application was reviewed and deemed consistent with applicable public health and safety standards with the inclusion of the recommended Conditions of Approval in Exhibit 3, if approved by the Town Council.

As a part of the Initial Study and MND prepared for this application (Exhibit 1), the project was reviewed for CEQA compliance on a number of required topics, including the following which are related to public health and safety: Air Quality and Greenhouse Gas Assessment; Transportation Analysis; Phase I Environmental Site Assessment; Stormwater Management Plan; Stormwater Quality Treatment Modeling Summary; Flooding Memorandum; Noise and Vibration Assessment, including review on whether the project would result in inadequate emergency access; and Wildfire. As described in the CEQA Determination section of this report below, it was determined that the project would not result in a significant impact in any of the categories either as proposed or with the inclusion of mitigation measures. Each of these mitigation measures are included in the Conditions of definition Approval in Exhibit 3.

N. Evacuation Routes/Emergency Access

Oka Road functions as a single point of ingress and egress for the neighborhood. The Town does not currently have a formally adopted evacuation route plan. The Town's Emergency Operations Plan (EOP), updated in 2025, is scheduled for its next full revision by the Town Manager's Office in 2027. That revision will be informed by the recently updated Santa Clara County Emergency Operations Plan and supported by the Town's traffic modeling and evacuation planning project.

With regard to wildfire, according to the maps prepared as part of the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the project is not located within a State Responsibility Area (SRA) nor within a Very High or High Fire Hazard Severity Zone. According to CAL FIRE Mapping, the nearest Very High Fire Hazard Severity Zone is located approximately 1.2 miles southeast, across Highway 17, with substantial intervening urban development. The California Attorney General's Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under CEQA appears to define high-risk areas as those being with an SRA or lands classified as High or Very High Fire Hazard Severity Zones. Thus, based on the above, the project site is not located within a high-risk area for wildfire.

While the project could increase the amount of time for the limited residents east of the project site to evacuate in the event of an emergency, there is no substantial evidence to suggest that this could increase the risk to community safety given that the project is not located in a high wildfire risk area and the nearest Very High Fire Hazard Severity Zone is located approximately 1.2 miles away. Furthermore, unlike some rural areas where a relatively long single road provides the only egress/ingress to a high-risk area, Lark Avenue is less than 1,000 feet to the west of the project site, which provides direct access to Highway 17 and other key local routes such as Winchester Boulevard and Los Gatos Boulevard.

The Town has planned flood zone evacuation routes and follows the Lenihan Dam Emergency Action Plan. The subject property and surrounding neighborhood are located within Flood Zone 10. Flood Zone 10 evacuation routes direct the Oka Road neighborhood east toward Los Gatos Boulevard or west toward Lark Avenue from Oka Road.

O. Below Market Price (BMP) Units

The proposed project includes a total of 138 units, 28 of which would be designated as affordable units (20 percent). The BMP units will be restricted to those low-income households whose income is above 50 percent, but no greater than 80 percent, of the median area income. Conditions of Approval are included in Exhibit 3 pertaining to the construction phasing, provision, and sale of the BMP units.

BMP Size

Pursuant to Section III.A of the Town's BMP Program Guidelines regarding unit size, BMP units are required to be provided proportionately in the same unit-type mix (i.e., number of bedrooms) as the market-rate units. Of the proposed 138 total units, 84 would be three-bedroom units ranging from 1,905 to 2,027 square feet, and the remaining 54 would be two-bedroom units of approximately 1,413 square feet each. The applicant proposes to designate 28 of the two-bedroom units as affordable units, distributed throughout the development.

The applicant is requesting relief from the BMP size requirements through an exception, asserting that the project qualifies for an exception under the Builder's Remedy provisions of the HAA [CA Gov. Code § 65589.5 (d)(5)]. Additional information and justification for this request are provided in the applicant's Letter of Justification (Exhibit 6).

P. No Net Loss Law

Pursuant to CA Gov. Code § 65863 (No Net Loss Law), the Town must maintain adequate capacity in the Housing Element to accommodate its remaining unmet RHNA by each income category at all times throughout the entire planning period. To comply with the No Net Loss Law, as the Town makes decisions regarding zoning and land use, or development occurs, the Town must assess its ability to accommodate new housing within the remaining capacity of the Housing Element. If the Town approves a development of a parcel identified in the Housing Element with fewer units than anticipated, the Town must either make findings that the remaining capacity of the Housing Element is sufficient to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. The Town may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA.

As described in the table on the following page, the project provides more low, and above moderate-income units than anticipated in the Sites Inventory of the Housing Element, producing a net cumulative gain of 112 units for the site.

No Net Loss Evaluation					
Evaluation of the Proposed Project's Impact on the Anticipated Development Potential Assumed in the Housing Element Site Inventory for the Subject Property					
	Units by Income Category				
	Very Low	Low	Moderate	Above Moderate	Net Total
Anticipated Development Potential Included in the Sites Inventory of the Housing Element	0	0	0	26	26
Proposed Project	0	28	0	110	138
Net Site-Level Impact from the Proposed Project to Housing Element Assumed Development Potential	0	+28	0	+84	+112

The cumulative impact of the proposed project on the remaining capacity of the Housing Element allows the Town to maintain a positive surplus in each income category. The remaining capacity of the Housing Element is adequate to meet the Town's remaining RHNA requirements. The No Net Loss findings can be made (Exhibit 2), and the Town is not required to identify additional sites to accommodate the remaining RHNA as a result of this project.

Q. Neighborhood Outreach

The applicant provided a summary of neighborhood outreach efforts, included as Exhibit 13. Through discussions with members of the public and adjacent property owners, the applicant modified the project to address several concerns raised during the outreach process, including the following:

- Addition of a six-foot-tall concrete wall between Bonnie View Mobile Home Park and the Oka Road property frontage to address noise concerns and provide additional separation from adjacent vehicles;
- Selection of an alternative tree species, Ginkgo biloba "Princeton Sentry", along the northern property boundary between the Bonnie View Mobile Home Park and the subject property to avoid impacts to existing utility lines within the mobile home park (Exhibit 20, Sheet L-4); and
- Relocation of the northern entrance road off Oka Road approximately 15 feet from the property line. The applicant agreed to make this modification during the construction documentation phase, provided the revised design continues to meet all applicable

Town and agency requirements. Exhibit 18 prepared by the applicant's design team depicts the proposed adjustment intended to address neighboring residents' concerns related to noise, lighting and increased separation between the properties. A Condition of Approval is included in Exhibit 3.

R. CEQA Determination

An Initial Study was prepared for the project, which includes a number of project-level technical studies: Land Evaluation and Site Assessment Modeling Results (LESA); Air Quality and Greenhouse Gas Assessment; Transportation Analysis; Arborist Report; Geotechnical Investigation; Phase I Environmental Site Assessment; Limited Phase II Soil Investigation Report; Stormwater Management Plan; Stormwater Quality Treatment Modeling Summary, Flooding Memorandum; and Noise and Vibration Assessment (Exhibit 1). All technical reports were peer reviewed by the Town or prepared by the Town's consultants. The Initial Study concluded that the project will not have a significant impact on the environment with adoption of the MND and MMRP to mitigate potential impacts to a less than significant level.

Each of the 11 mitigation measures identified in the MND and Errata Sheet (IV-1, IV-2, IV-3, V-1, V-2, VII-1, X-1, XIII-1, XIII-2, XVII-1, and XVIII-1) are included in the MMRP (Exhibit 15) and as Conditions of Approval in Exhibit 3.

The CEQA mandated 30-day public review period began on March 6, 2026, and ended on April 6, 2026. Exhibit 16 includes responses to comments received during the public review period.

An Errata Sheet is included in Exhibit 17 that includes revisions to the IS/MND. The revisions to the IS/MND reflected in the Errata do not affect the adequacy of the previous environmental analysis contained in the 14789 Oka Road Project IS/MND. Because the changes presented in the Errata would not result in any new significant impacts or an increase in impact significance from what was identified in the IS/MND, recirculation of the 14789 Oka Road Project IS/MND is not required.

PUBLIC COMMENTS:

Project identification signage was installed on site in November of 2024, consistent with Town policy. Visual simulations were completed by the Town's consultant and posted to the Town's website by August 21, 2025 (Exhibit 12). 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 frontage by April 18, 2026, in anticipation of the May 27, 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 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 by 3:00 a.m., Friday, May 22, 2026, are included as Exhibit 16. Public comments include concerns regarding traffic, circulation, evacuation routes, emergency access, density, height, privacy, views, light, noise, parking, flooding, and construction impacts.

CONCLUSION:

A. Summary

The applicant is requesting approval of Architecture and Site and Subdivision applications to construct a multi-family residential development (138 units), a condominium vesting tentative map, site improvements requiring a Grading Permit, and removal of large protected trees, under SB 330 on property zoned R-1:8:HEOZ (Single Family Residential: Housing Element Overlay Zone) and R-1:8 (Single Family Residential), located at 14789 Oka Road.

As detailed above, the application was submitted and is being processed under SB 330. The applicant seeks approval for the proposed residential project utilizing the Builder's Remedy provisions under the HAA [CA Gov. Code § 65589.5 (d)(5)]. 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 Builder's Remedy for which the applicant has provided justification in Exhibit 6. The Town can impose objective, quantifiable, and written development standards on Builder's Remedy projects, as long as those standards do not render the project infeasible. The Town bears the burden of proof to demonstrate that application of a development standard will not render a project infeasible.

B. Recommendation

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 and Subdivision applications, and adopt the Mitigated Negative Declaration by taking the following actions:

1. Adopt the Mitigated Negative Declaration (ND-26-001) and Mitigation Monitoring and Reporting Program (Exhibit 15) and make the finding that the project, with adoption of the Mitigated Negative Declaration and 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 granting of the exceptions requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d)(Exhibit 2);
3. Make the finding that the proposed project complies with Section 66474 of the Subdivision Map Act with the granting of exceptions to Town standards requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d), and make affirmative findings to approve the subdivision (Exhibit 2);
4. Make the finding that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the granting of exceptions to Town standards requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d) (Exhibit 2);
5. Make the finding that the project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with the granting of exceptions to Town standards requested pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d) (Exhibit 2);
6. Make the finding that, as required by the California Housing Accountability Act, CA Gov. Code § 65589.5 (d), none of the findings for denial of a Builder's Remedy project can be made (Exhibit 2);
7. Make the findings that the proposed project complies with CA Gov. Code § 65863 regarding state RHNA requirements, the Town's Housing Element Sites Inventory, and No Net Loss Law (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-24-052, Subdivision Application M-24-017, and adopt Mitigated Negative Declaration ND-26-001 with the recommended Conditions of Approval contained in Exhibit 3 and the development plans in Exhibit 20.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or

2. Forward a recommendation of approval of the applications with additional and/or modified conditions; or
3. Forward a recommendation of denial of the applications.

EXHIBITS:

1. Initial Study and Mitigated Negative Declaration with Appendices A through K (available online at <https://www.losgatosca.gov/14789Oka>)
2. Required Findings and Considerations
3. Recommended Conditions of Approval - S-24-052 and M-24-017
4. Location Map
5. Project Description
6. Letter of Justification
7. Site Photographs
8. Consulting Architect's Report
9. Applicant's Response to Consulting Architect's Report
10. Final Arborist Report
11. Consulting Arborist's Peer Review
12. Visual Renderings
13. Applicant's Neighborhood Outreach
14. Public comments received by 3:00 p.m., Friday, May 22, 2026
15. Mitigation Monitoring and Reporting Program
16. Public Comments and Responses Regarding the Mitigated Negative Declaration
17. Initial Study/Mitigated Negative Declaration Errata Sheet
18. North Entrance Exhibit
19. Objective Design Standards Checklist
20. Development Plans