RESPONSES TO COMMENTS

INTRODUCTION

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

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

BACKGROUND

The Town of Los Gatos used the following methods to solicit public input on the IS/MND: a Notice of Completion of the IS/MND was posted with the State Clearinghouse on September 19, 2025. The IS/MND was distributed to applicable public agencies, responsible agencies, and interested individuals. In addition, copies of the document were made available at the Town of Los Gatos Town Hall, located at 110 East Main Street. Electronic copies of the IS/MND were also available on the Town's website at the following page: https://www.losgatosca.gov/DocumentCenter/Index/2227. The public review period ended October 8, 2025.

LIST OF COMMENTERS

The Town of Los Gatos received 24 comment letters during the public review period of the IS/MND for the proposed project. The comment letters were received from the following agencies and individuals, and are included in the Responses to Comments section below:

Agencies

Individuals

RESPONSES TO COMMENTS

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

Where revisions to the IS/MND text were made, new text is double underlined and deleted text is ~~struck through~~. All such revisions to the IS/MND are minor and merely clarify, amplify, or make insignificant modifications that do not affect the adequacy of the conclusions presented therein. CEQA Guidelines Section 15073.5 states the following regarding recirculation requirements for negative declarations:

> (c) Recirculation is not required under the following circumstances:
>
> (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
>
> (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
>
> (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
>
> (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Based on the above, pursuant to CEQA Guidelines Section 15073.5, recirculation of the IS/MND is not warranted.

GAVIN NEWSOM
GOVERNOR

YANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

October 6, 2025

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

Initial Study / Mitigated Negative Declaration, 178 Twin Oaks, Surrey Farms Estates Subdivision Project
SCH No. 2025090920

Dear Ms. Walters

This is the third comment letter provided by San Francisco Bay Regional Water Quality Control Board (Water Board) staff on proposals to develop a residential subdivision at 178 Twin Oaks Drive in the Town of Los Gatos (Project). We provided comments on the Draft Environmental Impact Report (DEIR) on October 8, 2015, and comments on a recirculated DEIR on June 12, 2017 (See Attachments). As we note below in our comments on the Initial Study / Mitigated Negative Declaration (ISMND), 10 years after our initial comment letter, we remain concerned that the extent of waters subject to the jurisdiction of the Water Board and the California Department of Fish and Wildlife (CDFW) in the ephemeral creek at the Project site has not been confirmed and that State jurisdictional waters may be impacted by the proposed Project. In addition, we have concerns with the proposed post construction stormwater treatment measures, which may be difficult to inspect and may also dewater the ephemeral channel.

1-1

Comment 1. The ISMND does not acknowledge the potential need to obtain approvals from the Water Board and CDFW.
The Water Board and CDFW have not been asked to confirm the full extent of jurisdictional waters of the State associated with the ephemeral creek channel at the Project site. If the Project will impact a jurisdictional ephemeral creek either through fill of a portion of the creek or through disconnecting the creek from its watershed, approvals will be necessary from the Water Board and CDFW.

1-2

Comment 2. Section IV, Biological Resources, asserts that the ephemeral creek is not a water of the State without providing documentation that State agencies concur with this assertion.
The ISMND includes the following text on Page 48.

> The on-site ephemeral drainage with swales was determined not to be considered jurisdictional water of the U.S. or the State. Nonetheless, as shown in Figure 3, the proposed project would be designed to incorporate a minimum 10-foot buffer between the proposed development and the vegetation surrounding the ephemeral drainage. As such, the ephemeral drainage with swales would not be directly impacted by the proposed project. Similarly, as discussed above, the proposed project would retain the 100- to 110-foot flood easement between the development footprint and Ross Creek. Therefore, the proposed project would not result in the disturbance of any on-site wetlands.

The ISMND notes that the U.S. Army Corps of Engineers (Corps) has determined that the ephemeral creek is not a water of the U.S. However, no documentation is provided that the Water Board or CDFW have determined that the ephemeral creek is not a water of the State. Until the Water Board and CDFW have assessed the jurisdictional status of the ephemeral creek, the Project should assume that the ephemeral creek is a water of the State.

1-2 cont.

The ISMND states that a 10-foot buffer will be established along vegetation adjacent to the ephemeral creek. However, a topographic map of the Project site provided on the Town of Los Gatos' (Town's) website indicates that the channel appears to extend upstream from the uppermost cluster of vegetation. Based on the topographic map, the footprint of the access road may fill the upper portion of the ephemeral creek. If this is the case, the road should be redesigned to completely avoid the upper end of the ephemeral creek or mitigation should be proposed for impacting the ephemeral creek.

Also, as discussed below in Comment 5, the proposed stormwater treatment infrastructure appears to divert the runoff that currently sustains the ephemeral creek into the bioretention areas and pervious pavement. From the bioretention areas and pervious pavement, the treated runoff would be discharged to the municipal storm drain system. This will deprive the ephemeral creek of the hydrology necessary to sustain the preserved vegetation along the creek. We encourage the Project to redesign the proposed post-construction stormwater treatment system to direct treated runoff back to the ephemeral creek.

At this time, we disagree with the conclusion presented on page 49 of the ISMND, that asserts that the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

Comment 3. The proposed use of pervious pavement may not be appropriate at the Project site.

1-3

Text on page 73 in Section X, Hydrology and Water Quality, states that:

> A portion of the internal roadway, as well as the proposed driveways, would be lined with pervious pavement to allow for stormwater infiltration.

1-3 cont.

However, it is not clear from the ISMND if the soils at the Project site are sufficiently permeable to make the use of pervious pavement an effective form of treatment or if the steep topography of portions of the Project site is appropriate for the use of pervious pavement. Pervious pavements shouldn't be used on slopes greater than 5 percent (without underdrains) or 16 percent (with underdrains). Please provide the slopes of the roads and driveways at which pervious pavement is proposed, along with the permeability of the underlying soils at the site. If underdrains are required for the pervious pavement, please include designs for the underdrains.

Comment 4. The ISMND does not identify the responsible party for operation and maintenance of stormwater treatment infrastructure or the treatment proposed to mitigate the impact of hydrograph modification.

As a permittee under the Municipal Regional Stormwater NPDES Permit (MRP) (Order No. R2-2022-0018, as amended; NPDES Permit No. CAS612008), the Town must ensure that stormwater runoff from new areas of impervious surfaces is treated in conformance with Section C.3 of the MRP. In addition to confirming that proposed treatment measures are appropriately sized and designed, the Town must confirm that the Project's stormwater treatment measures are operated and maintained in conformance with the requirements of the MRP.

1-4

For a new subdivision, it is easiest to confirm the proper operation and maintenance of stormwater treatment measures if they are maintained by a Homeowners Association (HOA), rather than individual homeowners. And there is also less risk of damage to the bioretention areas if the bioretention areas and any necessary hydromodification management measures are located on land that is held in fee title by the HOA. The Covenants, Contracts, and Restrictions (CC&Rs) for the HOA provide a legally binding mechanism for ensuring that stormwater treatment and management measures are operated and maintained in conformance with the requirements of the MRP.

To facilitate the Town's ability to inspect bioretention areas for proper operation and maintenance, the bioretention areas should be visible from public roadways. In the current design, the bioretention areas at Lots 5, 6, and 10 would be difficult to inspect from the roadway.

Finally, the ISMND lacks a discussion of hydromodification management measures. Section X should be revised to discuss the need for MRP-compliant hydromodification measures.

Comment 5. The proposed stormwater treatment measures will dewater the preserved ephemeral creek channel.

1-5

Page 16 of the ISMND contains the following text:

> Following on-site treatment, stormwater flows would be directed to the existing 27- and 36-inch storm drains located north and west of the site, respectively.

1-5 cont.

Stormwater runoff that currently supports riparian vegetation along the ephemeral creek would be diverted to storm drains. This could deprive riparian vegetation along the ephemeral creek of sufficient water to sustain the vegetation. We urge the Project design team to redesign the stormwater treatment system to discharge treated runoff of the ephemeral creek. Diverting water away from the ephemeral creek channel would be a significant impact to the creek.

Sincerely,

Brian K. Wines

1-6

Brian Wines
Water Resource Control Engineer
Watershed Management Division

Attachments
October 8, 2015, Comments on the DEIR
June 12, 2017, Comments on the recirculated DEIR

cc:
State Clearinghouse, state.clearinghouse@opr.ca.gov
CDFW
Jason Faridi, Jason.faridi@wildlife.ca.gov
Emily Galli, Emily.galli@wildlife.ca.gov

Letter 1 cont.

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

October 8, 2015
CIWQS Place ID No. 818654

Sent via electronic mail: No hardcopy to follow

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Attn: Marni Moseley (MMosely@losgatosca.gov)

Subject: Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006, Town of Los Gatos, Santa Clara County
SCH No. 2012072027

Dear Ms. Moseley:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the *Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006* (DEIR). The DEIR assesses potential impacts associated with approving a General Plan Amendment that would allow the 17.55-acre site at 170 Twin Oaks Drive to be developed with 10 single-family residences. Water Board staff have the following comments on the ISMND.

Comment 1. Section 4.3, Biological Resources. The extent of waters of the State should be verified.
Water Board staff encourage the project proponent to contact U.S. Army Corps of Engineers (Corps) regulatory staff, California Department of Fish and Wildlife (CDFW) staff, and Water Board staff to confirm the jurisdictional status of the ephemeral headwater tributary to Ross Creek at the Project site. If the apparent full apparent extent of the ephemeral creek is a jurisdictional water of the State, then the Project should be redesigned to avoid the channel to the maximum extent practicable. When we review applications for permits to fill waters of the State, we require that the applicant demonstrate that all opportunities to avoid or minimize fill in waters of the State have been avoided. The project proponent should not assume that all proposed fill at the project site will be authorized by the Water Board.

Comment 2. Section 4.3, Biological Resources. Mitigation Measure 4.3-7, of the DEIR does not include a concrete mitigation proposal and is, therefore, inadequate.
For proposed impacts to the ephemeral channel, Mitigation Measure 4.3-7 consists of the following:

a. Prior to initiation of project construction, the project proponent shall secure a verified jurisdictional determination from the USACE.

b. For impacts to federally regulated waters of the U.S. that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CWA. The project proponent shall comply with all permit conditions, as specified by the USACE. Mitigation ultimately required by the USACE could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.

c. For impacts to waters of the State or other State-regulated habitats that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CFGC Section 1602 and Porter Cologne, as applicable. Section 1602 applies to impacts to the ephemeral swale that drains into Ross Creek, while Porter-Cologne would apply to impacts to waters of the State that are not also waters of the US subject to regulation by USACE under the Clean Water Act. The project proponent shall comply with all permit conditions (including monitoring of any restoration plantings for long-term survivorship), as specified by the CDFW and RWQCB. Mitigation ultimately required by the CDFW/ RWQCB could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.

Applying for permits from the resource agencies prior to impacting jurisdictional waters is a legal requirement, but it is not a mitigation measure. The DEIR lacks concrete proposals for mitigation. Therefore, the DEIR fails to demonstrate that the project's impacts to waters of the State can be mitigated to less than significant levels. Without a revision to include concrete mitigation proposals, it is likely that the DEIR will not be adequate to support the issuance of State permits for impacts to the ephemeral channel.

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

According to the DEIR, a culverted portion of Ross Creek abuts the project site. The project proponent is encouraged to consider options for daylighting the portion of the Ross Creek at the project site. This may provide appropriate mitigation for any impacts to the ephemeral creek channel that the resource agencies determine to be unavoidable. Opportunities for creek

Letter 1 cont.

daylighting are very rare. Since the Project site is currently undeveloped, there may be unique opportunities for revising the project design to allow for creek daylighting.

Please contact me at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.

Sincerely,

Brian Wines
Water Resources Control Engineer
Watershed Division

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

Letter 1 cont.

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

June 12, 2017
CIWQS Place ID No. 818654

Sent via electronic mail: No hardcopy to follow

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Attn: Jennifer Armer (jarmer@losgatosca.gov)

Subject: Partial Recirculated Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006, Town of Los Gatos, Santa Clara County
SCH No. 2012072027

Dear Ms. Armer:

On October 8, 2015, San Francisco Bay Regional Water Quality Control Board (Water Board) staff submitted comments on the *Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006* (DEIR). The October 8, 2015, letter is included as an attachment to this letter. The DEIR circulated for comment in 2015 assessed potential impacts associated with approving a General Plan Amendment that would allow the 17.55-acre site at 170 Twin Oaks Drive to be developed with 10 single-family residences. In 2015, Water Board staff expressed concerns with respect to the unconfirmed jurisdictional status of an ephemeral channel at the project site and the lack of an actual mitigation proposal for impacts to waters of the State at the Project site.

In May of 2017, the Town of Los Gatos issued a *Partial Recirculated Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application* PD-10-006 (PRDEIR). Section 1.2 of the PRDEIR provides the reason for recirculation.

> In the time since the Draft EIR was released for public review (August 26, 2015 to October 9, 2015), the project applicant received correspondence from the United States Army Corps of Engineers (USACE) confirming the amount of jurisdictional Waters of the U.S. Waters of the U.S. are regulated by the USACE. The Draft EIR assumed that the ephemeral swale that traverses the western portion of the site would be jurisdictional waters. Following a site visit by USACE personnel in June 2016, the Army Corps of Engineers prepared a letter stating the extent of the jurisdictional Waters of the U.S. consisted of a 342-square foot (0.008-acre) area in the northwestern corner of the site. The ephemeral swale was determined not be jurisdictional Waters of the U.S.

Water Board staff are providing comments on the PRDEIR that explain why the issues raised in the October 8, 2015, comment letter on the DEIR have not been sufficiently resolved in the PRDEIR.

Comment 1. Section 4.3, Biological Resources. The extent of waters of the State should be verified.

In the October 8, 2015, comment letter, Water Board staff encouraged the project proponent to contact the U.S. Army Corps of Engineers (Corps) regulatory staff, California Department of Fish and Wildlife (CDFW) staff, and Water Board staff to confirm the jurisdictional status of the ephemeral headwater tributary to Ross Creek at the Project site. Since 2015, the project proponent has contacted the Corps, and in June of 2016 the Corps determined that the ephemeral headwater tributary was not a water of the U.S. According to text on page 4.3-12 of the PRDEIR:

> An ephemeral swale crosses the middle of the property, conveying sheet flow to the northwestern corner of the site, where it is collected in a storm drain system that outfalls into Ross Creek. ~~While only incised portions of the ephemeral swale are expected to qualify as waters of the U.S.,~~ It is assumed the entire swale ~~is expected to~~ would qualify as a waters of the State, given that it conveys concentrated flows from an off-site watershed to a named tributary. As such, impacts to this feature are expected to be regulated by the CDFW pursuant to the LSAPs and the RWQCB pursuant to Porter-Cologne.

In addition, Page 4.3-46 of the PRDEIR contains the following text:

> Preliminary input from the CDFW (D. Johnston, e-mail dated 7/17/2012) indicates that impacts to the ephemeral swale would require authorization under the Lake and Streambed Alteration Program (CFGC Section 1600, et seq.). Work within the ephemeral swale is also expected to require issuance of a water quality certification under Section 401 of the Clean Water Act and the State Porter Cologne Act and either individual or general waste discharge requirements from the RWQCB ~~pursuant to Porter-Cologne~~ (see Section 4.5, Hydrology and Water Quality, Impact and Mitigation Measure 4.5-1). Implementation of Mitigation Measures 4.3-7a and 4.3.7b, and ~~C~~conformance with Applicable Federal and State Regulations and Jurisdictional Waters Mitigation, would ensure that project-related impacts on surface waters would be reduced to less than significant.

Therefore, the PDREIR continues to treat the ephemeral swale as a water of the State, subject to CDFW and Water Board jurisdiction. When the project proponent applies to the Water Board for permits for impacts to the ephemeral channel, Water Board staff will request that the Project be redesigned to avoid the channel to the maximum extent practicable. Water Board staff will require that the applicant demonstrate that all opportunities to avoid or minimize fill in waters of the State have been avoided. The project proponent should not assume that all proposed fill at the project site will be authorized by the Water Board.

When the DEIR was circulated, the ephemeral channel was assumed to be subject to Corps, CDFW, and Water Board jurisdiction. At the time that the PRDEIR was circulated, the ephemeral channel was assumed to be subject to CDFW and Water Board jurisdiction. It is not clear why establishing the absence of federal jurisdiction over the ephemeral channel, while continuing to assume State jurisdiction over the channel, was a sufficiently significant change to justify the circulation of a partially recirculated DEIR.

Comment 2. Section 4.3, Biological Resources. Mitigation Measures 4.3-7a and 4.3-7b, of the PRDEIR do not include a concrete mitigation proposal and are, therefore, inadequate. For proposed impacts to the ephemeral channel, the PRDEIR includes two mitigation Measures; Mitigation Measure 4.3-7a, which was Mitigation Measure 4.3-7 in the DEIR, and new Mitigation Measure 4.3-7b. Mitigation Measure 4.3-7a consists of the following:

> *a. Prior to initiation of project construction, the project proponent shall secure a verified jurisdictional determination from the USACE.*
> *b. For impacts to federally regulated waters of the U.S. that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CWA. The project proponent shall comply with all permit conditions, as specified by the USACE. Mitigation ultimately required by the USACE could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.*
> *c. For impacts to waters of the State or other State-regulated habitats that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CFGC Section 1602 and Porter Cologne, as applicable. Section 1602 applies to impacts to the ephemeral swale that drains into Ross Creek, while Porter-Cologne would apply to impacts to waters of the State that are not also waters of the US subject to regulation by USACE under the Clean Water Act. The project proponent shall comply with all permit conditions (including monitoring of any restoration plantings for long-term survivorship), as specified by the CDFW and RWQCB. Mitigation ultimately required by the CDFW/ RWQCB could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.*

Mitigation Measure 4.3-7b consists of the following:

> ***Mitigation Measure 4.3.7b, Jurisdictional Waters Mitigation**: The project applicant shall implement avoidance, minimization, and compensation measures to reduce impacts on jurisdictional waters and riparian habitats to a less than significant level. If avoidance of jurisdictional waters is not feasible, the project applicant shall implement one or more of the following options to the satisfaction of the Community Development Director and the applicable the appropriate [sic] federal and State regulatory agencies.*
>
> *Option 1: Mitigation Banking*
>
> *Prior to the issuance of a grading permit or improvement plan, the applicant shall provide to the satisfaction of the Community Development Director, a letter from a qualified mitigation bank showing that the appropriate mitigation credits for wetland habitat have been purchased at a replacement-to-loss ratio of 2:1. The mitigation bank must be a habitat mitigation bank approved by the appropriate federal and State regulatory agencies. Additionally, the habitat mitigation bank must be within the same watershed (or other hydrological connection, to the satisfaction of the resource agencies listed in Mitigation Measures 4.3-7a above) of which Ross Creek is located.*
>
> *Option 2: Wetland Creation*

Prior to the issuance of a grading permit or improvement plan, the applicant shall provide to the satisfaction of the Community Development Director, a mitigation plan that results in the creation of new habitat as replacement for habitat lost or enhance the quality of existing habitat for native plants and wildlife. Mitigation measures shall include replacement of riparian and aquatic habitat at a replacement-to-loss ratio of up to 2:1 for permanent acreage impacts (up to two acres created for each acre permanently impacted) as well as reseeding or replanting of vegetation in temporarily disturbed areas according to a site-specific mitigation plan. At a minimum, this plan shall identify mitigation areas, a planting plan, site maintenance activities, success criteria, and remedial measures to compensate for lack of success. The mitigation goal shall be to create and enhance riparian or aquatic habitats with habitat functions and values greater than or equal to those existing in the impact zone. This could include enhancing the ephemeral drainages to increase their wetland and riparian value, which would benefit native wildlife in the region.

A detailed Habitat Mitigation and Monitoring Plan, including specific success criteria, shall be developed and submitted to permitting agencies during the permit process. The mitigation area shall be monitored in accordance with the plan approved by the permitting agencies. The basic components of the monitoring plan consist of final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures, and reporting requirements.

The Habitat Mitigation and Monitoring Plan shall at a minimum:

- *Define the location of all restoration/creation activities;*
- *Provide evidence of suitable water availability (e.g., from precipitation and surface runoff) to support any created wetland and riparian habitats;*
- *Identify the species, amount and location of plants to be installed;*
- *Identify time of year for planting and method for supplemental watering during the establishment period;*
- *Identify the monitoring period which should be not less than five years for wetland restoration and not less than five years for riparian restoration, defines success criteria that shall be required for the wetland restoration to be deemed a success;*
- *Identify adaptive management procedures that accommodate the uncertainty that comes with restoration projects. These include (but not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by native wildlife; etc.;*
- *Define management and maintenance activities (weeding of invasive, providing for supplemental water, repair of water delivery systems, etc.); and,*
- *Provide for surety in funding the monitoring and ensuring that the created wetland and riparian habitats fall within lands to be preserved and managed into perpetuity.*

Option 3: Wetland Restoration

Prior to the issuance of a grading permit or improvement plan, the applicant shall provide to the satisfaction of the Community Development Director, a wetland restoration plan that results in the daylighting of a portion of Ross Creek on the project site. Currently a portion of Ross Creek is conveyed through an underground culvert on the project site. The project applicant, with the concurrence of the resource agencies (listed in Mitigation

Measures 4.3-7a above) and the Santa Clara Valley Water District proposed, shall remove the culvert (daylight) from a portion of Ross Creek on the project site. The restoration plan shall include replacement of riparian and aquatic habitat at a replacement-to-loss ratio of up to 2:1 for permanent acreage impacts. The wetland restoration plan shall include a hydrological report, prepared by a qualified civil engineer to demonstrate that the restored creek has been designed such that it is compatible with the upstream point of connection, the design is appropriate for the specific stretch of Ross Creek, and that it has been designed to accommodate the appropriate flood conditions. The restoration plan shall also include a Habitat Mitigation and Monitoring Plan.

A detailed Habitat Mitigation and Monitoring Plan, including specific success criteria, shall be developed and submitted to permitting agencies during the permit process. The mitigation area shall be monitored in accordance with the plan approved by the permitting agencies. The basic components of the monitoring plan consist of final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures, and reporting requirements.

The Habitat Mitigation and Monitoring Plan shall at a minimum:

- *Define the location of all restoration/creation activities;*
- *Provide evidence of suitable water availability (e.g., from precipitation and surface runoff) to support any created wetland and riparian habitats;*
- *Identify the species, amount and location of plants to be installed;*
- *Identify time of year for planting and method for supplemental watering during the establishment period;*
- *Identify the monitoring period which should be not less than five years for wetland restoration and not less than five years for riparian restoration, defines success criteria that shall be required for the wetland restoration to be deemed a success;*
- *Identify adaptive management procedures that accommodate the uncertainty that comes with restoration projects. These include (but not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by native wildlife; etc.;*
- *Define management and maintenance activities (weeding of invasive, providing for supplemental water, repair of water delivery systems, etc.); and,*
- *Provide for surety in funding the monitoring and ensuring that the created wetland and riparian habitats fall within lands to be preserved and managed into perpetuity.*

Water Board staff are not aware of any mitigation bank capable of providing mitigation credits for impacts to the ephemeral channel. At present there are no mitigation banks with a service area that includes the project site. Therefore, Option 1 is not a viable mitigation option.

In the October 8, 2015, comment letter, Water Board staff made the following statements:

> Applying for permits from the resource agencies prior to impacting jurisdictional waters is a legal requirement, but it is not a mitigation measure. The DEIR lacks concrete proposals for mitigation. Therefore, the DEIR fails to demonstrate that the project's impacts to waters of the State can be mitigated to less than significant levels. Without a revision to include concrete mitigation proposals, it is likely that the DEIR will not be adequate to support the issuance of State permits for impacts to the ephemeral channel.

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

Option 2 does not provide sufficient detail to satisfy the concerns raised in the October 2015 comment letter. Option 2 proposes to create new habitat as replacement for habitat lost or enhance the quality of existing habitat. However, the text of Option 2 does not identify property available to the project proponent for a mitigation project and does not describe an actual mitigation project. In the absence of an actual mitigation project, Water Board staff is not able to determine if Option 2 would provide sufficient mitigation for the project's impacts to the ephemeral channel.

Option 3 consists of daylighting a culverted section of Ross Creek. Water Board staff had encouraged the project proponent to consider the feasibility of daylighting a culverted section of Ross Creek in the October 2015 comment letter. Option 3 should be improved by assessing how much land around the existing culvert would be necessary to establish a geomorphically stable daylighted reach of Ross Creek, and verifying that the project proponent has sufficient control over this land to support successful daylighting of the culverted reach and placing a conservation easement or deed restriction over the daylighted reach. Also, for a channel mitigation project, impacts and mitigation should be quantified in linear feet, rather than surface area.

Comment 3. Section 4.3, Biological Resources. Mitigation Measures 4.3-8 of the PRDEIR do not include a concrete mitigation proposal and is, therefore, inadequate.
As mitigation for impacts to riparian habitat near Ross Creek and the fill of part of the ephemeral channel at the projects site, the PRDEIR provides Mitigation Measure 4.3-8.

> *Mitigation for the placement of fill into the ephemeral swale is outlined in Mitigation Measure 4.3-7, above. Construction in and adjacent to Ross Creek and the ephemeral swale requires conformance to the Town's adopted sections of the Guidelines and Standards for Land Use Near Streams. In order to conform to these guidelines, the following measures shall be implemented:*
>
> - *Protection of the riparian zone shall be assured by establishment of an appropriate riparian corridor buffer. Based on site conditions, channel geomorphology, slope, size of watershed, and type of habitat, a minimum*

riparian setback of 25 feet from the top of bank or outer edge of the riparian zone, whichever is greater, would provide for an appropriate protection of the habitat values and water quality associated with Ross Creek.

- *Based on site conditions, channel geomorphology, slope, size of watershed, and type of habitat, a minimum riparian setback of 10 feet from the top of bank of the incised portion of the ephemeral swale and outer oak canopy edge would provide for an appropriate protection of the habitat values and water quality. It is recognized that the placement of fill into the ephemeral swale is necessary to construct Streets A and B. At these locations, there is no habitat meeting the definitions of "riparian vegetation" or "stream/channel/creek" as provided in the Guidelines. As such, this portion of the proposed project is not in conflict with the Guidelines. Mitigation for these impacts is specified in Mitigation Measure 4.3-7.*

a. Grading and culvert construction to accommodate the construction of Street B would result in impacts on the portions of the ephemeral swale that are incised and situated directly beneath the canopy of mature oak woodland. Such grading and construction at this location would not necessarily conflict with the Guidelines, but would be subject to review and permitting requirements by the regulatory agencies. Mitigation for these impacts is specified in Mitigation Measure 4.3-7.

b. A 10-foot wide protective easement shall be recorded over the length of the preserved swale across Lot 9. No grading, filling, or trenching shall be permitted within this easement.

c. Orange construction fencing or a similar visual barrier shall be installed to prevent accidental grading or movement of equipment beyond what is specified on the grading plans and approved under the grading permit.

d. Construction activities shall conform to the Town of Los Gatos' Tree Protection Ordinance, as required in Mitigation Measure 4.3-10, Tree Mitigation and Monitoring Plan.

As Water Board staff noted in Comment 2, above, Mitigation Measures 4.3-7a and 4.3-7b are not yet sufficient to establish that impacts to waters of the State at the ephemeral channel can be mitigated to a less than significant level. Since Mitigation Measure 4.3-8 relies on Mitigation Measures 4.3-7a and 4.3-7b to provide mitigation for impacts to the ephemeral channel, the PRDEIR has not demonstrated that impacts to the ephemeral channel can be mitigated to less than significant levels.

Please contact me at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.

Letter 1 cont.

Sincerely,

Brian Wines
Water Resources Control Engineer
Watershed Division

Attachment: October 8, 2015, Comment letter on the DEIR

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, Brenda Blinn (brenda.blinn@wildlife.ca.gov)
CDFW, Kristin Garrison (kristin.garrison@wildlife.ca.gov)

Letter 1 cont.

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

October 8, 2015
CIWQS Place ID No. 818654

Sent via electronic mail: No hardcopy to follow

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Attn: Marni Moseley (MMosely@losgatosca.gov)

Subject: Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006, Town of Los Gatos, Santa Clara County
SCH No. 2012072027

Dear Ms. Moseley:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the *Draft Environmental Impact Report, Surrey Farm Estates, 170 Twin Oaks Drive, Planned Development Application PD-10-006* (DEIR). The DEIR assesses potential impacts associated with approving a General Plan Amendment that would allow the 17.55-acre site at 170 Twin Oaks Drive to be developed with 10 single-family residences. Water Board staff have the following comments on the ISMND.

Comment 1. Section 4.3, Biological Resources. The extent of waters of the State should be verified.
Water Board staff encourage the project proponent to contact U.S. Army Corps of Engineers (Corps) regulatory staff, California Department of Fish and Wildlife (CDFW) staff, and Water Board staff to confirm the jurisdictional status of the ephemeral headwater tributary to Ross Creek at the Project site. If the apparent full apparent extent of the ephemeral creek is a jurisdictional water of the State, then the Project should be redesigned to avoid the channel to the maximum extent practicable. When we review applications for permits to fill waters of the State, we require that the applicant demonstrate that all opportunities to avoid or minimize fill in waters of the State have been avoided. The project proponent should not assume that all proposed fill at the project site will be authorized by the Water Board.

Comment 2. Section 4.3, Biological Resources. Mitigation Measure 4.3-7, of the DEIR does not include a concrete mitigation proposal and is, therefore, inadequate.
For proposed impacts to the ephemeral channel, Mitigation Measure 4.3-7 consists of the following:

a. Prior to initiation of project construction, the project proponent shall secure a verified jurisdictional determination from the USACE.

b. For impacts to federally regulated waters of the U.S. that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CWA. The project proponent shall comply with all permit conditions, as specified by the USACE. Mitigation ultimately required by the USACE could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.

c. For impacts to waters of the State or other State-regulated habitats that cannot be avoided, the applicant shall apply for and receive authorization pursuant to CFGC Section 1602 and Porter Cologne, as applicable. Section 1602 applies to impacts to the ephemeral swale that drains into Ross Creek, while Porter-Cologne would apply to impacts to waters of the State that are not also waters of the US subject to regulation by USACE under the Clean Water Act. The project proponent shall comply with all permit conditions (including monitoring of any restoration plantings for long-term survivorship), as specified by the CDFW and RWQCB. Mitigation ultimately required by the CDFW/ RWQCB could include on-site habitat creation, off-site habitat creation, purchase of credits from an approved habitat mitigation bank, and/or payment of in-lieu fees to an approved conservation organization for wetland habitat enhancement of preservation activities.

Applying for permits from the resource agencies prior to impacting jurisdictional waters is a legal requirement, but it is not a mitigation measure. The DEIR lacks concrete proposals for mitigation. Therefore, the DEIR fails to demonstrate that the project's impacts to waters of the State can be mitigated to less than significant levels. Without a revision to include concrete mitigation proposals, it is likely that the DEIR will not be adequate to support the issuance of State permits for impacts to the ephemeral channel.

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

According to the DEIR, a culverted portion of Ross Creek abuts the project site. The project proponent is encouraged to consider options for daylighting the portion of the Ross Creek at the project site. This may provide appropriate mitigation for any impacts to the ephemeral creek channel that the resource agencies determine to be unavoidable. Opportunities for creek

Letter 1 cont.

daylighting are very rare. Since the Project site is currently undeveloped, there may be unique opportunities for revising the project design to allow for creek daylighting.

Please contact me at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.

Sincerely,

Brian Wines
Water Resources Control Engineer
Watershed Division

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

LETTER 1: BRIAN WINES, SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 1-1

The commenter refers to an "ephemeral creek channel." The referenced ephemeral creek channel historically supports water only in storm events.

Under Impact 3.3.11, the Biological Evaluation Report prepared for the proposed project by LOA (included as Appendix B to the IS/MND) states: "…the proposed project will not directly impact Ross Creek, the intermittent ephemeral drainage, or the seasonal wetland drainage feature. Therefore, the project will not result in impacts to waters or sensitive habitat under the jurisdiction of the USACE, CDFW, or RWQCB." The foregoing conclusion was confirmed by the project engineer, is based on the current project plans, and is adequately reflected in the IS/MND.

In addition, as discussed within Section IV, Biological Resources, of the IS/MND, a site visit was conducted on May 14, 2025, by LOA, a professional biological consulting firm under contract with the Town's environmental consultant for the project, to confirm the characteristics of the on-site ephemeral drainage as part of the Biological Evaluation (which was conducted to identify on-site habitats and the likelihood of special-status species occurrence). Pages 48 and 49 of the IS/MND include the following discussion, with revisions shown in response to the comment:

> ~~The on-site ephemeral drainage with swales was determined not to be considered jurisdictional water of the U.S. or the State. Nonetheless, a~~As shown in Figure 3, the proposed project would be designed to incorporate a minimum 10-foot buffer between the proposed development and the vegetation surrounding the ephemeral drainage. As such, the ephemeral drainage with swales would not be directly impacted by the proposed project. Similarly, as discussed above, the proposed project would retain the 100- to 110-foot flood easement between the development footprint and Ross Creek. Therefore, the proposed project would not result in the disturbance of any on-site wetlands.

The design of the proposed project, inclusive of the aforementioned buffer, would ensure that no direct impacts would occur to the on-site ephemeral drainage. Thus, whether or not the ephemeral drainage is subject to RWQCB jurisdiction would not change the conclusions of the IS/MND.

It is recognized that the 10-foot buffer intersects with a proposed public utility easement along the internal roadway at the northernmost end of the ephemeral drainage. Underground utilities are not proposed within the easement area, and thus, no ground disturbance would occur within the easement area. Nonetheless, construction of the internal roadway would occur in close proximity to the northern edge of the ephemeral drainage. The potential indirect effects of this construction on water quality of the ephemeral drainage, should it receive flow from a precipitation event, would be addressed through implementation of the erosion control measures of the Storm Water Pollution Prevention Plan (SWPPP), required by Mitigation Measure X-1 on page 74 of the IS/MND. In response to RWQCB concerns, the Town has made the following amplifications to Mitigation Measure X-1:

> *X-1* *Prior to any ground-disturbing activities, the project applicant shall prepare and submit a final erosion and sediment control plan for review and approval by the Town of Los Gatos Engineering Division of the Parks and Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San*

Francisco Bay Regional Water Quality Control Board. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Prior to any ground disturbance, the on-site aquatic features (i.e., the ephemeral drainage/drainage swale and Ross Creek) shall be flagged by a qualified biologist with highly visible flagging tape, or similar, to clearly demarcate the limits of the aquatic features, and interim erosion control measures shall be installed around the aquatic features, at a minimum. The project applicant shall submit a letter to the Town prepared by the qualified biologist confirming completion of the flagging for review and approval prior to commencement of any ground disturbance. ~~Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included~~. Interim erosion control methods shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. The project contractor shall provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plan and SWPPP shall be prepared in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) shall be developed 48 hours prior to any likely precipitation event, defined by a 50 percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (https://www.cpc.ncep.noaa.gov/) which shall accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division ~~of the Parks and Public Works Department and the Building Department~~ shall conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

The above revisions serve as minor amplifications to Mitigation Measure X-1.

Response to Comment 1-2

Please see Response to Comment 1-1 above.

Response to Comment 1-3

Section 6.13.1 of the Geotechnical and Geologic Hazard Investigation (GGHI) prepared for the proposed project (included as Appendix D to the IS/MND) includes the possibility of using pervious pavement when discussing stormwater treatment designs. Except for Lots 7, 8, and 10, the maximum slope of the proposed pervious pavement areas is 3.5 percent. The lots include pervious pavers on the private driveways, which are shown with a maximum slope of 15 percent on the grading plan. According to the geotechnical report, underdrains are required for all pervious

paver installations, with which the proposed project would comply. Overall, as stated on page 73 of the IS/MND, the proposed project would comply with the requirements of the SWRCB and the RWQCB, and would meet C.3 Standards related to stormwater treatment, which would be ensured through a condition of approval and as part of the Town's review of final project plans.

Response to Comment 1-4

The Covenants, Conditions, and Restrictions (CC&Rs) include language that a maintenance agreement be put in place between the Town and the property owner, requiring the owner to operate and maintain all on-site stormwater treatment infrastructure. The City will require the owner to operate and maintain all on-site stormwater treatment infrastructure as a Condition of Approval.

With respect to the placement of the proposed bioretention basins and proximity to public roadways, all of the proposed lots would front a private roadway. The maintenance agreement will include language allowing Town personnel to access each bioretention area periodically as required for inspection purposes.

Hydromodification management for the project site was discussed under question c.i-iii within Section X, Hydrology and Water Quality, of the IS/MND. In addition, a Bay Area Hydrology Model (BAHM) report was prepared for the proposed project by Balance Hydrologics (see Appendix A to this document), which was submitted to, and reviewed by, the Town. Page 76 of the IS/MND is hereby revised as follows to incorporate additional details from the BAHM report:

> Furthermore, as discussed above, following project development, stormwater runoff from each on-site DMA would be directed into an associated bioretention area located adjacent to each lot, which would be lined with an impermeable liner. Following on-site treatment, stormwater flows would be metered out into the existing 27- and 36-inch storm drains located north and west of the site, respectively. The proposed on-site stormwater infrastructure would be sized to meet Provision C.3.g of the County's Municipal Regional Stormwater NPDES permit (MRP), which requires new development to manage stormwater flows such that post-development runoff does not exceed pre-project runoff rates and durations.
>
> In order to calculate the project's ability to meet flow-duration frequency requirements while also meeting the required water quality treatment standards, a Bay Area Hydrology Model (BAHM) report was prepared for the proposed project by Balance Hydrologics.[1] As discussed therein, site runoff would be directed to one of nine proposed bioretention basins that provide both water quality treatment and flow-duration control. Each bioretention area has been designed in accordance with the standard design criteria outlined in the C.3 Stormwater Handbook. Specifically, each basin was modeled with six inches of surface ponding, 18 inches of biotreatment soil media, and 12 inches of drain rock. A four-inch underdrain would collect the treated water, which would then be metered through a two-inch orifice integrated into the storm drain overflow structure. The two-inch orifice is required to meet the hydromodification management criteria. The modeling conducted as part of the BAHM report showed that the basins would biofilter an approximate average of 90 percent of the mean annual runoff. Such filtration rates are well in excess of the minimum 80 percent required by the MRP. As such, the BAHM report concluded that the proposed stormwater management facilities would provide effective water-quality treatment and flow-duration controls for the full range of flows, from one-tenth of the two-year flood event up to the 10-year event.

[1] Balance Hydrologics. *Summary of BAHM Modeling for the Surrey Farm Project, Town of Los Gatos*. July 31, 2025.

> Based on the above, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Consequently, implementation of the proposed project would result in a ***less-than-significant*** impact.

Response to Comment 1-5

The ephemeral drainage/drainage swale historically supports water only during storm events. As shown in Figure 15 of the IS/MND (On-Site Habitats), the ephemeral drainage/drainage swale does not extend across the entirety of the site; the downstream end of the ephemeral drainage currently tapers off at the northernmost extent, which occurs on Lot 8, near the proposed roadway. As shown in the proposed Site Plan (included as Figure 3 in the IS/MND), the project was purposefully designed to avoid the on-site aquatic features, including the ephemeral drainage. The majority of Lot 8, which is located upslope and to the east of the drainage, and that currently sheet flows towards the drainage during storm events, would remain undisturbed. This upslope area is shown as Drainage Management Area (DMA) B in the Stormwater Control Plan sheet of the BAHM report. Similarly, much of the upslope areas on Lot 9, located on the western side of the drainage, would not be disturbed. Accordingly, development of the proposed project would not be expected to substantially alter the amount of stormwater entering the ephemeral drainage/drainage swale during storm events, as those upslope areas that would remain undisturbed would continue to sheet flow to the drainage.

As part of the Biological Evaluation Report, LOA mapped the trees within the ephemeral drainage/drainage swale as mixed oak woodland habitat, not as riparian habitat. According to LOA, the trees within the drainage would not be negatively impacted by the project's current stormwater plan.

Response to Comment 1-6

The attachments to the comment letter are related to a previous project proposal that, while located on the same site, was not approved by the Town. Because the attached comments are on a separate CEQA analysis than the IS/MND prepared for the proposed project, the comments are not directly applicable to the proposed project and are considered more for context and reference. Therefore, responses to the attached comments are not required or provided. In addition, LOA reviewed the biological reconnaissance, wetland evaluation, three-season floristic survey, and tree inventory prepared for the 2017 EIR as part of their preparation of the Biological Evaluation for the proposed project. Therefore, the same reports that were used to inform the 2017 EIR were considered as part of the proposed project.

Letter 2

From: Patricia Arendt <[redacted]>
Sent: Wednesday, October 8, 2025 5:08 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Surrey Farms Project

[EXTERNAL SENDER]

We vote against this project. The email content below describes completely the risks and hazards asscíated with this project. The fire danger for this project and as a result the entire Town is of utmost concern. It was submitted by another resident of Los Gatos.

2-1 Thank you.

Ken and Pat Arendt

2-2 Fire Risk: According to the SCCFD, the project is in a Very High Fire Hazard Severity Zone. Ingress/egress, evacuation routes, and increased risk of fire associated with development are key issues. The SCCFD has not yet approved site access or water supply. Removal of Trees: The arborist report indicates that there are 546 on-site trees that qualify for protection under the Los Gatos Tree Protection Ordinance. The applicant is proposing to remove 223 of those protected trees in violation of that ordinance, destroying habitat for protected species, creating potential additional risks of landslide, mudslide, and drainage issues. Under the ordinance, the applicant would be required to plant 551 replacement **2-3** trees. Applicant proposes to plant 85 replacement trees and pay in-lieu fees for the remainder. Protected Species Will Lose Their Habitat: Due to the grading, construction, and removal of trees, multiple protected species will be harmed or displaced, including the California red-legged fog, white-tailed kite, golden eagle, purple martin, pallid bat, Townsend's big-eared bat, San Francisco dusky-footed woodrat, American badger, and burrowing owl. Multiple Lot Size, Building Height, and Setback Exceptions are Requested: The applicant is asking for reduced lot size and increased home size throughout the **2-4** project. Most notably, one of the three homes directly visible from the end of Longmeadow is proposed to be nearly 41' tall, when the maximum height is 25 feet under the Hillside Design Standards & Guidelines. Grading and Erosion Issues: Although the site is located in **2-5** a county Geologic Hazard Zone, with risks of landslide, liquefaction, and potentially compression soils and fault rupture hazard areas, the applicant requests multiple cut, fill,

Letter 2 cont.

2-5 cont. and grading exceptions. According to the IS/MND a final erosion and sediment control plan has yet to be prepared in conjunction with the project. There is, therefore, currently no plan to protect us from the potential risks to health and safety associated with the excessive grading, cut, fill, and construction on steep slopes in a Geologic Hazard Zone. Drainage and Water Issues: We already have drainage issues at the end of Longmeadow. The project will introduce 62,224 sf of impervious surfaces. The project proposes various bioretention areas, including one large one to be located directly adjacent to Hillbrook School and two homes. The drainage issues have also not been fully analyzed because of the lack of a final erosion and sediment control plan. In addition to our concern regarding flooding and

2-6 erosion, we are also concerned with the safety issues and hazards related to the introduction of a bioretention pond adjacent to the school and our homes. Noise and Traffic: Construction is expected to go on for at least two years. During that time, there will be an unmitigable increase in noise and traffic, creating health and safety issues for Surrey

2-7 Farms residents and Hillbrook School. After construction, there will be twelve additional households using Twin Oaks, Longmeadow, and Kennedy for ingress and egress. Traffic in the Kennedy corridor is already a significant issue. This project is tentatively scheduled to be reviewed by the Planning Commission at the November 13, 2025 Planning Commission

2-8 hearing. In addition to submitting written comments, it is helpful to show up and speak to our neighborhood concerns.

LETTER 2: KEN AND PAT ARENDT

Response to Comment 2-1

Please see Responses to Comments 2-2, 2-5, and 2-6. The comments will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 2-2

As noted on page seven of the IS/MND, the Builder's Remedy status of the project allows the project vested rights to be subject only to the applicable ordinances, policies, and standards in place at the time the project application was submitted. While the site is currently identified by the California Department of Forestry and Fire Protection (CAL FIRE) as being within a High Fire Hazard Severity Zone (FHSZ), at the time of project application, the site was mapped within a Very High FHSZ. Page 102 of the IS/MND is hereby revised accordingly:

a-d. According to maps prepared as part of the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the project site is not located within an SRA; however, the site is located within a Very High FHSZ.[2]

The project site is currently undeveloped and contains scattered oak woodlands throughout. Development of the proposed residential uses would include the clearing of on-site fuel sources and, thus, is not anticipated to increase wildfire risks at the site relative to the existing conditions within the project site. Additionally, the proposed project would be required to comply with all applicable requirements of the CFC through the installation of fire sprinkler systems, fire hydrants, and other applicable requirements. In addition, the proposed project would be subject to the requirements of Chapter 7A of the CBC which include, but are not limited to, use of ignition-resistant materials, fire-intrusion design of roofing and vents, and use of glazed exterior windows and doors. The proposed project would also be situated near existing roads, water lines, and other utilities, which would reduce risks related to wildfire due to the existing development generally acting as a fuel break because of a lack of natural debris (e.g., vegetation).

Wildfire risks are not anticipated to be exacerbated during project operation, as the anticipated residential uses typically do not involve operational components that would increase the risk of wildfire. Development of the site for residential uses would help to reduce the risk of wildland fire in the area due to site improvements, such as roadways, driveways, and irrigated landscaping, which would reduce readily combustible vegetation. Additionally, pursuant to Mitigation Measure VII-1, the project design would be required to show that final grading or improvement plans incorporate all recommendations included within the site-specific GGHI prepared for the proposed project to ensure slope stability at the project site. Furthermore, as shown in Figure 16 of the IS/MND, the proposed project locates the residences outside of the areas of the site with the steepest slopes. Although some slopes occur within the project site, the on-site slopes are limited in size and are not sufficient to facilitate rapid spread of wildfire, as compared to mountainous areas with slopes sufficiently large enough to accommodate rapid spread of wildfire. As a result, the proposed project would not exacerbate wildfire risks due to slope. The off-site improvement areas do not include significant slopes.

As discussed in Section IX, Hazards and Hazardous Materials, of this IS/MND implementation of the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically

interfere with the Town's EOP, particularly with any emergency evacuation routes. Furthermore, the proposed project would not include land uses or operations that could impair implementation of the plan. While the long-term maintenance of the proposed roadways, water and wastewater infrastructure, and other utilities would not exacerbate fire risks, the activities associated with the initial construction and placement of the utilities and infrastructure could cause a temporary increase in fire risks due to the use of heavy equipment, which would contain combustible materials such as fuels, oils, and ignition sources. However, the project contractor would be required to comply with all applicable health and safety standards, including the California Health and Safety Codes and local Town ordinances regulating the handling, storage, and transportation of hazardous materials. Compliance with such standards would help to minimize the potential for accidental conditions, including fire.

~~Additionally, the Santa Clara County Fire Department~~ SCCFD has also adopted Genasys Protect (formerly known as Zonehaven) to provide specific, timely and accurate information regarding evacuations within the County. Genasys Protect divides geographic regions into smaller zones to help simplify evacuations. In the event of a wildfire or public safety emergency, fire department and law enforcement agencies will issue evacuation orders and other protective actions for impacted areas. Genasys Protect is a web-based platform that provides real-time evacuation updates. The project site is located within Zone LGA-008, which includes the area north of Kennedy Road, south of Blossom Hill Road, east of Los Gatos Boulevard, and west of Short Road and Brooke Acres Drive.[2]

Therefore, the proposed project would not be expected to be subject to or result in substantial adverse effects related to wildfires, and a ***less-than-significant*** impact would occur.

As shown above, the foregoing revisions elaborate on the discussion within Section XX, Wildfire, of the IS/MND, but do not result in any new significant impacts or substantial increase in impact significance from what was identified in the IS/MND. Page 70 of the IS/MND is hereby also revised as follows to ensure consistency with the revisions shown above:

g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this IS/MND. As noted therein, the project site is not located within a State Responsibility Area (SRA). However, the site is located within a Very High Fire Hazard Severity Zone (FHSZ).[3]

As noted within Section XX, Wildfire, of the IS/MND, development of the proposed residential uses would include the clearing of on-site fuel sources and is therefore not anticipated to increase wildfire risks relative to the existing site conditions. In particular, the IS/MND notes that the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's Emergency Operation Plan (EOP), particularly with any emergency evacuation routes. Further, in addition to the proposed access points from Twin Oaks Drive and Cerro Vista Court (for Lot 10 only), as noted on page 70 of the IS/MND, the proposed project would include a 20-foot-wide emergency vehicle access (EVA) route extending south from the site to connect to Brooke Acres Drive. Following construction of

[2] Protect Genasys. *Genasys Protect*. Available at: https://protect.genasys.com/zones/US-CA-XSC-LGA-008. Accessed May 2025.

[3] California Department of Forestry and Fire Protection. *Santa Clara County: State Responsibility Area Fire Hazard Severity Zones*. Effective April 1, 2024.

the EVA route, construction trips could use the roadway. During project operations, the EVA route could also be used for egress during evacuation scenarios. Furthermore, the project improvement plans would be submitted to the Town for review by the Town, which would ensure compliance with the California Fire Code (CFC) and California Building Code (CBC).

Response to Comment 2-3

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

According to LOA, the proposed project would result in a small loss of habitat for the various wildlife species that occur regionally. Many of the species currently using the site would continue to use the site for movement or daily activities, as less than half of the site would be impacted, and less than half of the on-site woodlands would be impacted. Therefore, while some oak woodland habitat would be impacted, the amount is negligible on a regional scale; those species currently using woodland habitat within the impact area would be able to use woodland habitat in the unimpacted areas of the site or elsewhere regionally. In addition, Mitigation Measures IV-1 through IV-9 as set forth in the IS/MND would ensure that significant impacts related to adverse effects on the special-status species listed by the comment would not occur.

Response to Comment 2-4

The comment does not address the adequacy of the IS/MND. However, the IS/MND does address the proposed height in comparison to the Hillside Development Standards and Guidelines on page 21 as follows:

> As discussed above, the proposed project currently includes subdivision of the 17.55-acre project site into 12 lots and the subsequent development of 12 single-family residences. The project site is identified as a Hillside Area pursuant to the Hillside Development Standards and Guidelines. The foregoing standards and guidelines include requirements related to hillside grading, development intensity, architectural design, landscape design, and other site elements such as fences, walls, and driveway entries. The project has been designed such that several residential lots would comply with a number of Hillside Development Standards and Guidelines, including standards related to the Least Restrictive Development Areas (LRDAs), the maximum allowable floor area ratio (FAR) for the site, and the location of the proposed residences within the lots. For example, nine of the 12 proposed residences would be located within the LRDAs, where the slopes are less than 30 percent, consistent with the Hillside Development Standards.
>
> However, because the project is invoking Builder's Remedy, compliance with all of the Town's guidelines, policies, or programs is not required unless noncompliance constitutes a significant health or safety risk. As such, multiple aspects of the project are not in compliance with the Hillside Development Standards and Guidelines, such as the extent of grading and maximum heights. Regarding the latter, it should be noted that seven of the residential lots (Lot 1 and Lots 7 through 12) would only exceed the maximum height of 25 feet by approximately one to two feet, and Lots 7 through 10 would be located on the upper sloped portions of the project site. Thus, an effort has been made to minimize the height exceedance on the proposed residential lots that may be more visible.

In addition, Figure 11 of the IS/MND shows the existing and proposed view of the project site as seen from Longmeadow Drive. As noted on page 23 of the IS/MND, the majority of the project site would remain screened by the existing trees and vegetation and the proposed project would not conflict with existing regulations related to views of the Hillside Area from Longmeadow Drive. Therefore, the IS/MND appropriately concluded that the proposed project would not conflict with applicable Hillside Development Standards and Guidelines regulations governing scenic quality.

Response to Comment 2-5

Potential impacts related to geology and soils, including the risks of landslide, liquefaction, and fault rupture, are discussed in Section VII of the IS/MND. As discussed therein, the project site is located in a zone designated as having a "low" fault rupture hazard potential and is considered to be outside recognized fault zones. Similarly, the site is not located within County- or State-designated liquefaction hazard zones. Finally, Mitigation Measure VII-1 requires the project to incorporate the recommendations of the GGHI prepared for the proposed project, which would require the proposed project to be designed sufficient to ensure that impacts related to soil instability would not occur.

With respect to the erosion and sediment control plan required by Mitigation Measure X-1, the measure and associated plan require interim erosion control measures to be carried out during project construction. The specifics of such measures would be reviewed and approved by the Town of Los Gatos Engineering Division of the Parks and Public Works Department prior to ground-disturbing activities associated with the project. As specified on page 73 of the IS/MND, the erosion control methods shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Implementation of such erosion control methods would ensure that impacts related to drainage and erosion would not occur.

In addition, monitoring for erosion and sediment control is required by Mitigation Measure X-1 and by the Construction General Permit. Such monitoring would be performed by a qualified professional and would ensure the control measures are performing adequately.

Response to Comment 2-6

Bioretention basins are standard features of development projects and, as noted on page 12 of the IS/MND, would be sized and designed to meet the Town's C.3 Stormwater Standards design criteria, which require new development to manage stormwater flows such that post-development runoff does not exceed pre-project runoff rates and durations, thereby ensuring flooding would not occur. Bioretention basins filter stormwater runoff naturally through percolation, and do not pond water or result in long-term standing water. Thus, the proposed bioretention basins would not result in any safety concerns.

Response to Comment 2-7

Project construction noise is evaluated on pages 80 through 82 within question XIII-a of the IS/MND. As discussed therein, noise levels associated with project construction at the nearest existing single-family residences could exceed the applicable noise level standards. Mitigation Measure XIII-1 requires the project implement construction equipment staging areas to create distance between construction-related noise sources and noise-sensitive receptors; use electric tools, which create less noise than non-electric; and use mobile construction equipment with smart back-up alarms, which automatically adjust their volume instead of using a fixed volume.

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

With respect to ingress and egress routes, as well as roadway safety, the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the Town's EOP. Increased traffic from project construction would be temporary and cease upon buildout of the proposed project. As presented on page 82 of the IS/MND, generally, a doubling in traffic volumes is required to increase traffic noise levels by 3.0 dB, which is the level at which an increase in noise is generally perceptible. The proposed project would generate approximately 113 trips per day. Although traffic volume data for the roadways adjacent to the project site is not available, an average of 799 daily trips were recorded during the Spring 2024 trimester at Hillbrook School near the site's northwestern corner. Even under the conservative assumption that the traffic volumes at Hillbrook School are representative of the traffic on the nearest roadways in the project vicinity, the proposed project would not double traffic volumes on local roadways and, thus, would not substantially increase traffic noise in the project vicinity.

Response to Comment 2-8

The comment does not address the adequacy of the IS/MND.

Letter 3

From: Sameer Bidichandani [redacted]
Sent: Thursday, October 9, 2025 11:06 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Shabina Mirajkar [redacted]
Subject: Comments Regarding Proposed 12-Home Surrey Farms Development by home owner next door to the proposed site

[EXTERNAL SENDER]

Hi Erin,

We live at [redacted] and have a few concerns regarding the proposed development at 178 Twin Oaks Drive.

We fully understand that some building will take place at this site though are concerned about the size and scope of the development and the impact it will have on both the hillside and existing home-owners in Surrey Farms.

Our top concern is the single point of access which means that every single construction truck and truckload of dirt/asphalt/concrete/building supplies will come screaming down Longmeadow Drive to the Twin Oaks entrance. While there would be an added cost to the builders, there needs to be a second entrance beyond Longmeadow Drive which will also help with emergency access (and exit) during a potential fire event (and the entrance on Olde doesn't count here as no large construction vehicle would use this entrance). Placing the entire traffic burden on Longmeadow Drive residents isn't reasonable - simply add a second entrance from one of the other potential access sites/roads. A temporary entrance directly from Kennedy during construction (while challenging) would be least impactful.

3-1

One additional recommendation/request (augmenting my prior input on spreading the construction traffic impact beyond Longmeadow Drive) is to push 40% of the construction traffic (including new road construction) to Brooke Acres. Clearly the Brooke Acres neighborhood won't be supportive (any more than Surrey Farms is excited about all the traffic coming down Longmeadow), but this would be a more equitable sharing of the construction pain involved here for all existing residents. If one home will be built connected to Cerro Vista (10% of the homes), then splitting the remaining construction vehicles/traffic between Longmeadow Drive and Cerro Vista would dramatically reduce the impact on Surrey Farms.

Like many neighbors, we also remain concerned with fire hazards, drainage, harm to biological resources, protected species and wildlife, degradation of the hillside,

3-2

3-2 cont.

noncompliance with Hillside Development Standards and Hillside Specific Plan, removal of protected trees, interference with the Riparian Habitat (Ross Creek), pollution (light, air, noise), traffic, and encroachment on protected wetlands. Builders Remedy should not be an excuse to trample all legitimate zoning concerns and the mitigation details do not provide sufficient detail to remedy these concerns.

Finally, as we fully expect some building to happen in the future, we'd like to see the builders provide a nice trail navigating the entire property.

3-3

We would be happy to provide further detail on these concerns.

Thank you for the consideration here.

Regards,

Sameer Bidichandani & Shabina Mirajkar

[redacted], Los Gatos, CA 95032

LETTER 3: SAMEER BIDICHANDANI AND SHABINA MIRAJKAR

Response to Comment 3-1

In addition to the proposed access points from Twin Oaks Drive and Cerro Vista Court (for Lot 10 only), as noted on page 70 of the IS/MND, the proposed project would include a 20-foot-wide EVA route extending south from the site to connect to Brooke Acres Drive. Following construction of the EVA route, construction trips could use the roadway.

Response to Comment 3-2

According to CEQA Guidelines Section 15088, "The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment." Thus, when a commenter expresses general concerns, such as the proposed project would result in "more traffic", "effects on water quality", or "increased noise", a specific response is not offered.

Rather, the commenter is referred to the sections where the referenced general concern is evaluated in detail. For example, project-related impacts related to biological resources, such as trees, habitats, or protected species, are evaluated in Section IV, Biological Resources, of the IS/MND. Potential impacts related to drainage are discussed under Section X, Hydrology and Water Quality, and impacts related to evacuation and fire risk are discussed under Sections IX, Hazards and Hazardous Materials, and XX, Wildfire, of the IS/MND. Light pollution and consistency with the applicable Hillside Standards and Guidelines policies are discussed under Section I, Aesthetics, of the IS/MND; potential impacts related to air pollutant and greenhouse gas (GHG) emissions associated with the proposed project are discussed under Sections III, Air Quality, and VIII, Greenhouse Gas Emissions, of the IS/MND; and Section XIII, Noise, addresses potential impacts related to construction and operational noise.

Potential impacts related to transportation are discussed under Section XVII, Transportation, of the IS/MND. As discussed therein, traditionally, lead agencies used level of service (LOS) to assess the significance of impacts related to transportation. LOS represents a qualitative description of the traffic operations experienced by the driver at an intersection or along a roadway segment. However, pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018, which became effective in early 2019. Subdivision (a) of that section provides that "[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. Thus, pursuant to CEQA Guidelines Section 15064.3, vehicle miles traveled (VMT) is now used, rather than LOS, to assess the significance of transportation impacts under CEQA. As discussed under question XVII-b, the proposed project would result in a less-than-significant impact related to VMT with implementation of Mitigation Measure XVII-1.

The comment does not provide substantial evidence supporting why the mitigation measures set forth in the IS/MND would not be sufficient. In addition, the proposed project would be subject to all existing objective development regulations.

The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 3-3

The comment does not address the adequacy of the IS/MND and has been noted for the record. It should be noted that the addition of a trail is not proposed as part of the project, anticipated or planned for the site, nor required by the Town. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 4

-----Original Message-----
From: Karen Brown [redacted]>
Sent: Thursday, October 9, 2025 3:11 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Surrey Farm Estates Project

[EXTERNAL SENDER]

Dear Ms. Walters,

We are writing to give our views on the proposed Surrey Farm Estates project.

We have been homeowners in Surrey Farm for over 28 years and we feel that this project will have a major negative impact on our neighborhood.

4-1

As proposed, many trees will have to be removed to make room for this subdivision. It is known that there are protected species living in the hills and trees in this neighborhood and they will be displaced. This was once protected space for wildlife.

There are CC&R's in place for Surrey Farm that all neighbors have had to adhere to when remodeling our aging homes. With few exceptions from the origination of the neighborhood, 2 story homes are not permitted.

4-2

There are known water problems and fire safety issues that impact us all. In case of evacuation there is only one viable entrance/exit from this neighborhood.

4-3

The noise and traffic that will be created during construction will be overwhelming and greatly disruptive to all neighbors, who range from elderly couples who have lived here since these homes were new to young families with small children that play, ride bikes, scooters... and walk their dogs in this neighborhood. This project will place an unfair burden on all of us.

4-4

Thank you for your time and attention,

Jim and Karen Brown

Blueberry Hill Drive

Surrey Farm

LETTER 4: JIM AND KAREN BROWN

Response to Comment 4-1
Please see Response to Comment 3-2.

Response to Comment 4-2
Please see Responses to Comments 2-4 and 23-12.

Response to Comment 4-3
The comment does not provide sufficient explanation regarding “known water problems and fire safety issues” to provide a detailed response. Please see Responses to Comments 2-2 and 3-2.

Response to Comment 4-4
Please see Responses to Comments 2-7 and 3-2.

Letter 5

From: Jill Fordyce [redacted]
Sent: Wednesday, October 8, 2025 4:27 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Craig Fordyce [redacted]>; Bill Meleyco [redacted]>;
Jon Witkin [redacted]
Subject: 178 Twin Oaks, Proposed Surrey Farms Estates Subdivision Project

[EXTERNAL SENDER]

Hi Erin,

Attached please find our comments with regard to the Mitigated Negative Declaration prepared for 178 Twin Oaks, Proposed Surrey Farms Subdivision Project. Can you please confirm receipt?

Thank you,

Jill Fordyce

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

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

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

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

5-2 development of twelve homes on a rural hillside poses several environmental impacts that cumulatively cannot be reduced to a less-than-significant level through mitigation measures. CEQA therefore requires preparation of an EIR. (It should be noted that when this proposed project came before the town in 2016 for a proposed ten homes, the Town required an EIR.)

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

5-3 requesting 153 waivers (9-16 per lot) from the town development standards. Specifically, the applicant requests waivers relative to grading and tree removal to accommodate the development

5-3 cont.

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

5-4

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

I. Summary of Argument

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

5-5

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

5-6

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

5-6 cont. to remove 223 of those protected trees in violation of that ordinance, destroying habitat for protected species, creating potential additional risks of landslide, mudslide, and drainage issues. Under the ordinance, the applicant would be required to plant 551 replacement trees. Applicant proposes to plant 85 replacement trees and pay in-lieu fees for the remainder.

5-7 **Protected Species Will Lose Their Habitat:** Due to the grading, construction, and removal of trees, multiple protected species will be harmed or displaced, including the California red-legged fog, white-tailed kite, golden eagle, purple martin, pallid bat, Townsend's big-eared bat, San Francisco dusky-footed woodrat, American badger, and burrowing owl.

5-8 **Multiple Lot Size, Building Height, and Setback Exceptions are Requested:** The applicant is asking for reduced lot size and increased home size throughout the project. Most notably, one of the three homes directly visible from the end of Longmeadow is proposed to be nearly 41' tall, when the maximum height is 25 feet under the Hillside Design Standards & Guidelines.

5-9 **Grading and Erosion Issues:** Although the site is located in a county Geologic Hazard Zone, with risks of landslide, liquefaction, and potentially compression soils and fault rupture hazard areas, the applicant requests multiple cut, fill, and grading exceptions. According to the IS/MND a final erosion and sediment control plan has yet to be prepared in conjunction with the project. There is, therefore, currently no plan to protect us from the potential risks to health and safety associated with the excessive grading, cut, fill, and construction on steep slopes in a Geologic Hazard Zone.

5-10 **Drainage and Water Issues:** We already have drainage issues at the end of Longmeadow. The project will introduce 62,224 sf of impervious surfaces. The project proposes various bioretention areas, including one large one to be located directly adjacent to Hillbrook

5-10 cont.

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

5-11

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

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

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

5-12

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

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

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

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

5-12 cont.

Ultimately, the Town agreed with Mrs. McGrath, and our home (191 Longmeadow Drive) and the Meleyco home (189 Longmeadow) became the end of Longmeadow, in a cul de sac, terminating any thought that Longmeadow—and indeed Surrey Farms—would have a connecting street.

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

5-12 cont.

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

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

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

In 1975, 187 Longmeadow was built.

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

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

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

Prior to purchasing our home at 191 Longmeadow Drive in February 1999, we went to the Town and inquired as to the likelihood of the hill (proposed project site) being developed. Noting that it was Resource Conservation space, the clerk told us "not in your lifetime." In 2016, the applicant herein submitted an application to cancel the Williamson Act Contract and to approve a ten-home planned development on the site. In August 2017, the Town prepared an EIR on the proposed project. According to the IS/MND, "although the project has since changed and

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

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

5-12 cont.

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

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

5-12 cont.

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

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

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

5-12 cont.

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

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

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

5-13

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

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

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

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

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

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

5-13 cont.

Specifically, the HDS&G's objectives include:

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

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

5-13 cont.

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

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

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

CEQA Protects the Health & Safety of the Community

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

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

(CA Public Resources Code section 21001-02).

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

5-13 cont.

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

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

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

5-14

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

5-15

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

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

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

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

5-15 cont. and there is no screening and/or vegetation proposed to protect the neighbors at the end of Longmeadow and Twin Oaks.

Additionally, the aesthetics of the large bioretention pond directly adjacent to our home,

5-16 the Meleyco home, and Hillbrook School should also be considered and is not discussed herein. (See discussion of possible bioretention pond hazards herein at pp. 23-24).

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

5-17 nature to the existing surrounding conditions and would not adversely affect day or nighttime view in the area." (IS/MND p. 28).

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

5-18 Because the entire backdrop to Surrey Farms would be changed from an open, grassy hill, to a neighborhood with twelve homes, the potential for as many ADUs, cars, lights, streets, and other infrastructure, the proposed project will substantially impact scenic vistas, damage scenic resources, and degrade the visual character of the site and its surroundings.

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

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

5-19 The mitigation proposed to prevent this outpouring of pollutants and dust into the neighborhood below is to water exposed areas two times a day, to require all haul trucks to be covered, to limit the vehicle speed to 15 mph on unpaved roads, to limit idling time, to maintain construction equipment, and to post a sign of who to call with dust complaints. (IS/MND p. 33-4). These mitigation efforts will at best minimally reduce what we expect that will be a constant source of dust, pollution, and runoff in our backyard for at least a period of two years. We already have drainage issues at the base of the hill, and now to mitigate dust, the solution proposed is to water twice a day. What will happen to the new, constant runoff down the hill and onto our properties and into our neighborhood is not addressed in the IS/MND.

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

5-19 cont.

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

The Proposed Project Will Irrevocably Harm Biological Resources

According to the IS/MND, the project will have a "less than significant impact with mitigation incorporated" as it relates to: "habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service" and

5-20

"conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance." The Project was deemed to have a less than significant impact on "any riparian habitat", "federally protected wetlands", and interference with "movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors." (IS/MND p. 39).

Protected Species Will Be Harmed and Displaced

According to the IS/MND, the proposed project has a potential to result in adverse effects to nine special-status wildlife species, as well as additional nesting raptors and migratory birds (California red-legged frog, white-tailed kite, golden eagle, purple martin, pallid bat, Townsend's

5-21

big-eared bat, San Francisco dusky-footed woodrat, American badger, and burrowing owl.) As with all the wildlife affected or potentially affected by this proposed development, the destruction of their natural habitat cannot be mitigated. 223 trees will be removed and countless others "impacted" by the development.

5-22 The California red-legged frog is a California "species of special concern." Ross Creek may be suitable for dispersal and foraging habitat for the species and, given the potential for the frog to be present within the site, on-site construction activities could result in a potentially significant adverse impact. (IS/MND p. 43).

5-23 The white-tailed kite and golden eagle are both California Fully Protected species. The purple martin is a California "species of special concern." According to the Biological Evaluation, the project site provides suitable foraging habitat for both species. "In addition to the suitable foraging habitat provided by the project site for white-tailed kite, golden eagle, and purple martin, as well as the marginally suitable nesting habitat for the white-tailed kite, the site contains existing trees that could provide nesting habitat for raptors and migratory birds protected by MBTA. Construction activities that adversely affect the nesting success of raptors and migratory birds (i.e., lead to the abandonment of active nests) or result in mortality of individual birds constitute a violation of State and federal laws. Thus, if such species occur on-site during the breeding season, project construction activities could result in an adverse effect to species protected under the MBTA. (IS/MND p. 43-4).

5-24 The San Francisco dusky-footed woodrat is a California "species of special concern." During the field survey conducted as part of the Biological Evaluation, San Francisco dusky-footed woodrat nests were observed on-site, within the "oak woodland understory in the north portion of the site." As such, if construction activities were to occur within this habitat, the project could result in adverse impacts to the San Francisco dusky-footed woodrat. (IS/MND p. 44).

5-25 It should be noted that in the previous DEIR on this property, ten target species were determined to have the potential to occur within the study area. Those include one federally

5-25 cont.

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

5-26

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

The Proposed Project Requires the Removal of 223 Protected Trees

5-27

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

5-27 cont.

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

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

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

5-27 cont.

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

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

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

Letter 5 cont.

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

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

5-27 cont.

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

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

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

5-28

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

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

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

5-28 cont.

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

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

5-28 cont.

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

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

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

5-29

In January 1975, when the last four homes on Longmeadow were constructed, the Assistant Planning Director acknowledged that this four lot subdivision at the end of Longmeadow included lots of varying sizes due to the flood plain area required by Ross Creek, which lies directly behind what is now our home (191 Longmeadow) and the Meleyco home (189 Longmeadow). Ross Creek is identified in the IS/MND as part of the riparian woodland.

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

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

5-29 cont.

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

There is No Plan for Sediment and Erosion Control During Construction

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

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

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

5-30 cont.

There is No Plan for Sediment and Erosion Control During Operation

5-31

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

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

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

5-31 cont.

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

5-32

5-32 cont.

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

5-33

The Project Will Significantly Increase the Noise in the Surrounding Areas

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

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

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

5-33 cont.

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

5-33 cont. vibration or groundborne noise levels, and a potentially significant impact could occur. (IS/MND p. 84). The mitigation measure proposed to reduce this impact appears to only relate to the off-site improvement areas and proposes "preconstruction crack documentation and construction vibration monitoring."

While it is a given that the project will cause an increase in noise and vibration during construction (for two years or more), it will also increase noise and vibration after the new neighborhood is constructed. Instead of hearing birds, frogs, and other wildlife, we will hear cars, alarms, cars, people, phones, radios, televisions, parties, and possibly a water treatment facility. According to the IS/MND, it will be comparable to current residential noise. It must be

5-34 recognized, however, that there is no noise from "residential activities" at the end of Longmeadow and the homes along Twin Oaks. Other than wildlife, the only noise we typically hear is children on the field at Hillbrook School, and occasionally, because of the way sound travels down the hill, we can hear telephones and people speaking from the one house on Cerro Vista directly above Hillbrook and visible from our yard. To go from essentially no noise to a neighborhood full of noise, with sound that travels downhill, will impact all the homes at the end of Longmeadow, along Twin Oaks, and I expect Cerro Vista and Brooke Acres, as well.

Construction of the project will affect our home and our way of life in Surrey Farms. The construction will not create havoc for a few months, but for years. The mitigation measures provide no relief. Construction, with its accompanying dirt, dust, pollution, and noise are allowed

5-35 for ten hours a day on weekdays, and eight hours a day on weekends. It appears that nearly every waking hour of the day our home life will be exposed to construction noise, for an indefinite period of time. This will prevent use of our backyard by our family, including our grandchildren who should not be exposed to the dust, noise, and pollution. Whereas many of us in the

5-35 cont. neighborhood also work from home, there will be virtually no respite from the noise, dust, and pollution and the activities of both daily homelife, and work will be disrupted.

The Proposed Project Will Likely Have an Impact on Public Services

The IS/MND concludes that there is a less than significant impact on public services, including schools, fire protection, and police protection because there are only twelve new homes proposed, which would result in "an increase of approximately 29 residents." (IS/MND p. 89). It is unclear where this figure comes from but seems to be a miscalculation based even on simply the size of the homes. Is the presumption that these homes would have an average of only 2.42 people? This seems to be an unreasonable presumption given that nine of these homes are between 5775 SF to 6170 SF and offsite parking includes room for 86 additional vehicles. To adequately study the impacts on public services, importantly those that directly impact health and safety, this presumption must be further evaluated by the Town. **5-36**

The Proposed Project Conflicts with CEQA Guidelines Relative to Transportation

The proposed project is expected to exceed the applicable VMT (vehicle miles traveled) threshold required under the Town threshold and CEQA, creating a potential significant impact. To counteract this excess in VMT, the applicant is required to submit off-site improvement plans for the construction of new sidewalks on Blossom Hill Road and Fisher Avenue. It is unclear how these off-site improvements mitigate the increase in VMT. Access for emergency equipment is achieved through a connection to Twin Oaks Drive known as Surrey Farms Hill. There is a proposed EVA from Brook Acres Drive. In order to access either of these, emergency vehicles will be required to traverse Kennedy Road and Longmeadow Drive, both of which are two lane roads. **5-37**

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

5-38

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

5-39

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

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

5-40

5-40 cont.

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

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

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

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

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

5-40 cont.

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

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

5-41

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

The Mitigation Measures Are Uncertain and Insufficient

5-42

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

Letter 5 cont.

5-42 cont.

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

Very truly yours,

Jill & Craig Fordyce

[redacted]

October 8, 2025

EXHIBIT A

Combined List of Exceptions Requested by Applicant

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

Lot 1:

Reduce minimum required lot size

Requesting additional height to 27'7"

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill*

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

Grading within areas that are greater than 25%

Lot 2:

Reduce minimum required lot size

Requesting additional height to 32'6"

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

Requesting additional floor area

Requesting reduced rear setback

Requesting reduced side setback

Exceeding cut and fill

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

Grading within areas that are greater than 25%

Lot 3:

Reduce minimum required lot size

Requesting additional height to 38'

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

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

Exception from LRDA for 30% slope

Lot 4:

Reduce minimum required lot size

Requesting additional height to 37'3"

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

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

Lot 5:

Reduce minimum required lot size

Requesting additional height to 40'10"***

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

Requesting additional floor area

Requesting reduced front setback

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

Grading within areas that are greater than 25%

Lot 6:

Reduce minimum required lot size

Requesting additional height to 33'10"

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

Requesting additional floor area

Requesting reduced rear setback

Requesting reduced off street parking count

Exception from LRDA for 30% slope

Exceeding minimum cut and fill

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

Grading within areas that are greater than 25%

Lot 7:

Reduce minimum required lot size

Requesting additional height to 27'6"

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

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Proposed driveway exceeds 15% max

Portion of pool within area greater than 30% slope

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

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

Grading within areas that are greater than 25%

Lot 8:

Reduce minimum required lot size

Requesting additional height to 27'6"

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

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

Proposed driveway exceeds 15% max

Portion of pool within area greater than 30% slope

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

Grading within areas that are greater than 25%

Lot 9:

Reduce minimum required lot size

Requesting additional height to 27'6"

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

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

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

Grading within areas that are greater than 25%

Lot 10:

Reduce minimum required lot size

Requesting additional height to 27'6"

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

Requesting additional floor area

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

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

Lot 11:

Reduce minimum required lot size

Requesting additional height to 27'8"

Requesting additional floor area

Requesting reduced side setbacks

Requesting reduced off street parking count

Exceeding minimum cut and fill

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

Lot 12:

Reduce minimum required lot size

Requesting additional height to 27'4"

Requesting additional floor area

Requesting reduced front setback

Requesting reduced side setbacks

Exceeding minimum cut and fill

Letter 5 cont.

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

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

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

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

LETTER 5: JILL AND CRAIG FORDYCE (1 OF 2)

Response to Comment 5-1
The comment is introductory and does not address the adequacy of the IS/MND. Please see the following responses to specific comments.

Response to Comment 5-2
The comment generally states that the Town cannot lawfully adopt an MND under CEQA because substantial evidence supports a fair argument that the project may have environmental impacts. The comment does not provide any substantial evidence supporting this claim. Please see the following responses to more specific comments.

Response to Comment 5-3
The comment identifies the waivers being requested for the project but does not provide any substantial evidence how the waivers result in significant environmental impacts.

Response to Comment 5-4
Per Government Code Section 65589.5, the Town can impose objective development standards so long as those standards meet the following criteria:

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

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

In an effort to make this clearer in the IS/MND, the following revision is made to page 16 of the IS/MND:

> Architecture and Site Plan Review
> The Town's ~~Building Division~~ Community Development Department is responsible for a plan review of all new construction, additions, and remodels for both commercial and residential properties, as well as construction inspection services for projects including electrical, plumbing and mechanical installations. Plan review ensures compliance with applicable State and local codes, policies, guidelines, and standards of all residential and commercial structures within the Town limits, including the Hillside Development Standards and Guidelines. As described in the Town's Code, the purpose of Architecture and Site

> Plan Review through the Planning Division is to regulate the height, width, shape, proportion, siting, exterior construction and design of buildings to ensure that they are architecturally compatible with their surroundings. Section 29.20.150 of the Town Code lists the matters that the Town must consider when reviewing applications for Architecture and Site Approval. ~~The Town's review is limited to objective standards only, pursuant to SB 330 and Builder's Remedy.~~

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

Response to Comment 5-5

Please see Response to Comment 2-2.

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

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

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

Response to Comment 5-6

Please see Response to Comment 2-3.

Response to Comment 5-7

Please see Response to Comment 2-3.

Response to Comment 5-8

Please see Response to Comment 5-15.

Response to Comment 5-9

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

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

Response to Comment 5-10

As discussed under question X-c.i-iii on pages 75 and 76 of the IS/MND, the proposed on-site stormwater infrastructure would be sized to manage stormwater flows such that post-development runoff does not exceed pre-project runoff rates and durations, consistent with Provision C.3.g of the County's Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit. Therefore, the new impervious surfaces are not anticipated to result in significant impacts related to altering the drainage pattern of the site.

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

Response to Comment 5-11

Please see Response to Comment 2-7.

Response to Comment 5-12

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

Response to Comment 5-13

Please see Response to Comment 5-4.

Response to Comment 5-14

Please see Response to Comment 5-2.

Response to Comment 5-15

As shown in Figure 11 of the IS/MND, existing trees along Longmeadow Drive currently obscure views of the site. Because the trees are not proposed for removal as part of the proposed project, such screening effects would be maintained, and the IS/MND's conclusion is accurate. Notwithstanding, substantial degradation of views of the site is not the relevant question as that would be the appropriate inquiry, pursuant to Appendix G, Section I c., if the site were within a non-urbanized area. Furthermore, privacy and private views are not protected pursuant to CEQA as noted in Footnote 6 on page 23 of the IS/MND.

As noted on page 21 of the IS/MND, the project site is within an urbanized area, and thus, the relevant threshold is whether the project would conflict with applicable zoning and other regulations governing scenic quality. As noted on page 23 of the IS/MND:

> From an aesthetics perspective, it is reasonable to conclude that not every conflict with a scenic regulation would result in a significant aesthetic impact, pursuant to CEQA. Because the Hillside Development Standards and Guidelines contain standards related to preserving views of hillsides, computer-generated photo simulations of the project were prepared from public viewpoints. Although the simulated public viewpoints do not coincide with the Town's designated Hillside Area viewing areas, the simulations were prepared to meet the Town's Height Pole, Flagging, Netting, and Signage Policy For Additions and New Construction Policy and are used herein to facilitate an understanding as to whether the project's deviations from Hillside Development Standards are consequential from an aesthetics perspective. Potential views of the project site from public spaces were determined to include views from Longmeadow Drive (Figure 11, View #1), which is located west of the project site; from the Hillbrook School campus north of the site (Figure 12, View #2); from Cerro Vista Court (Figure 13, View #3); and from Brooke Acres Drive, south of the project site (Figure 14, View #4).
>
> Figure 11 presents the existing view of the project site in comparison to the view of the project site with development of the proposed project from View #1. As shown in the figure,

> the existing view of the site from Longmeadow Drive consists of the street frontages and existing trees associated with the existing single-family residences, as well as the existing vegetation on the project site in the background. With the proposed project, the view from Longmeadow Drive would include a partial view of three of the 12 proposed single-family residences in the background. The majority of the project site would remain screened by the existing trees and vegetation. The proposed project would not conflict with existing regulations related to views of the Hillside Area from Longmeadow Drive. Because the proposed project would not substantially affect views of the Hillside Area from Longmeadow Drive, the proposed project would not conflict with the applicable Hillside Development Standards and Guidelines regulations governing scenic quality.

Response to Comment 5-16

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

Response to Comment 5-17

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

Response to Comment 5-18

Please see Responses to Comments 5-15 and 5-17.

As discussed on page 20 of the IS/MND:

> Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The General Plan EIR identifies southward views of the Santa Cruz Mountains and ridgelines as the primary protected scenic vistas within the Town. Due to the heavily-wooded nature of the Town, scenic views are most prominent from the southbound lanes of the Town's major north-south running streets. The project site is located in an area of the Town that is heavily obscured from view due to intervening topography and vegetation. Therefore, views of the Santa Cruz Mountains would not be obstructed by project development. In addition, due to the intervening topography and vegetation described above, views of any other potential ridgelines beyond the project site are not visible from the surrounding roadways.
>
> At a local level, the Town does not identify any roadways as scenic routes. In addition, while State Route (SR) 17 is designated as eligible for listing as a State Scenic Highway, State Scenic Highways are not located within the Town of Los Gatos.[5] The project site is located approximately 1.06 miles east of SR 17 and is obscured from view through various natural features and existing development. Therefore, the proposed project would not have the potential to damage scenic resources within the vicinity of a State Scenic Highway.

Response to Comment 5-19

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

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

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

Response to Comment 5-20

The comment summarizes the findings of the IS/MND and does not address the adequacy of the document. Therefore, further response is not necessary.

Response to Comment 5-21

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

Response to Comment 5-22

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

Response to Comment 5-23

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

Response to Comment 5-24

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

Response to Comment 5-25

The analysis of special-status wildlife species, which starts on page 42 of the IS/MND, was informed by the Biological Evaluation prepared for the proposed project. The EIR prepared for the project site referred to by the comment was prepared in August 2017, more than eight years ago from the time of the IS/MND. A recent field survey of the project site was conducted on December 19, 2024, as part of the Biological Evaluation to identify on-site habitats and to determine the likelihood of any occurrences of special-status species. An additional site visit was conducted on May 14, 2025, to confirm the characteristics of the on-site ephemeral drainage. A literature review of various biological databases was also conducted to assess the suitability of on-site habitats.

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

Response to Comment 5-26

Please see Response to Comment 2-3.

Response to Comment 5-27

Please see Response to Comment 2-3 above.

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

The arborist report was revised during the public review period, during which the total number of on-site trees and the project's potential impacts were revised. According to the revised Arborist Report, the new inventory identified a total of 673 individual trees over four inches in diameter, 630 of which qualify for some level of protection under the Town's tree protection ordinance and 43 of which are exempted.[4] Of the total, 244 trees would be removed (223 of which would qualify as protected) and 371 trees would be retained.

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

Page 50 of the IS/MND is hereby revised to reflect the findings of the revised Arborist Report:

> As discussed above, mixed oak woodland is present throughout the project site, some of which would be impacted by the proposed development. In order to determine if on-site trees proposed for removal qualify for protection under the provisions of the Town's Municipal Code, an Arborist Report was prepared for the site by McClintock Landscape Horticultural Services (McClintock) (see Appendix C), which has been peer reviewed by Monarch Consulting Arborists. During a site tree survey conducted of the project site, the Arborist Report identified ~~603~~ 673 on-site trees measuring four inches or greater in diameter at breast height (DBH), consisting of 26 species. According to the Arborist Report, ~~546~~ 630 of the on-site trees qualify for protection under the Town's Tree Protection Ordinance.
>
> According to the Tree Mitigation and Protection Plan prepared for the proposed project, 223 protected trees would be removed, which would require a total of 551 replacement trees to be planted on-site, pursuant to the Town of Los Gatos Tree Protection Ordinance. A total of 85 trees are proposed to be planted on-site, which would not meet the on-site tree replacement requirements (see Figure 8 and Figure 9). Thus, payment of in-lieu fees consistent with Division II of Chapter 29.10 of the Town's Municipal Code would be required to mitigate for the shortfall in on-site tree replacement.

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

Response to Comment 5-28

As shown in Figure 16 of the IS/MND, the proposed project locates the residences outside of the areas of the site with the steepest slopes. Such siting significantly reduces the potential for the effects discussed by the comment.

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

During the excavation of test pits, evidence of either shallow or deep-seated landslide deposits were not observed, and field features indicative of slope failure and instability were not observed during the site reconnaissance. As such, the GGHI concluded that the underlying slopes of the project site are relatively stable and, thus, the landslide hazard is considered low to moderate. In addition, the peer review of the GGHI notes that the majority of the proposed residences (i.e., Lots 1, 2, 4, 5, 8, 9, 10, 11, and 12) are outside of the indicated on-site slopes (see Figure 16). While the proposed lots would exceed the maximum allowable graded cut or fill for each lot pursuant to the Hillside Development Standards and Guidelines, the proposed earthwork activities are accounted for in the analysis of the project-specific GGHI. Specifically, Section 6 of the GGHI discusses various requirements related to earthwork, including, but not limited to, temporary and permanent cut and fill slopes, subgrade preparation, wet soil stabilization, material for fill, compaction requirements, and trench backfill. Compliance with such requirements would ensure

that the earthwork activities associated with the proposed project would be acceptable and would lead to instability. Without incorporating the recommendations included within the GGHI, new fill placed for the planned structures and streets on existing inclined slopes could cause a significant impact related to slope instability (IS/MND, pg. 61).

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

Response to Comment 5-29

Please see Responses to Comments 5-9 and 5-10.

Response to Comment 5-30

Please see Response to Comment 5-9.

Response to Comment 5-31

Please see Response to Comment 5-9.

Response to Comment 5-32

Bioretention is a way to clean and filter stormwater runoff naturally through percolation, or the slow movement of water through the pores in soil or permeable rock. As noted on page 12 of the IS/MND, the stormwater bioretention basins would be sized and designed to meet the Town's C.3 Stormwater Standards design criteria. Such standards are intended to ensure new development controls stormwater runoff pollutant discharges. Following on-site treatment, stormwater flows would be metered out from the bioretention areas into the existing 27- and 36-inch storm drains located north and west of the site, respectively. As discussed within Response to Comment 1-4, a maintenance agreement would be put in place between the Town and the future property owners requiring the owners to operate and maintain all the stormwater treatment infrastructure.

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

Response to Comment 5-33

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

Response to Comment 5-34

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

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

Response to Comment 5-35

As discussed under Response to Comment 5-19, the proposed project would implement the BAAQMD BCMMs to reduce dust generation and manage pollutant emissions.

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

Response to Comment 5-36

As discussed on page 86 of the IS/MND within Section XIV, Population and Housing, the IS/MND used the average household size as estimated by the Town's 2040 General Plan (2.4 persons per household). Using this average household size, the proposed project would result in a maximum increase of 29 residents within the Town (2.4 persons per household x 12 proposed residences = 28.8 residents). Such figures are consistent with the Town's approach to estimating population increases.

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

Response to Comment 5-37

The methods used to determine Mitigation Measure XVII-1 are discussed on page 94 of the IS/MND. As discussed therein, the VMT Technical Memorandum coordinated with Town staff and identified the off-site improvement locations where feasible pedestrian network improvements could occur as part of the proposed project. The foregoing sidewalk connection improvements would be consistent with the planned improvements identified within the Town's 2020 Bicycle and Pedestrian Master Plan.

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

Response to Comment 5-38

Contrary to the comment, cumulative impacts to traffic are discussed within the IS/MND, on page 105 under question XXI-b as follows:

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

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

Response to Comment 5-39

The comment is conclusory and does not address the adequacy of the IS/MND. Please see Responses to Comments 5-19 and 5-37 for further discussion. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 5-40

Please see Response to Comment 2-2. In addition, the roadways noted within the comment were all designed consistent with the Town standards, which accommodate for emergency vehicles. Further, as noted on page 70 of the IS/MND, the proposed project would include a 20-foot-wide EVA route extending south from the site to connect to Brooke Acres Drive. The EVA route would result in an additional point of access reserved specifically for emergency response vehicles.

With respect to regulations applicable to the proposed project, as noted on page 102 of the IS/MND, the proposed project would be required to comply with all applicable requirements of the CFC, including the installation of fire sprinkler systems, fire hydrants, and other applicable requirements, as well as the requirements of Chapter 7A of the CBC, including the use of ignition-resistant materials and glazed exterior windows and doors. The Builder's Remedy status of the project does not affect the applicability of the foregoing requirements, which would reduce potential impacts related to wildfire.

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

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

Response to Comment 5-41

The comment does not address the adequacy of the IS/MND. Cumulative impacts are discussed within the IS/MND under question XXI-b within Section XXI, Mandatory Findings of Significance. Please see Responses to Comments 4-3 and 5-38.

Response to Comment 5-42

The comment states that many mitigation measures included in the IS/MND are insufficient, lack performance standards, and/or are deferred to future studies and plans, but provides no substantial evidence to support this position. Please see Responses to Comments 5-9, 5-28, 5-30, and 5-40.

Letter 6

From: Jill Fordyce <[redacted]>
Sent: Thursday, October 9, 2025 3:02 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Craig Fordyce [redacted]; Jon Witkin [redacted]>; Bill Meleyco [redacted]
Subject: 178 Twin Oaks - Photo/ Video Addendum to Fordyce Letter

[EXTERNAL SENDER]

Hi Erin,

6-1

Attached please find a Photo Addendum to accompany our letter regarding the proposed 178 Twin Oaks development. The photo depicts the hillside, wildlife, trees, neighborhood, and water flow after rain. The last photo of the deer standing beneath the story poles is from July 2012.

Here are three additional video links.

This video is from this morning, illustrating typical noise on the hill.

This video depicts water flow after a rainstorm.

This video also depicts water flow after a rainstorm.

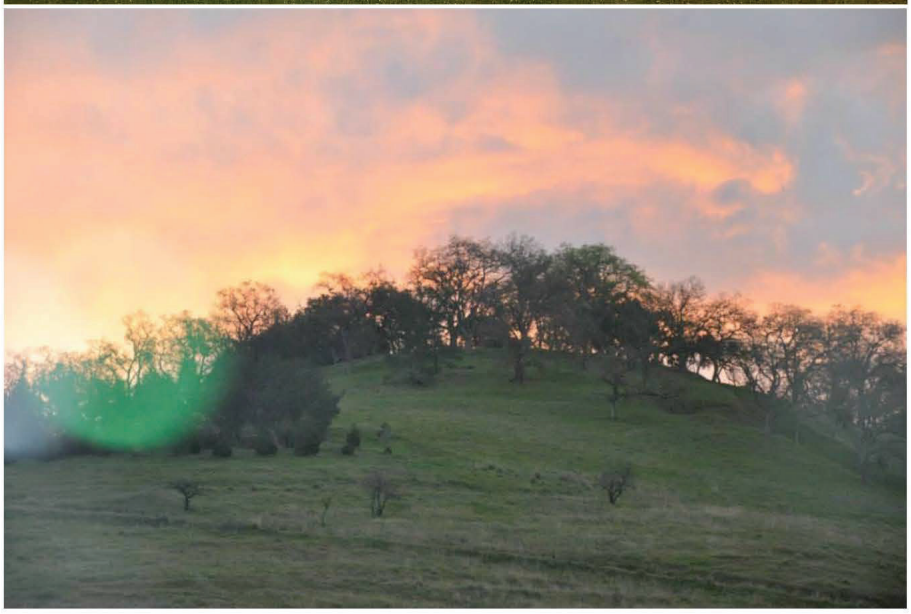
Can you confirm that you will be able to disseminate the digital (video) evidence to the planning commissioners? Thank you for your assistance and for including this email and attached photo addendum with our letter.

Kind regards,

Jill & Craig Fordyce

[redacted]

Letter 6 cont.



Letter 6 cont.

Letter 6 cont.

Letter 6 cont.

LETTER 6: JILL AND CRAIG FORDYCE (2 OF 2)

Response to Comment 6-1

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

Letter 7

From: David Greenfield [redacted]
Sent: Saturday, October 4, 2025 12:46 PM
To: Erin Walters <EWalters@losgatosca.gov>; Karri Greenfield [redacted]
Subject: Re: Feedback regarding proposed development at 178 Twin Oaks Drive

[EXTERNAL SENDER]

Hi Erin,

One additional recommendation/request (augmenting my prior input on spreading the construction traffic impact beyond Longmeadow Drive) is to push 40% of the construction traffic (including new road construction) to Brooke Acres. Clearly the Brooke Acres neighborhood won't be supportive (any more than Surrey Farms is excited about all the traffic coming down Longmeadow), but this would be a more equitable sharing of the construction pain involved here for all existing residents. If one home will be built connected to Cerro Vista (10% of the homes), then splitting the remaining construction vehicles/traffic between Longmeadow Drive and Cerro Vista would dramatically reduce the impact for Surrey Farms.

Thank you for the consideration here.

Regards,

7-1

Dave & Karri Greenfield

On Sat, Sep 27, 2025 at 1:19 PM David Greenfield <[redacted]> wrote:

Hi Erin,

We live at [redacted] and have a few concerns regarding the proposed development at 178 Twin Oaks Drive.

We fully understand that some building will take place at this site, though we are concerned about the size and scope of the development and the impact it will have on both the hillside and existing home-owners in Surrey Farms.

Our top concern is the single point of access which means that every single construction truck and truckload of dirt/asphalt/concrete/building supplies will come screaming down

Letter 7 cont.

7-1 cont.

Longmeadow Drive to the Twin Oaks entrance. While there would be an added cost to the builders, there needs to be a second entrance beyond Longmeadow Drive which will also help with emergency access (and exit) during a potential fire event (and the entrance on Olde doesn't count here as no large construction vehicle would use this entrance). Placing the entire traffic burden on Longmeadow Drive residents isn't reasonable - simply add a second entrance from one of the other potential access sites/roads. A temporary entrance directly from Kennedy during construction (while challenging) would be least impactful.

7-2

Like many neighbors, we also remain concerned with fire hazards, drainage, harm to biological resources, protected species and wildlife, degradation of the hillside, noncompliance with Hillside Development Standards and Hillside Specific Plan, removal of protected trees, interference with the Riparian Habitat (Ross Creek), pollution (light, air, noise), traffic, and encroachment on protected wetlands. Builders Remedy should not be an excuse to trample all legitimate zoning concerns and the mitigation details do not provide sufficient detail to remedy these concerns.

7-3

Finally, as we fully expect some building to happen in the future, we'd like to see the builders provide a nice trail navigating the entire (currently) undeveloped property.

We would be happy to provide further detail on these concerns.

Regards,

David & Karri Greenfield

[redacted] Los Gatos, CA 95032

LETTER 7: DAVID AND KARRI GREENFIELD

Response to Comment 7-1
Please see Responses to Comments 3-1 through 3-3. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 7-2
Please see Response to Comment 3-2 related to general comments on environmental concerns.

Response to Comment 7-3
Please see Response to Comment 3-3.

Letter 8

From: Gigi Harrell [redacted]
Sent: Thursday, October 2, 2025 12:04 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Comments for 178 Twin Oaks Development

[EXTERNAL SENDER]

Hi Erin,

We live at [redacted] and would like to share several concerns regarding the proposed development at 178 Twin Oaks Drive. We understand and expect that some building will occur at this site, but we are requesting that modifications be made to the current plan to ensure it is both safer and more sustainable for the community.

8-1

Our primary concern is the single point of access. As currently planned, years of heavy construction traffic would be routed down Longmeadow Drive—a residential road not designed or rated for such loads. This poses safety risks for neighbors, including children, and will cause significant damage to the roadway. We strongly recommend establishing a separate entrance to mitigate this issue. Based on the plot of land, an entrance from Kennedy Road appears feasible and would improve both resident safety and emergency access. If the town does not require a separate entrance for approval, we request that the town and developer implement a robust traffic calming and safety plan. Please note that Olde Road is too narrow and steep to serve as a viable alternative access point.

8-2

Additionally, we are concerned about the overall size and scope of the development, particularly the potential impacts on the hillside in Surrey Farms. It is critical that this project not create additional hazards for the community. Specifically, we are concerned about increased fire risk, drainage issues, impacts to biological resources and protected species, degradation of the hillside, potential noncompliance with the Hillside Development Standards and Hillside Specific Plan, removal of protected trees, disruption to Riparian Habitat (Ross Creek), pollution (light, air, noise), increased traffic, and encroachment on protected wetlands.

8-3

Thank you for your time and attention in reviewing these concerns. We look forward to seeing modifications that ensure this development is a safe and responsible use of town land.

Regards,

Georgette & Michael Harrell

[redacted], Los Gatos, CA 95032

LETTER 8: GEORGETTE AND MICHAEL HARRELL

Response to Comment 8-1
The comment is introductory and does not address the adequacy of the IS/MND.

Response to Comment 8-2
Please see Response to Comment 3-1.

Response to Comment 8-3
Please see Response to Comment 3-2 related to general comments on environmental concerns.

Letter 9

From: Lotfi Herzi [redacted]>
Sent: Thursday, October 9, 2025 9:36 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Surrey Farm/Dodge proposed development

[EXTERNAL SENDER]

Dear Ms. Walters,

9-1 My husband and I moved to Los Gatos from Washington State in 2011 when our children were in middle school and high school. Even today, I drive up Longmeadow Drive and pinch myself because I am living in my dream home and neighborhood. Now that our children are successfully "launched," we find ourselves at the precipice of deciding whether LG is our forever home, or not. Unfortunately, the proposed development gives us substantial pause.

9-2 We are located across from Twin Oaks Drive on Longmeadow. I can't even imagine the noise, dirt, and scattered wildlife becoming a daily occurrence. Today, we are blessed with a green space to our east where we often wake up to wild turkeys, deer, quail, rabbits, and the occasional wildcat. I cannot fathom the impact ten homes plus ten ADUs would take on their habitat.

9-3 Mr. Dodge has stated that he will build access to this parcel of land for development. This is unconscionable. Within mere weeks, our existing streets would be destroyed with myriad construction vehicles. Also, if this development would indeed be benefiting our town, why aren't other access points being considered? Our neighborhood should not bear the brunt of any of this construction.

9-4 I implore you and the entire city council to reconsider approving this development. I recognize the need for more housing in our state. But at what cost? I am not even addressing the impact on traffic or other infrastructures (schools, etc.) in our town. California is known for its natural beauty and enviable whether. We should try our best to keep this beauty intact for our town as well.

Letter 9 cont.

9-4 cont.

We echo all the concerns outlined by our neighbors. Access points, protecting wildlife, noncompliance with Hillside Development Standards and Hillside Specific Plan, and removal of protected trees to name a few. This proposed development needs to be reevaluated in the least, stopped at best.

Please take in consideration all my neighbors and our concerns. Thank you for your time.

Sincerely,

Monica and Lotfi Herzi

[redacted]

Los Gatos, CA 95032

LETTER 9: MONICA AND LOTFI HERZI

Response to Comment 9-1
The comment is introductory and does not address the adequacy of the IS/MND.

Response to Comment 9-2
Please see Response to Comment 3-2 related to general comments on environmental concerns. In addition, the wildlife species mentioned by the commenter are common species that are not afforded special-status requiring review pursuant to CEQA.

Response to Comment 9-3
Please see Responses to Comments 3-1 and 3-2. The comment does not provide details to explain how the "existing streets would be destroyed" by construction vehicles. Heavy-duty truck traffic would only occur throughout the duration of construction activities and would cease upon buildout of the proposed project.

Response to Comment 9-4
Please see Response to Comment 3-2 related to general comments on environmental concerns. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 10

From: [redacted]
Sent: Wednesday, October 8, 2025 4:03 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Proposed 12-Home Surrey Farms Development

[EXTERNAL SENDER]

I am a 45 year owner of [redacted] I have read all the concerns about this project as presented by Jill Fordyce in an email to me as copied below and do state here that I have all the same concerns. All these concerns need to be addressed satisfactorily before the project is approved.

Fire Risk: According to the SCCFD, the project is in a Very High Fire Hazard Severity Zone. Ingress/egress, evacuation routes, and increased risk of fire associated with development are key issues. The SCCFD has not yet approved site access or water supply.

Removal of Trees: The arborist report indicates that there are 546 on-site trees that qualify for protection under the Los Gatos Tree Protection Ordinance. The applicant is proposing to remove 223 of those protected trees in violation of that ordinance, destroying habitat for protected species, creating potential additional risks of landslide, mudslide, and drainage issues. Under the ordinance, the applicant would be required to plant 551 replacement trees. Applicant proposes to plant 85 replacement trees and pay in-lieu fees for the remainder.

10-1

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

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

Grading and Erosion Issues: Although the site is located in a county Geologic Hazard Zone, with risks of landslide, liquefaction, and potentially compression soils and fault

10-1 cont.

rupture hazard areas, the applicant requests multiple cut, fill, and grading exceptions. According to the IS/MND a final erosion and sediment control plan has yet to be prepared in conjunction with the project. There is, therefore, currently no plan to protect us from the potential risks to health and safety associated with the excessive grading, cut, fill, and construction on steep slopes in a Geologic Hazard Zone.

Drainage and Water Issues: We already have drainage issues at the end of Longmeadow. The project will introduce 62,224 sf of impervious surfaces. The project proposes various bioretention areas, including one large one to be located directly adjacent to Hillbrook School, and the Fordyce and Meleyco homes. The drainage issues have also not been fully analyzed because of the lack of a final erosion and sediment control plan. In addition to our concern regarding flooding and erosion, we are also concerned with the safety issues and hazards related to the introduction of a bioretention pond adjacent to the school and our homes.

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

Sincerely, Paul Krug

LETTER 10: PAUL KRUG

Response to Comment 10-1

Please see Responses to Comments 5-6 through 5-11.

Letter 11

-----Original Message-----
From: Raj Kumar [redacted]
Sent: Wednesday, October 8, 2025 1:57 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: [redacted]
Subject: 12 Home Surrey Farms development

[EXTERNAL SENDER]

Hi Erin

11-1

We live on Twin Oaks Drive. I want to register the fact that we are not thrilled about the 12-home development project on our street. This will add lots of traffic in our quiet neighborhood, not to mention other environmental impacts on the flora and fauna. The construction period will also be very disruptive with heavy machinery and trucks etc.

I would like to request that we reduce the scope of the project to not allow more than 6 homes at best.

Thanks for your attention!

Regards

Raj

Sent from my iPhone

LETTER 11: RAJ KUMAR

Response to Comment 11-1

Please see Response to Comment 3-2 related to general comments on environmental concerns. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 12

-----Original Message-----
From: ROGER MALTBIE <[redacted]>
Sent: Thursday, October 9, 2025 3:59 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Building project on Twin Oaks

[EXTERNAL SENDER]

We are Donna & Roger Maltbie and have lived at [redacted] for 38 years. We have serious concerns regarding the building project on Twin Oaks Drive.

12-1 Water issues have always been an issue in our Surrey Farms neighborhood. Many of the residents have pumps and fans underneath their homes to deal with excessive underground water.

12-2 We have concern about traffic in our quiet neighborhood. A traffic survey taken this summer is not indicative of real world traffic on our street. Many residents are away for the summer, on vacation, as well as children are not in school with the added activities that increase traffic flow on our streets.

Over the years we have enjoyed our proximity to the open space behind Twin Oaks Drive. We have witnessed deer, bobcats, possum, turkey's, foxes, eagles, owl's, etc.

12-3 We moved into this neighborhood for a reason 38 years ago. We certainly don't want the sanctity and peace of the neighborhood we call home to be forever altered in a negative way for all its resident's.

Sincerely,

Donna Maltbie

Roger Maltbie

LETTER 12: DONNA AND ROGER MALTBIE

Response to Comment 12-1
Please see Response to Comment 3-2 related to general comments on environmental concerns.

Response to Comment 12-2
Please see Response to Comment 3-2 related to general comments on environmental concerns. It is unclear what traffic survey the commenter is referring to. As discussed in detail in Section XVII, Transportation, of the IS/MND, the analysis of impacts related to transportation within the IS/MND is based on a VMT Technical Memorandum prepared for the proposed project by TJKM (included as Appendix E to the IS/MND). Traffic counts within the project area were not required or relied upon for the analysis.

Response to Comment 12-3
The comment does not address the adequacy of the IS/MND and has been noted for the record. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 13

From: Bruce McCombs <[redacted]>
Sent: Wednesday, October 8, 2025 8:04 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: RE: Thank you!

[EXTERNAL SENDER]

Dear Erin,

Here is the letter that my wife and I have written in support of a neighborhood walking path, which we hope might be included in the proposed Twin Oaks Development. If the path were to be considered by the Town, my wife and I would be very happy to offer some additional input for what we believe would be a very worthwhile addition to the project.

13-1

Thank you very much for your time, and please feel free to contact me at any time should you have any questions or comments.

Sincerely,

Bruce McCombs
[redacted]

Letter 13 cont.

Wednesday, October 8, 2025

Ms. Erin Walters
Senior Planner
Town of Los Gatos Planning Department
October 7, 2025

Dear Ms. Walters:

My name is Bruce McCombs, and I'm a life-long resident of the Town of Los Gatos. My wife and I live at [redacted], and we are writing today in support of a neighborhood walking path which we hope will be included as part of the proposed Twin Oaks Development. As we learned first-hand, more than 30 years ago in our own neighborhood, when the Kennedy Court Development was first built back in 1995, the addition of a walking path completely transformed our neighborhood, bringing neighbors together, and allowing us to get to know one another on a very casual and informal basis. We believe that the addition of a neighborhood walking path to the proposed Twin Oaks Development would provide the same positive outcome, as it would provide a safe place for residents of the neighborhood to enjoy the outdoors, and at the same time, to get some heart-healthy exercise. We believe that a brief visit to the walking path which surrounds the Kennedy Court Development, will provide all of the evidence you and the Town might need, in order to support this very worthwhile neighborhood-friendly proposal.

13-1 cont.

We are grateful for this opportunity to strongly support this very valuable and much-needed addition to our neighborhood.
Sincerely,
Bruce and Jackie McCombs

LETTER 13: BRUCE AND JACKIE MCCOMBS

Response to Comment 13-1

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

Letter 14

-----Original Message-----
From: Darcie McNeil <[redacted]>
Sent: Wednesday, October 8, 2025 3:32 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Tom McNeil [redacted]
Subject: Surrey farms proposal

[EXTERNAL SENDER]

Hi Erin!

14-1 We live at [redacted]. We have many concerns about the scope of the project being proposed at twin creeks.

Besides maintaining the beautiful hills and over populating our already over populated town, there are safety concerns.

There is only one viable outlet to our neighborhood as Olde Rd. Cannot handle large trucks which is Longmeadow. If there is a fire or flood there are serious safety hazards. The construction trucks going up and down through the neighborhood will cause much obstruction in terms of noise, traffic on one road, and safety concerns with many workers in the quiet, small neighborhood.

14-2 My grandparents were the first of our family to live in Los Gatos and boy have times changed. From such a small quaint town to now mansions and obnoxious amounts of housing going up everywhere taking over the beautiful hills in our town. Already the traffic to Santa Cruz causes issues as we all know. Not sure why we need even more people populating our town.

If this does happen we sincerely hope you consider two things. One is adding a new road to access the hillside for construction and for the new homes to access their homes instead of the long trip down Longmeadow. This will provide a sense of security that if a fire or flood arises everyone gets out safety without traffic jams or even worse being trapped in our neighborhood with only one outlet.

Letter 14 cont.

14-3 Second if it is built, it would be nice to provide a hiking trail in the hills nearby for all of the neighborhood to enjoy.

14-4 As we do not like the idea of the construction as it disrupts the wildlife habitats, adds to light, air and noise pollution, disrupts wetlands, adds more traffic, adds to drainage concerns in an already troubled flood area, adds safety concerns.... We hope that if you do approve it you take into consideration our concerns and take steps to mitigate them. Another access road and new trail system would definitely make things a bit easier to digest.

Thanks much,

Darcie and Tom McNeil

LETTER 14: DARCIE AND TOM MCNEIL

Response to Comment 14-1
The comment is introductory and does not address the adequacy of the IS/MND.

Response to Comment 14-2
Please see Response to Comment 3-2 related to general comments on environmental concerns. Please also see Responses to Comments 2-2, 2-7, and 3-1. Impacts related to flooding are addressed in the IS/MND under Section X. As discussed therein, the project site is not located within a Federal Emergency Management Agency (FEMA) floodplain and, thus, development of the proposed project would not result in any impacts related to flooding.

Response to Comment 14-3
The comment does not address the adequacy of the IS/MND and has been noted for the record. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 14-4
Please see Response to Comment 3-2, as well as Response to Comment 14-2 above.

Letter 15

Erin Walters, Senior Planner
Town of Los Gatos

September 20, 2025

Re: 178 Twin Oaks Drive/ Surrey Farms Estates

Dear Ms. Walters,

I am unclear as to the current relationship between the Town and the state with respect to SB-330, and what control the Town actually has over its future. But I did want to tell you of my concerns regarding this development, and ask, "What would the Town's people want?"

15-1 The construction and placement of homes on this natural hillside would have an adverse effect on the people of the Town by increasing traffic, noise, and glare. It would detract from open space and vistas, and endanger wildlife. If throughout the town, structures and lighting were visible on all hillsides, the eye would have no place to rest. There would be a monotonous, continuous view of development. This would detract from the quality of life in Los Gatos. Under the General Plan's Guiding Principals is "to protect and enhance the natural environment and biotic communities that define Los Gatos…" General Plan ENV-1 states "To promote and protect viewsheds and scenic resources…..to encourage the protection of key view corridors…to preserve the natural landscape and views of the surrounding hillsides."

15-2 The people of the town are already fed up with the traffic in Los Gatos. Locating increased construction and housing, with their accompanying support services, away from main arteries of transportation only increases traffic in our residential neighborhoods leading to those main arteries.

To the residents of Surrey Farms, these adverse effects would be magnified, along with the potential for flooding, the increased construction creating dirt and dust, the danger from more residents using limited egress routes in case of fire in our

"high risk fire" area, and the safety issues on our Surrey Farms neighborhood roads due to increased traffic.

15-2 cont.

The increase in traffic on Surrey Farm's streets will be substantial and significant. It would be felt by us residents in the form of increased noise, safety risks, dirt and pollution. Many large trucks will be driving up and down our streets for several years as this project would build out. Our two-lane streets with cars parked along them would become one-lane streets as numerous large trucks travel up and down them. After the build out, increased traffic would continue. These large houses would have gardeners, housekeepers, deliveries being made, parents taking children to school and activities, etc. And would these new homes be allowed to build ADU's? The addition of more units (and hardscape) would further magnify the problems. All of these impacts adversely affect the quality of our lives.

The development would substantially degrade the visual character or quality of the site and its surroundings. The developer wants to take a hillside in its natural state, grade it, and fill it with structures, lighting, hardscape. The developer's colored renditions of the proposed houses on the hill do not give a true picture of the slope of the hillside and the proposed houses relationship within the hill. Rather, it depicts a flat picture that seems to have little impact on the surrounding neighborhoods. Ariel photographs taken from a high position do not paint a clear picture either.

15-3

The visual impact of this project would greatly affect us residents of Surrey Farms. Driving up Longmeadow, as well as from other viewpoints within the Town, instead of seeing hillsides with natural vegetation; turkey, deer and coyote roaming; and birds soaring searching for prey, we would see large structures, glare from interior and exterior lighting, reduced natural landscape. For us at 189 Longmeadow, we would no longer have a view of the hillside. Our view would now be of the houses on lots 5,6,7, and 10. And they would have the view right into our backyard, family room, kitchen, dining room and master bedroom. So much for our privacy!

Letter 15 cont.

15-3 cont.

With respect to the proposed landscape plan, should this project, in any form, be approved, screening trees, such as redwoods, at a minimum of 30' would need to be planted on the property line between our home and the Dodge property to reduce glare, noise, dirt and dust, and to provide us some amount of privacy. This would need to be done before construction begins, and it would be my hope that this responsibility and cost would be borne by the developer. The proposal to plant trees with a diameter of 2.24-3.8 inches would do little to screen us from this project's adverse effects.

The project could cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels. What does "temporary" mean? Years? When the houses on Cerro Vista Court were being built, we clearly heard every conversation, swear word, radio broadcast, nail pounding, saw buzzing from the construction crews. Now we hear phones ringing, music and conversations when those residents use their patios and backyards. Noise does travel down the hillside.

15-4

When 191 Longmeadow was rebuilt, for three years rarely could we use our backyard due to basement and pool dirt movement and construction noise. One summer, when Hillbrook School raised their baseball field by three feet, we were unable to be in our backyard the entire summer as they graded, brought in additional dirt, dug and laid irrigation. With this proposed development, we would not have the use of our backyard for years! We have experienced construction. We know that the proposed development will take away our views, privacy, the use of our backyard, and greatly affect our ability to use and enjoy our home. It will directly cost us money as our water bills go up as we more frequently wash our windows, hose down our patios, shrubs and trees to remove dirt. Our PG&E bills will increase as we will need to run our pool filter for more hours to rid it of extra dirt. We will not be able to open our windows so we will be running our air conditioning more often at an additional expense. The value of our property would be reduced during the years of construction. In so many ways, this proposed development would diminish the quality of our lives.

15-4 cont.

What benefit to the Town and its people does this proposed development provide? Adding three 'low income' houses and nine expensive, exclusive houses to our Town's natural hillside does little increase affordable housing. This proposal does nothing to "preserve and enhance." It contracts a natural habitat which is doing fine under its existing conditions, and it degrades the quality of life of nearby residents.

My husband and I have lived in Surrey Farms for over 30 years. We have volunteered, chaired fundraisers, and financially supported local schools. We still do. The proposed development will greatly affect us! We would be affected during the course of construction, which could take many years, and for the duration once the development is built out. I ask that you consider our quality of life and that of our fellow residents. Please put the needs of Los Gatos Town residents above that of one developer looking for a profit at our expense.

Ask yourself, is this development what the people of our Town want? Do they benefit from it?

I ask for your support in finding a way to deny this development.

Thank you for the many, many hours you put in to make our Town the special place that it is.

Sincerely,

Kathy Meleyco
[redacted]
Los Gatos, CA 95032

LETTER 15: KATHY MELEYCO

Response to Comment 15-1

Please see Responses to Comments 2-4 and 3-2. In addition, in *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions ...." (PRC section 21100. subd. [d]). Therefore, comments concerning potential social or economic effects of the project, including quality of life comments, need not be analyzed or addressed further. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 15-2

Please see Responses to Comments 2-7, 3-1, 3-2, and 14-2.

Response to Comment 15-3

Please see Response to Comment 2-4 related to consistency with the Hillside Development Standards and Guidelines.

As discussed under question I-c of the IS/MND, because the site is considered to be located within an urbanized area of the Town, the appropriate CEQA threshold related to aesthetic impacts is not whether the proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings, but whether the project would conflict with applicable zoning and other regulations governing scenic quality. Therefore, question I-c of the IS/MND evaluates whether the proposed project would conflict with applicable standards set forth by the Town, including those contained within the Town's Hillside Development Standards and Guidelines. The IS/MND concludes that, overall, because the proposed project would not be visible from the four viewing areas identified in the Hillside Development Standards and Guidelines, and because the proposed project would be designed compliant with Hillside Development Standards and Guidelines policies to the extent feasible such that public views of the Hillside Area would not be significantly affected, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality, including policies related to reducing visual impacts of projects.

With respect to glare and lighting, as discussed under question I-d of the IS/MND, the proposed project would comply with both the Town's Municipal Code standards and policies within the Hillside Design Standards and Guidelines related to lighting for new development. The IS/MND concludes that implementation of the Town's programs, policies, and code requirements would reduce the light and glare-related impacts from the proposed project to a less-than-significant level.

The Town does not currently have a requirement related to screening trees between adjacent properties. In addition, the IS/MND does not identify any impacts that would necessitate inclusion of screening trees in order to reduce the impact to a less-than-significant level. Therefore, a nexus to require screening trees be planted along the property line does not exist.

Response to Comment 15-4

Please see Responses to Comments 2-7 and 15-1. As noted on page 32 of the IS/MND, construction is anticipated to take place over approximately two years. Regarding dust, as stated on page 32 of the IS/MND, BAAQMD requires all projects within the District's jurisdiction to implement Basic Construction Mitigation Measures (BCMMs) related to dust suppression. Further discussion regarding dust is provided on page 38 of the IS/MND.

Letter 16

From: Malea Mordaunt <[redacted]>
Sent: Thursday, October 9, 2025 5:49 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Opposed to development at 178 Twin Oaks

[EXTERNAL SENDER]

Good evening Erin,

We live near the proposed development at 178 Twin Oaks Drive.

We understand that some building will take place at this site. We are concerned about the size and scope of the development and the impact it will have on both the hillside and existing home-owners in the neighborhood.

16-1 One concern is the single point of access. There needs to be a second entrance beyond Longmeadow Drive which will also help with **emergency access (and exit) during a potential fire event** (and the entrance on Olde doesn't count here as no large construction vehicle would use this entrance). Simply add a second entrance from one of the other potential access sites/roads.

Like many neighbors, we are also concerned with **fire hazards, drainage, harm to biological resources, protected species and wildlife, degradation of the hillside,** noncompliance with Hillside Development Standards and Hillside Specific Plan, removal of protected trees, interference with the Riparian Habitat (Ross Creek), pollution (light, air, noise), traffic, and encroachment on protected wetlands. Builders Remedy should not be an excuse to ignore all legit zoning concerns, and the mitigation details do not provide adequate detail to remedy these concerns.

Finally, as we sadly expect building to happen, we'd like to see the builders provide a **beautiful and accessible trail** navigating the entire property. Our town needs to **preserve some of its remaining, diminishing open spaces**, that's truly part of the reason people enjoy living here.

Regards,

Malea and Mike Mordaunt

LETTER 16: MALEA AND MIKE MORDAUNT

Response to Comment 16-1

Please see Responses to Comments 2-2, 2-4, 3-2 and 3-3. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 17

From: Huipeng Ren <[redacted]>
Sent: Wednesday, October 8, 2025 9:33 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Tingting [redacted]
Subject: Strong Opposition – Proposed 12-Home Surrey Farms Estates Subdivision

[EXTERNAL SENDER]

Dear Ms. Walters,

We are writing to strongly oppose the proposed 12-home Surrey Farms Estates Development.

This project poses unacceptable risks to our community:

- **Fire Safety:** The site is in a Very High Fire Hazard Severity Zone with limited evacuation routes. Adding more homes would put residents and Hillbrook School at greater risk during emergencies.
- **Tree Removal & Habitat Loss:** Removing 223 protected trees violates the Town's Tree Protection Ordinance and destroys critical habitat for protected species. Planting only 85 replacement trees is grossly inadequate.
- **Geologic & Drainage Hazards:** The site sits in a Geologic Hazard Zone with risks of landslide and flooding. Without a finalized erosion and drainage plan, surrounding homes and the school face serious safety threats.
- **Neighborhood Character & Traffic:** The project requests major exceptions to height and lot size limits, including a 41-foot home where only 25 feet is allowed. This, combined with two years of disruptive construction and more traffic on Kennedy, will significantly harm our neighborhood.

For these reasons, we urge the Town to deny this project. It is unsafe, environmentally damaging, and inconsistent with our community standards.

Sincerely,
Huipeng Ren & Tingting Yang
[redacted] Los Gatos, CA 95032

17-1

LETTER 17: HUIPENG REN AND TINGTING YANG

Response to Comment 17-1

Please see Responses to Comments 2-2 through 2-5, 2-7, and 14-2.

Letter 18

-----Original Message-----
From: Philip Shanker [redacted]
Sent: Saturday, October 4, 2025 9:49 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Surrey Farms

[EXTERNAL SENDER]

18-1

Hello,

I share my neighbors concerns about the proposed Surrey Farm development. There are multiple issues that need clarification and thus I am opposed to the project as it stands.

Regards

Philip Shanker

[redacted]

Sent from my iPhone

LETTER 18: PHILIP SHANKER

Response to Comment 18-1

The comment does not address the adequacy of the IS/MND and has been noted for the record. Please see Response to Comment 3-2. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 19

From: Dan Sherbeck [redacted]>
Sent: Wednesday, October 8, 2025 1:39 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: URGENT – Official Fire Hazard Finding & Gross Deficiencies in Surrey Farms Estates Application

[EXTERNAL SENDER]

Dear Ms. Walters,

I am writing on behalf of my family, residents of [redacted], to express our grave concerns about the proposed Surrey Farms Estates Subdivision Project.

Our review has uncovered a critical, fact-based error in the project's environmental assessment that constitutes a significant public safety risk. The **Santa Clara County Fire Department (SCCFD)**, in its official "Developmental Review Comments," has definitively classified the entire project site as being within the **Very High Fire Hazard Severity Zone (VHFHSZ)** (Fire Comments - 178 Twin Oaks Lots 1-12, p. 1).

This official finding directly contradicts the project's **Initial Study/Mitigated Negative Declaration (IS/MND)**, which incorrectly analyzes the site as being in a less severe "High" Fire Hazard Severity Zone (IS/MND, p. 102). This fundamental flaw invalidates the IS/MND's conclusions regarding public safety and fire risk, and it is on this basis, among many others detailed below, that we insist on the preparation of a full Environmental Impact Report (EIR).

19-1

1. The Project's Environmental Document Is Invalidated by Official Fire Department Findings and Creates a Clear Public Safety Hazard

The developer's entire argument for why their project does not create a significant health and safety risk rests on a flawed and inaccurate premise.

- **Official Designation is "Very High" Risk:** The Santa Clara County Fire Department, the authority having jurisdiction, has determined the property is in the **Very High Fire Hazard Severity Zone (VHFHSZ)** (Fire Comments - 178 Twin Oaks Lots 1-12, p. 1). This is the official classification for applying all safety standards.
- **The IS/MND is Factually Wrong and Inadequate:** The IS/MND bases its entire safety analysis on the incorrect assumption that the site is in a "High" FHSZ

(IS/MND, p. 102). This error means the review of fire risk, emergency access, and evacuation is fundamentally unreliable.

- **Risk is Compounded by Known Geological Hazards:** This VHFHSZ designation is made even more dangerous by the site's documented instability. The project's own *Geotechnical Investigation* identifies the eastern half of the property as being within a **county landslide hazard zone** and notes that its slopes are susceptible to **"soil creep or localized shallow soil movement"** (Geotechnical and Geologic Hazard Investigation, p. 9).

19-1 cont.

- **A Full EIR is Mandatory:** The Builder's Remedy does not permit development that constitutes a "significant health or safety risk." Allowing the developer to bypass Hillside Development Standards for **excessive grading** and **building height** on these unstable slopes within an official VHFHSZ creates, by definition, a new and undeniable public safety hazard. A full EIR is the only legally sufficient way to analyze these combined risks.

2. Unmitigated Impact of Construction Traffic on Neighborhood Safety

19-2

A significant and direct threat to neighborhood safety is the plan to route all construction traffic onto our neighborhood streets. The *VMT Technical Memorandum* confirms the project would result in a **significant VMT impact** (VMT Technical Memorandum, p. 5). The proposed mitigation—off-site sidewalk construction miles away—is entirely irrelevant to the **direct, temporary, and severe local public safety hazard** created by heavy construction traffic on streets that serve as our de facto sidewalks and bike paths.

This is not a new issue. Historical records show the Town previously denied proposals to make Longmeadow a through-street to preserve the quiet, safe character of Surrey Farms. By approving this construction plan, the Town would be enabling the very outcome it previously prevented. We urgently request a dedicated **Construction Traffic Management Plan (CTMP)** that details the daily volume of traffic, the duration of the impact, and specific, enforceable on-site mitigation measures.

3. Effects of Drainage on an Unstable, Inaccurately Mapped Site

19-3

The proposed addition of **62,224 square feet of impervious surfaces** on a hillside with known geotechnical challenges is alarming (IS/MND, p. 74). Many residents of Surrey Farms can attest to a historically high-water table and existing drainage issues. The *Geotechnical and Geologic Hazard Investigation* confirms these concerns, noting that

perched groundwater was encountered at just 13 feet and that the site is blanketed in **"moderately expansive surficial soils"** that shrink and swell (Geotechnical and Geologic Hazard Investigation, pp. 7, 12).

19-3 cont.

Even more concerning, the Town's own August 20, 2025, review documents that the developer's **own grading plans are inaccurate and inconsistent**, with cut depths in drawings being significantly larger than what was reported in data tables (Planning Comment Letter, 08/20/25, p. 4). If the project's foundational data is this unreliable, the conclusions of the entire Geotechnical and Hydrological analysis cannot be trusted. We request a **site-specific hydrogeological analysis** to demonstrate that the increased runoff will not cause adverse impacts on down-gradient properties, based on verified and accurate grading plans.

4. Builder's Remedy: A Conflict with Decades of Town Planning

The project's reliance on the Builder's Remedy to bypass the site's **Resource Conservation (RC) zoning** represents a profound conflict with the Town's deliberate, long-term planning for this exact parcel. On **June 16, 1975, the Town passed an ordinance to rezone this specific hillside to Resource Conservation (RC)** to preserve its character. As recently as 2018, the Town Council publicly affirmed that rural hillsides like this are an essential part of the Town's identity. Invoking a legal provision to overturn these historical commitments will cause permanent environmental damage, including the destruction of **223 protected native oak trees** and the habitat of special-status wildlife (Arborist Report, pp. 9, 26; Biological Evaluation Report, pp. 18, 33).

19-4

5. Premature and Procedurally Flawed Proposal

The August 20, 2025, Staff Review makes it clear that this project is being rushed toward public hearing despite fundamental unresolved issues. The Town's own staff has compiled a summary list of at least **15 distinct ways the project violates local regulations**, including those for density, setbacks, grading limits, fire safety, and the explicit failure to provide **required public trails and open space easements** (Planning Comment Letter, 08/20/25, p. 6). Approving a project with such extensive, documented deficiencies—compounded by a dangerously flawed environmental review—would be premature and irresponsible.

We urge the Town to reject the current IS/MND as legally and factually inadequate and require the developer to prepare a full Environmental Impact Report that addresses the

Letter 19 cont.

19-4 cont.

project's true fire risk in a **Very High Fire Hazard Severity Zone** before any further consideration.

Thank you for your attention to these matters.

Sincerely,

Daniel S. Sherbeck

[redacted]

LETTER 19: DAN SHERBECK (1 OF 2)

Response to Comment 19-1

Please see Response to Comment 2-2.

With respect to geological hazards, the IS/MND requires Mitigation Measure VII-1 requires the proposed project to incorporate the recommendations of the GGHI, which would reduce the significance level of impacts related to soil instability. Implementation of Mitigation Measure VII-1 would reduce the potential impact to a less-than-significant level.

Response to Comment 19-2

Potential impacts to VMT and impacts to hazards are separate questions within Appendix G of the CEQA Guidelines. Construction of the proposed project, including the off-site sidewalk improvements required by Mitigation Measure XVII-1, would be limited to the project site and small portions of Blossom Hill Road and Fisher Avenue. In addition, as discussed by the comment, project construction would be temporary.

The IS/MND also acknowledges the above factors on page 95, as follows:

> Construction traffic associated with the proposed project would include heavy-duty vehicles which would share the area roadways with normal vehicle traffic, as well as transport of construction materials, and daily construction employee trips to and from the site. However, such heavy-duty truck traffic would only occur throughout the duration of construction activities and would cease upon buildout of the proposed project.

The Town would impose standard conditions of approval upon the project related to traffic safety during construction. Therefore, revisions to the IS/MND are not required.

Response to Comment 19-3

As previously discussed, Mitigation Measure VII-1 requires the project to incorporate the recommendations of the GGHI prepared for the proposed project, which would reduce the significance level of impacts related to expansive soils.

In addition, please see Response to Comment 1-4 related to the project's management of stormwater runoff. Furthermore, the project's conditions of approval, as imposed by the Town, would require compliance with C.3 standards.

Response to Comment 19-4

As discussed under question IV-e within Section IV, Biological Resources, of the IS/MND, the proposed project would not meet the on-site tree replacement requirements. As a result, the IS/MND includes a mitigation measure requiring compliance with the Town of Los Gatos Tree Protection Ordinance.

With respect to Builder's Remedy, page seven of the IS/MND includes the following discussion:

> Because the project is subject to Builder's Remedy, compliance with all of the Town's guidelines, policies, or programs is not required unless noncompliance would constitute a significant health or safety risk. Although not legally required, the proposed project would comply with many of the Town's Hillside Development Standards and Guidelines, such as standards related to lot configuration and building locations within the proposed lots.

Therefore, because the local regulations related to density, setbacks, and public trails are not considered related to health or safety, compliance with such standards is not required. The noncompliance discussed in the comment, including conflicts related to the extent of grading and building heights, is discussed throughout the IS/MND.

With respect to fire safety, please see Response to Comment 2-2.

Letter 20

From: Dan Sherbeck <[redacted]
Sent: Thursday, October 9, 2025 11:26 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Re: URGENT – Official Fire Hazard Finding & Gross Deficiencies in Surrey Farms Estates Application

[EXTERNAL SENDER]

Good morning Erin,

Thank you for the links and additional information. I hadn't actually read much of SB 330, but now that I've read parts of it I found some ironic conflicts between this subdivision proposal and the legislative intent of SB 330.

Would you accept a version 2 of my letter? I only updated point 4, but I've included the full, updated letter for convenience. It is below.

Regards,

Dan

20-1

========== Version 2 ==========

Dear Ms. Walters,

I am writing on behalf of my family, residents of [redacted], to express our grave concerns about the proposed Surrey Farms Estates Subdivision Project.

Our review has uncovered a critical, fact-based error in the project's environmental assessment that constitutes a significant public safety risk. The **Santa Clara County Fire Department (SCCFD)**, in its official "Developmental Review Comments," has definitively classified the entire project site as being within the **Very High Fire Hazard Severity Zone (VHFHSZ)** (Fire Comments - 178 Twin Oaks Lots 1-12, p. 1).

20-1 cont.

This official finding directly contradicts the project's **Initial Study/Mitigated Negative Declaration (IS/MND)**, which incorrectly analyzes the site as being in a less severe "High" Fire Hazard Severity Zone (IS/MND, p. 102). This fundamental flaw invalidates the IS/MND's conclusions regarding public safety and fire risk, and it is on this basis, among many others detailed below, that we insist on the preparation of a full Environmental Impact Report (EIR).

---

1. The Project's Environmental Document Is Invalidated by Official Fire Department Findings and Creates a Clear Public Safety Hazard

The developer's entire argument for why their project does not create a significant health and safety risk rests on a flawed and inaccurate premise.

- **Official Designation is "Very High" Risk:** The Santa Clara County Fire Department, the authority having jurisdiction, has determined the property is in the **Very High Fire Hazard Severity Zone (VHFHSZ)** (Fire Comments - 178 Twin Oaks Lots 1-12, p. 1). This is the official classification for applying all safety standards.
- **The IS/MND is Factually Wrong and Inadequate:** The IS/MND bases its entire safety analysis on the incorrect assumption that the site is in a "High" FHSZ (IS/MND, p. 102). This error means the review of fire risk, emergency access, and evacuation is fundamentally unreliable.
- **Risk is Compounded by Known Geological Hazards:** This VHFHSZ designation is made even more dangerous by the site's documented instability. The project's own *Geotechnical Investigation* identifies the eastern half of the property as being within a **county landslide hazard zone** and notes that its slopes are susceptible to **"soil creep or localized shallow soil movement"** (Geotechnical and Geologic Hazard Investigation, p. 9).
- **A Full EIR is Mandatory:** The Builder's Remedy does not permit development that constitutes a "significant health or safety risk." Allowing the developer to bypass Hillside Development Standards for **excessive grading** and **building height** on these unstable slopes within an official VHFHSZ creates, by definition, a new and undeniable public safety hazard. A full EIR is the only legally sufficient way to analyze these combined risks.

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2. Unmitigated Impact of Construction Traffic on Neighborhood Safety

A significant and direct threat to neighborhood safety is the plan to route all construction traffic onto our neighborhood streets. The *VMT Technical Memorandum* confirms the project would result in a **significant VMT impact** (VMT Technical Memorandum, p. 5). The proposed mitigation—off-site sidewalk construction miles away—is entirely irrelevant to the **direct, temporary, and severe local public safety hazard** created by heavy construction traffic on streets that serve as our de facto sidewalks and bike paths.

This is not a new issue. Historical records show the Town previously denied proposals to make Longmeadow a through-street to preserve the quiet, safe character of Surrey Farms. By approving this construction plan, the Town would be enabling the very outcome it previously prevented. We urgently request a dedicated **Construction Traffic Management Plan (CTMP)** that details the daily volume of traffic, the duration of the impact, and specific, enforceable on-site mitigation measures.

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3. Effects of Drainage on an Unstable, Inaccurately Mapped Site

20-1 cont.

The proposed addition of **62,224 square feet of impervious surfaces** on a hillside with known geotechnical challenges is alarming (IS/MND, p. 74). Many residents of Surrey Farms can attest to a historically high-water table and existing drainage issues. The *Geotechnical and Geologic Hazard Investigation* confirms these concerns, noting that **perched groundwater was encountered at just 13 feet** and that the site is blanketed in **"moderately expansive surficial soils"** that shrink and swell (Geotechnical and Geologic Hazard Investigation, pp. 7, 12).

Even more concerning, the Town's own August 20, 2025, review documents that the developer's **own grading plans are inaccurate and inconsistent**, with cut depths in drawings being significantly larger than what was reported in data tables (Planning Comment Letter, 08/20/25, p. 4). If the project's foundational data is this unreliable, the conclusions of the entire Geotechnical and Hydrological analysis cannot be trusted. We request a **site-specific hydrogeological analysis** to demonstrate that the increased runoff will not cause adverse impacts on down-gradient properties, based on verified and accurate grading plans.

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4. Builder's Remedy: A Conflict with Decades of Town Planning and State Law

20-2

The project's reliance on the Builder's Remedy creates a profound conflict with both the Town's deliberate, long-term planning for this parcel and the stated legislative intent of Senate Bill (SB) 330 itself.

20-2 cont.

First, it seeks to overturn decades of local protection. On **June 16, 1975, the Town passed an ordinance to rezone this specific hillside to Resource Conservation (RC)** to preserve its character. As recently as 2018, the Town Council publicly affirmed that rural hillsides like this are an essential part of the Town's identity. Invoking a legal provision to overturn these historical commitments will cause permanent environmental damage, including the destruction of **223 protected native oak trees** and the habitat of special-status wildlife (Arborist Report, pp. 9, 26; Biological Evaluation Report, pp. 18, 33).

Second, the project stands in direct opposition to the law's own stated purpose. Section 2 of SB 330 explicitly acknowledges the state's need to address the *"Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions."* This project does precisely that by destroying a protected open-space hillside.

Furthermore, the legislature noted that the housing crisis has been *"exacerbated by the additional loss of units due to wildfires."* It is a dangerous irony to use this very law to justify constructing new homes in a **Very High Fire Hazard Severity Zone**, placing future residents at extreme risk and ignoring the hard-learned lessons that informed the bill's creation. The Builder's Remedy should not be interpreted as a mandate to approve developments that fly in the face of public safety and the explicit concerns of the legislation itself.

5. Premature and Procedurally Flawed Proposal

20-3

The August 20, 2025, Staff Review makes it clear that this project is being rushed toward public hearing despite fundamental unresolved issues. The Town's own staff has compiled a summary list of at least **15 distinct ways the project violates local regulations**, including those for density, setbacks, grading limits, fire safety, and the explicit failure to provide **required public trails and open space easements** (Planning Comment Letter, 08/20/25, p. 6). Approving a project with such extensive, documented deficiencies—compounded by a dangerously flawed environmental review—would be premature and irresponsible.

We urge the Town to reject the current IS/MND as legally and factually inadequate and require the developer to prepare a full Environmental Impact Report that addresses the project's true fire risk in a **Very High Fire Hazard Severity Zone** before any further consideration.

Thank you for your attention to these matters.

Letter 20 cont.

Sincerely,

Daniel S. Sherbeck

[redacted]

========== End Version 2 ==========

LETTER 20: DAN SHERBECK (2 OF 2)

Response to Comment 20-1
Please see Responses to Comments 19-1 through 19-3.

Response to Comment 20-2
The comment does not address the adequacy of the IS/MND and has been noted for the record. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

With respect to Builder's Remedy, the Project qualifies for the requirements established by the Housing Accountability Act (Government Code Section 65589.5), a newer housing production statute that seeks "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…" (Section 65589.5(a)(2)(K)). In addition, the Housing Accountability Act expresses the State's policy that the statute "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing" (Government Code Section 65589.5(a)(2)(L)).

The proposed project does not include mass grading, and does not proposed development on the steepest parts of the site, thereby preserving substantial amounts of the existing hillside.

With respect to the site's FHSZ, please see Response to Comment 2-2.

Response to Comment 20-3
Please see Response to Comment 19-4.

Letter 21

From: Brad Stahl <[redacted]>
Sent: Thursday, October 9, 2025 11:27 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: 178 Twin Oaks Dr Project

[EXTERNAL SENDER]

Erin Walters Town Of Los Gatos Planning Department

Please Respond to the email letting me know you have received it

Thank you

Brad

Susan and Brad Stahl represent the Stahl Residence at [redacted]

The Stahl family has a long relationship with the Dodge family as we have been neighbors for over 50 years and hope a mutual agreement can be reached with our concerns.

21-1 The proposed Surry Farms Hill Road intersection with Twin Oaks Drive will cause all the Automobile traffic headlights to either face or sweep across all three bedrooms and living room windows located on 110 Twin Oaks Drive while turning right on to Twin Oaks Dr.

We have talked with Jim Foley about our concerns. Jim was supportive about our concerns and indicated corrective action would be taken.

Our Mitigation Requests are as follows:

21-2

1) A slight realignment of the intersection of Surry Farms Hill Road intersection with Twin Oaks Drive. The realignment would change the 90 degree intersection angle to a 60

Letter 21 cont.

21-2 cont.

degree +/- angle. This angle change would force the headlights to face down hill and sweep across the garage, not the windows in the home.

2) Offer a plan that would, at the developers expense, create vegetation or fencing barriers to mitigate the Automotive headlight issue for 110 Twin Oaks Drive.

21-3

3) Change the access points on the project to better share the traffic impact between Twin Oaks Drive and Cerro Vista Court. For example Lots 6, 7 and 8 are added to lot 10 for access off Cerro Vista Court.

Thank you for your time and consideration.

Susan and Brad Stahl

[redacted]

LETTER 21: SUSAN AND BRAD STAHL

Response to Comment 21-1
Please see Response to Comment 5-17.

Response to Comment 21-2
Please see Response to Comment 5-17. Because the IS/MND concluded that the project would not result in any impacts related to creating a new source of substantial light or glare, a nexus to require the requested mitigation measures under CEQA does not exist. Any such measures would be voluntary. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 21-3
Emergency access to the project site is discussed under question XVII-c,d of the IS/MND. As noted on page 95 therein, access to the project site would be provided through a connection to Twin Oaks Drive, by a new private driveway extending from Cerro Vista Court, and through the proposed EVA route connection to Brooke Acres Drive. The IS/MND did not identify potentially significant impacts related to insufficient access routes to the site. Thus, a nexus to require the requested mitigation measure under CEQA does not exist. In addition, the Town does not have any standards or requirements that would require additional access points from those noted above. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Letter 22

From: Eric van Miltenburg <[redacted]>
Sent: Wednesday, October 8, 2025 1:42 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Lori Owen [redacted]
Subject: Proposed Development - 178 Twin Oaks Drive / near Surrey Farms

[EXTERNAL SENDER]

Dear Erin,

22-1 I am writing again to express my concerns regarding the proposed housing development at 178 Twin Oaks Drive. While I understand that some development on this site is likely to happen, the current size, scope, and design raise serious concerns for our neighborhood, particularly with respect to traffic, fire safety, and environmental impacts.

22-2 My top concern remains the **single point of access** via Longmeadow Drive. Every construction vehicle, truckload of dirt, asphalt, and supplies—as well as all future resident traffic—would funnel down this narrow street and directly past our home. This is not reasonable or safe. At a minimum, a **second access road must be required** to share the traffic burden and provide emergency ingress/egress, particularly given the property's location in a **Very High Fire Hazard Severity Zone**.

22-3 In addition to traffic and fire safety, we remain deeply concerned about the project's environmental and safety impacts. The applicant proposes to remove 223 protected trees—despite clear requirements under the Los Gatos Tree Protection Ordinance—destroying wildlife habitat and increasing the risk of landslides, mudslides, and drainage issues. Multiple protected species, including the California red-legged frog, golden eagle, and burrowing owl, stand to lose critical habitat.

22-4 Further, significant grading is proposed on a site already located in a designated **Geologic Hazard Zone**, with incomplete erosion and sediment control plans. Drainage impacts remain unresolved, particularly the introduction of a large bioretention area near Hillbrook School and existing homes.

22-5 The project also seeks multiple exceptions to lot size, height, and setback requirements. Most notably, one proposed home would exceed 40 feet in height—far beyond the 25-foot maximum under the Hillside Design Standards. Construction itself is expected to last at least two years, creating unavoidable noise, traffic, and safety issues for Surrey Farms residents and Hillbrook School.

22-6 In short, while we accept that some building will occur at this site, the current proposal overreaches and fails to adequately address community, safety, and environmental

Letter 22 cont.

22-6 cont.

concerns. We strongly urge the Commission to require meaningful changes—including a second access road, strict adherence to fire and safety standards, full compliance with tree and habitat protections, and realistic mitigation measures—before considering approval.

Thank you for your continued attention to this matter.

Sincerely,

Eric van Miltenburg & Lori Owen

[redacted]

LETTER 22: ERIC VAN MILTENBURG AND LORI OWEN

Response to Comment 22-1
Please see Response to Comment 3-2.

Response to Comment 22-2
Please see Response to Comment 2-2.

Response to Comment 22-3
Please see Responses to Comments 2-3, 2-5, and 5-26.

Response to Comment 22-4
Please see Response to Comment 2-5.

Response to Comment 22-5
Please see Responses to Comments 2-4 and 2-7.

Response to Comment 22-6
Please see Response to Comment 3-2. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

From: Camas J. Steinmetz <cjs@jsmf.com>
Sent: Thursday, October 9, 2025 5:07 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Jon Witkin [redacted]
Subject: 178 Twin Oaks, Surrey Farms Estates Subdivision Project Initial Study and Mitigated Negative Declaration

[EXTERNAL SENDER]

Erin,

Please find attached my comment letter (and referenced attachments) on the 178 Town Oaks IS/MND prepared and submitted on behalf of my client Jon Witkin who resides immediately adjacent to the project site. Please kindly confirm receipt.

Best regards,

Camas

Camas J. Steinmetz, Esq.
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210 | Menlo Park, CA 94025
Direct: (650) 289-4580 | Cell: 650-743-9700
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Letter 23 cont.

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DECEASED
JOHN D. JORGENSON
(1925-2025)
MARVIN S. SIEGEL
(1936 - 2012)
JOHN R. COSGROVE
(1932 - 2017)

October 9, 2025

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

Via Email

Re: 178 Twin Oaks, Surrey Farms Estates Subdivision Project Initial Study and Mitigated Negative Declaration

Dear Ms. Walters:

These comments on the Initial Study and Mitigated Negative Declaration ("IS/MND") for the proposed 178 Twin Oaks, Surrey Farms Estates Subdivision Project ("Project") are submitted on behalf of my client Jon Witkin who owns and resides on the property immediately adjacent to the 17.55 Project site in the Los Gatos Hills where he has lived for seventy (70) years since 1955. Five (5) of the proposed twelve (12) residences would share a property line with my client's property and therefore he is vitally concerned about the Project's potentially significant impacts on the environment.

23-1

The Project Site is zoned Resource Conservation, has a General Plan land use designation of Agriculture, is within the Town's Hillside Specific Plan Area, and until just very recently was protected under Williamson Act contract. The Project would result in the wholesale alteration of the Project site's steeply sloped landscape and the mixed oak woodland community it supports, removing an alarming 223 protected trees (exactly 50% of the 246 total protected trees on the Project site) and introducing a staggering 62,224 square feet of impervious surfaces, thereby

23-2

23-2 cont. permanently destroying the site's scenic character and the oak woodlands habitat it provides for numerous special-status wildlife species.

Based on our initial review, and as further detailed below, there is substantial evidence in the record that the Project may have a significant adverse impact on the environment. Further, the IS/MND fails to adequately describe the Project, fails to adequately analyze the Project's

23-3 significant environmental impacts under the California Environmental Quality Act ("CEQA"). Moreover, many of the mitigation measures proposed for the impacts that are identified patently violate CEQA, including, but not limited to, the mitigation measure designed to reduce the biological impacts resulting from the removal of the 223 trees protected under the Town's Tree Protection Ordinance.

CEQA therefore mandates that an environmental impact report ("EIR") be prepared for the Project rather than an IS/MND to ensure that the significant impacts of this Project are fully disclosed, analyzed, and mitigated and a full range of alternatives to the Project are identified and analyzed. We therefore request that Town Planning staff direct the environmental consultant to prepare an EIR and delay the Planning Commission's consideration of this Project until the EIR is prepared as required by CEQA.

I. **Preparation of an EIR is Required for the Project Because it can be Fairly Argued Based on Substantial Evidence that the Project May Result in Potentially Significant Adverse Impacts on the Environment**

While we acknowledge that, due to the application's Builder's Remedy status, the Project does not require approval of a General Plan Amendment or a Rezone, its Builder's Remedy status does not exempt the Project from the California Environmental Quality Act, Public Resources Code Section 21000 et. Seq. ("CEQA"). (Cal. Gov. Code Section 65589.5(e)) An agency must prepare an environmental impact report ("EIR") whenever it is presented with a "fair argument" that a project may have a significant effort on the environment, even if there is also substantial evidence to indicate that the impact is not significant. See *No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75.

23-4 Notably, an EIR was prepared for a smaller, prior version of this project in 2017 which was never certified because the Town Council voted unanimously to deny the applicant's request to cancel the Williamson Act and thereby rejected the proposed project. There is no explanation in the IS/MND as to why the Town required an EIR for a smaller 10-lot version of this Project eight years ago and yet just eight years letter is now proceeding with only an IS/MND for this 12-lot Project on the very same project site. Common sense should dictate that if an EIR was required by the Town for a smaller project on the site, it should require an EIR for the current larger project which would have even more potential to result in significant environmental impacts.

The Town's determination on whether to prepare an EIR for this Project is subject to a very low threshold called the "fair argument" test (*Laurel Heights Improvement Assoc. v. U.C. Regents* (1993) 47 Cal.4th 376), meaning that if a fair argument can be made on the basis of "substantial evidence" in the record that the project may have a significant adverse environmental impact - even if evidence also exists to the contrary - then an EIR is required. An IS/MND is authorized only when the Lead Agency (which in this case is the Town) determines that changes to the project or mitigation measures would mitigate any identified potentially significant adverse

environmental effects of the project "to a point where clearly no significant effect on the environmental would occur" and no substantial evidence exists supporting a fair argument that the Project will result in a significant environmental effect. Cal. Pub. Res C Section 21064.5; 14 Cal Code Regs 15063(c)(2); 15070(b).

23-4 cont.

CEQA places the burden of environmental investigation on the Town rather than the public. The Town's finding that the project will have no significant adverse impact will be set aside if there is no support in the record for it. See *Sundstrom v County of Mendocino* (1988) 202 CA3d 296. 311 which stated that a public agency "should not be allowed to hide behind its own failure to gather relevant data." Moreover, an IS/MND will be set aside if there is substantial evidence in the record that the mitigation measures imposed as conditions to its adoption are insufficient to mitigate the project impacts. See *California Native Plant Soc'y v County of El Dorado* (2009) 170 CA4th 1026; *Citizens for Responsible & Open Gov't v City of Grand Terrace* (200) 160 CA4th 1323, 1340. An in-lieu fee program cannot be presumed to provide adequate mitigation unless the effectiveness of the fee program has been examined under CEQA. *California Native Plant Soc'y v County of El Dorado* (2009) 170 CA4th 1026.

23-5

For the reasons described below, the Town may not adopt the IS/MND because it does not meet the requirements of CEQA. A fair argument exists, based on substantial evidence, that significant adverse environmental impacts may result from the Project. Further the Initial Study's analyses and conclusions with regard to aesthetics, biological resources, land use and planning and wildfire impacts, are not supported by substantial evidence and many of the mitigation measures it identifies are insufficient to mitigate the impacts the IS/MND does acknowledge. Finally, the IS/MND fails completely to analyze the Project's cumulative impacts. Accordingly, the Town must reject the IS/MND and require an EIR that fully analyzes the Project's potentially significant impacts, identifies feasible mitigation measures to reduce these impacts to the extent possible, and evaluates a full range of Project alternatives.

II. The Project Description Improperly Excludes Reasonably Foreseeable Consequences of the Project and Their Associated Impacts

23-6

The CEQA Guidelines provide that a "'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…." (Cal. Code Regs., tit. 14, § 15378(a).) A project is defined broadly under CEQA in order to maximize environmental protection. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452.) It must be defined and accurately described to ensure an "intelligent evaluation of the potential environmental effects of a proposed activity." (*Burbank-Glendale-Pasadena Airport Auth. v. Hensler* (1991) 233 Cal.App.3d 577, 592, citing *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143-44, disapproved on other grounds.) "A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole." (*Id.* This big picture approach to the definition of a project (i.e., including "the whole of an action") prevents a proponent or a public agency from avoiding CEQA requirements by dividing a project into smaller components which, when considered separately, may not have a significant environmental effect. (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271.)

23-7

The IS/ MND's description of the Project improperly excludes future reasonable, foreseeable consequences of the Project including but not limited to additional accessory dwelling units (ADUs) being built on each of the proposed twelve lots thereby doubling the number of dwelling units on the Project site and the impacts associated with them. Other future reasonable, foreseeable consequences of the Project include swimming pools and cabanas, sports courts and other accessory structures and impervious surfaces which will result in additional environmental impacts that the IS/MND fails to address. As stated by the Court in *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 195-196: "[t]his is exactly the type of piecemeal environmental review prohibited by CEQA. '... CEQA mandates '... that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.'" While ADUs are generally entitled to ministerial approval, "[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA." Cal. Code Regs., tit 14, § 15268(d)

III. **Substantial Evidence Supports a Fair Argument that the Project May Result in Potentially Significant Aesthetic Impacts, Contrary to the IS/MND's Conclusion**

23-8

The Initial Study does not provide the comprehensive analysis and substantial evidence necessary to support its conclusion that the Project will not result in potentially significant aesthetic impacts. Moreover, there is a fair argument supported by substantial evidence to the contrary – that the Project will result in potential significant aesthetic impacts. CEQA requires analysis of a project's impacts on "view and other features of beauty." *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396,401. "the opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic." *Pocket Protectors,* 124 Cal.App.4th at 908, 937 (requiring EIR, rather than Initial Study, in part to address neighbors' concerns regarding aesthetic impacts of project).

A. <u>The IS/MND Fails to Identify and Mitigate the Significant Aesthetic Impact Resulting from the Loss of Protected Trees</u>.

23-9

As a preliminary matter, the IS/ MND erroneously concludes that the Project will not exceed listed threshold of significance (b) which considers whether the Project will "[s]ubstantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway." Despite that trees are explicitly listed as a scenic resource in this threshold, and despite that the Project will remove 223 or 50% of the 546 protected trees onsite which consist mostly of oak woodlands, the IS/ MND concludes that this threshold will not be exceeded, failing to identify these trees and the oak woodland they comprise as a scenic resource or analyze the Project's impacts to them. See *Save Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 704-705 (2020) in which the MND at issue concluded that the "the mature oak trees on the project site offer a scenic resource…" and concluded that the Project would result in a significant impact to this scenic

4

23-9 cont.

resource. The court held that the MND *improperly* concluded that this significant impact would be reduced to a less than significant level because the identified mitigation measures did not protect from risk to harm to these trees from project construction and changes in subsurface water flow caused by mass grading and therefore did not reduce the visual impact of the potential loss of these trees to a less than significant level. As in *Save Agoura,* and as further explained below in Section III of this letter, the IS/MND fails to mitigate for the loss of the protected trees and oak woodlands on the Project site and therefore the Project may result in a potentially significant impact to these scenic resources.

B. The IS/MND Conclusion that the Project will Not Conflict with Applicable Zoning and other Regulations Governing Scenic Quality Is Unsupported by Substantial Evidence

23-10

The IS/ MND concludes that the Project will not exceed listed threshold of significance (c) because it will not conflict with applicable zoning and other regulations governing scenic quality. This conclusion is unsupported and contradicted by the evidence in the record. The IS/MND acknowledges that "multiple aspects of the project are not in compliance with the Hillside Development Standards and Guidelines, such as the extent of grading and maximum heights" ((IS/MND, p.21) and in fact the home on Lot 5 at 40 feet tall will exceed the maximum height by over 15 feet. Despite these acknowledged conflicts, the IS/ MND weakly explains, without any support, that "[f]rom an aesthetics perspective, it is reasonable to conclude that not every conflict with a scenic regulation would result in a significant aesthetic impact, pursuant to CEQA." (IS/MND, p.23) The IS/ MND fails to support this statement with any thorough methodical analysis which should include first identifying the "applicable zoning and other regulations governing scenic quality", then discussing the Project's compatibility with these regulations, and if a conflict between the Project and these regulations is identified, explaining why exactly this conflict would not result in a significant impact.

23-11

Although Figure 11 clearly shows three of the homes front and center in the view from Longmeadow Drive, the IS/ MND concludes without support, that "the majority of the project site would remain screened by the existing trees and vegetation". The Hillside Development Standards and Guidelines state that "[a] Deed Restriction shall be required that identifies the on-site trees that were used to provide screening in the visibility analysis and requires replacement screening … if these trees die or are removed." There is no mention of any such deed restriction requirement or the Project's adherence to this requirement in the IS/MND. Since the ISMND relies on screening of trees to conclude that the project will not result in aesthetic impacts, a deed restriction to ensure their protection and replacement should be required.

23-12

The IS/MND further concludes that "[t]he proposed project would not conflict with existing regulations related to views of the Hillside Area from Longmeadow Drive"(IS/MND p. 23) without even identifying what these regulations are let alone providing an analysis to support this conclusion. In fact, the evidence supports a conclusion to the contrary: the Project does not protect views of the hillsides by locating buildings on the least visible areas of the Project site and does not mitigate the visual impact of the buildings to the greatest extent reasonable

23-12 cont. by reducing the height of the buildings or moving the structure to another location on the site (Standards C2 and C3 of the Hillside Development Standards and Guidelines).

C. The IS/MND Conclusion that the Project will Not Create a New Source of Substantial Light or Glare Is Unsupported by Substantial Evidence

23-13 Despite that the 17.55 acre Project site is entirely undeveloped and has no existing sources of light, the IS/ MND astoundingly concludes that the Project will not exceed threshold of significance (d) by creating a new source of substantial light or glare. It attempts (but fails) to rationalize this conclusion by stating that the new sources of light and glare from the Project "would be similar in nature to the existing surrounding conditions" and that "[a]ccording to the project applicant, all exterior lighting (i.e., both building-mounted and landscape lighting) would be designed consistent with the Hillside Design Standards and Guidelines outdoor lighting standards, which require the minimum lighting required for pedestrian safety" (IS/ MND pp. 28-29). However, early in the IS/MND on page 7, it states that "[b]ecause the project is subject to Builder's Remedy, compliance with all of the Town's guidelines, policies, or programs is not required unless noncompliance would constitute a significant health or safety risk." Accordingly, the Town cannot rely on the applicant's stated voluntary compliance with the exterior lighting standards to reduce the Project's light and glare impact; such standards must be imposed as mitigation measures and required as conditions of approval. ""A requirement that [a project] comply with the [applicable] Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the . . . impacts during construction and operation of the project." *California Clean Energy Com.*,225 Cal.App.4th at 211.

23-14 Completely absent from the Aesthetic Impact analysis is a shadow impact analysis. The Town's minor residential development application form excerpted below requires this: https://www.losgatosca.gov/DocumentCenter/View/162/Minor-Residential-Development-Application-Packet-PDF:

23-14 cont.

D. STREETSCAPE, SHADOW STUDY AND CROSS SECTION (NOT NECESSARY FOR ACCESSORY STRUCTURES)

1. Shadow study to include the following:
   a. Winter/summer shadow lines at 9 A.M., noon, and 3 P.M. on June 21st and December 21st;
   b. All structures on adjacent properties;
   c. Height and number of stories of adjacent structures.
2. Streetscape to include the following:
   a. Front elevation of structure and plan view with changes superimposed on existing structure;
   b. Streetscape including both sides of street. Include at least three structures on each side of applicant's property and six structures on opposite side of the street.
3. Cross Section:
   a. Front elevation of structure and plan view with changes superimposed on existing structure;

If a shadow study is required of minor residential development, it should most certainly be required for this major residential development and included in the environmental review of the aesthetic impacts of the Project.

IV. **Substantial Evidence Supports a Fair Argument that the Project May Have a Potentially Significant Impact on Protected Trees and the Oak Woodlands on the Project Site, Contrary to the IS/ MND's Conclusion**

23-15

According to the IS/MND and the Arborist Report (attached as Exhibit C to the IS/MND) upon which it relies, the Project site contains 603 onsite trees measuring four (4) inches or greater at breast height, with 546 of those trees qualifying for protection under the Town's Tree Protection Ordinance whose intent and purpose is to is "retain as many trees as possible." The Project proposes to remove 223 or exactly *one-half (50%)* of those protected trees to accommodate the Project build out. The Tree Protection Ordinance requires that 551 tree replacement trees be planted on-site to mitigate the loss of the 223 protected trees, yet the Project proposes to plant only 85 trees, which is just fifteen percent (15%) of what the Tree Protection Ordinance requires.

The IS/MND acknowledges that "a potentially significant impact could occur related to a conflict any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance" but concludes that this impact would be reduced to a less than significant level with implementation of a single mitigation measure – Mitigation Measure IV-9. This mitigation measure states in pertinent part that since the project would not meet the Tree Protection Ordinance tree replacement requirements, "*the project applicant shall pay the appropriate in-lieu fees, pursuant to the requirements of Division II of Chapter 29.10 of the Town's Municipal Code.*" This mitigation measure fails to satisfy the requirements of CEQA and therefore fails to reduce this identified impact to

7

a less than significant level.

A. Mitigation Measure IV-9 Fails to Reduce the Identified Impact to Protected Trees to a Less Than Significant Level

23-15 cont.

Mitigation Measure IV-9 relies entirely on the applicant's compliance with the Town's Tree Protection Ordinance. Under well-established case law, the IS/MND must engage in a project- specific analysis of the effects of regulatory compliance in order to support a determination that compliance is sufficient to prevent significant impacts. *See Californians for Alternatives to Toxics* v. *Dept. of Food and Agriculture* (2005) 136 Cal. App. 4th 1, 17 ("Compliance with the law is not enough to support a finding of no significant impact under the CEQA."); *California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 211 ("requirement that [a project] comply with the [applicable] Code does not, by itself, constitute an adequate assessment of mitigation measures"). Moreover, uncertain, vague, and speculative mitigation measures are inadequate to reduce the significance of an impact because they lack a commitment to enforcement. *See, e.g., Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1188-89 (holding traffic mitigation fee measure inadequate under CEQA due to vagueness in program for implementing required improvements). Finally, a fee program cannot be presumed to provide adequate mitigation unless the effectiveness of the fee program itself has been examined under CEQA. *California Native Plant Soc'y v County of El Dorado* (2009) 170 CA4th 1026. There is no evidence in the record that the Town's in-lieu fee program incorporated into its Tree Protection Ordinance has undergone such an examination.

23-16

With regard to the onsite tree replacement component of Mitigation Measure IV-9, there is nothing in the mitigation measure or the Town's Tree Protection Ordinance that it references which requires care, maintenance, monitoring and protection of the proposed 85 replacement trees (which represents just 15% of the total protected trees the Project will remove) to ensure their health and survival and/or replacement of these trees if they do not thrive or survive. Oak trees have a slow growth rate and take years to mature or show signs of stress that could lead to mortality. Without such a long-term requirement spanning at least 10 years, this mitigation measure does not reduce the identified impact to a less than significant level. (See Attachment 1, page 6.)

23-17

With regard to the in-lieu fee component, Mitigation Measure IV-9 states that the in-lieu fee shall be paid pursuant to the requirements of Division II of Chapter 29.10 of the Town's Municipal Code which states as follows:

(2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:

a. Add or replace trees on public property in the vicinity of the subject property; or

b. Add or replace trees or landscaping on other Town property; or

c. Support the Town's urban forestry management program.

The adopted Town fee schedule for 2025-26 states as follows:

26	Replacement Trees - Town Forestry Fund Per Tree Ordinance Section 29.10.0985	Tree cost for each 24",36", and/or 48" box size will be the Market Price plus the installation cost, determined by the Director

Fee will be waived if tree removal is done to implement or maintain Defensible Space.

23-17 cont.

The amount of the in-lieu fee is therefore entirely within the discretion of the Director and may not even be required depending on whether the removed tree it is associated with is removed "to implement or maintain Defensible Space" which in turn appears also to be discretionary. Additionally, Mitigation Measure IV-9 nor the Town's Tree Protection Ordinance states anything about how or when the in-lieu fee will be administered and applied to appropriately mitigate the loss of oak woodland and the individual 223 protected trees on the Project site. Moreover, the mitigation measure does not disclose a timeframe by which the deposited funds will be allocated toward actual mitigation efforts, which may result in unmitigated Project impacts and ongoing temporal loss of nesting and/or foraging habitat for wildlife. Without disclosure of the amount of the in-lieu fee and exactly how and when it will be appropriated, the Town cannot conclude that Mitigation Measure IV-9 will reduce the impact of the loss of oak woodland and the individual 223 protected trees to a less than significant level.

B. The IS/MND Fails to Analyze or Mitigate Impacts to the Remaining Trees on the Project Site

23-18

Moreover, the IS/MND reports only the number of individual protected trees (223) that are planned to be removed to construct the Project (IS/MND p. 50). It fails to consider, much less mitigate for, additional oaks that may be lost or harmed as a result of the subdivision improvements constructed within oak woodlands or close to protected trees that will not be removed. Given the steepness and high density of mature oaks in this area and the amount of grading and impervious surface area that the Project will introduce, thereby diverting ground water that otherwise would have irrigated these trees' roots, these improvements will certainly cause deterioration or loss of additional oaks through damage to their roots and deprivation of ground water. The IS/ MND does not consider or mitigate for this potential impact by requiring ongoing long-term irrigation, monitoring of their health and/or replacement if they do not survive.

23-19

C. The IS/MND Fails to Identify, Analyze or Mitigate Impacts resulting from the Loss of Oak Woodland Community as a Whole

Additionally, and perhaps most concerning, the IS/ MND does analyze or even acknowledge that the loss of the oak woodland habitat on the Project site *as a whole interdependent community* of organisms would be a significant impact and mitigate for this loss. The IS/ MND fails mention that oak woodlands is a natural community protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360- 1372) and Public Resources Code section 21083.4, due to the historic and on-going loss of these resources. Literally, the IS/MND does not see the forest for the trees. As explained in the enclosed August 28, 2025 letter (Attachment 1) submitted by the California Department of Fish and Wildlife (CDFW) on another project, the CDFW considers oak woodlands as a sensitive natural community that supports a host of wildlife and takes the position that impacts to this natural community should be appropriately mitigated for. The Project's impact on the oak woodland community as a whole is glaringly missing from the IS/MND entirely.

23-19 cont.

Oak woodlands are some of the richest overall wildlife habitats in California, and rank among the top three habitats for birds[1]yet they are increasingly diminishing due to fire suppression, overgrazing, urban development, and disease. Oak trees provide nesting and perching habitat for approximately 170 species of birds.[2] In addition to birds, mammals, reptiles, and amphibians depend on oak woodlands at some stage in their life cycle whether it is foraging acorns, providing refugia through leaf litter, or using cavities as shelter.[3] Oak woodlands also serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Moreover, oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California.[4]

As explained in CDFW's enclosed letter (Attachment 1), replacement of individual trees whether onsite or offsite does not offset the loss in total area of this sensitive natural community and the wildlife it supports. Replacing individual trees, but not habitat area, is ineffective. Planting individual trees does not fully mitigate on a biological level the permanent and temporal impacts on an oak woodland community because this does not account for the loss of the woodland understory and is not viewed by CDFW as appropriate mitigation since the replacement trees

[1] Wilson, R. A., P. Manley, and B. R. Noon. 1991. Covariance patterns among birds and vegetation in a California oak woodland. Pages 126–135 in R. B. Standiford, editor. Proceedings of the symposium on oak woodlands and hardwood rangeland management. Gen. Tech. Rep. PSW-GTR-126. Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture, Berkeley, California.

[2] Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4- 12.

[3] Zack, S., and California Partners in Flight. 2002. The Oak Woodland Bird Conservation Plan: A Strategy for Protecting and Managing Oak Woodland Habitats and Associated Birds in California, 126 pp.

[4] Block, W.M., Morrison, M.M., Verner, J. 1990. Wildlife and oak-woodland interdependency. Fremontia 18(3):72-76.

will be subject to maintenance (i.e., pruning and irrigation) especially if they are within fuel modification zones.

The loss of area of oak woodlands which is a sensitive natural community constitutes a significant impact that, even if it were properly identified in the IS/MND, is not mitigated by application of the Town's Tree Protection Ordinance. In a recent case precisely on point, the court in *Save Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665 (2020) held that MND analyzing the impacts of a project which would result in the removal of 29 oak trees and 21,271 square feet of oak scrub habitat did not adequately analyze the project's impacts on these oak trees, nor did it effectively mitigation the impacts to a less than significant level, and accordingly mandated the preparation of an EIR.

23-19 cont.

Specifically the court held that the MND (1) did not include any mitigation measures to address the loss of water for the retained or replacement trees that would result from the project's extensive grading and impervious surface area; (2) did not include any analysis on how the identified mitigation measures would be likely to succeed in recreating or restoring the oak woodland lost to the project development; (3) did not specify in the in-lieu fee program it includes as a mitigation measure how many trees would be planted off site or identify where such trees will be planted or if any such sites are even available for planting; and (4) did not include mitigation to address the long term survival of the retained trees and/or replacement trees onsite. *Id a pp 698-704.*

The IS/ MND and Mitigation Measure IV-0 is deficient for these same reasons and the reasons summarized above, and therefore an EIR is required to properly analyze and mitigation the potentially significant impact to the oak woodland on the Project site. In preparation of the EIR, we urge the Town to review and consider incorporation of the oak woodland mitigation measures recommended by the CDFW in the enclosed letter at pages 5-8 (Attachment 1).

V. **Substantial Evidence Supports a Fair Argument that the Project May Result in Potentially Significant Land Use and Planning Impacts**

The IS/MND concludes without any analysis whatsoever that the Project will not "cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." While we acknowledge that this is a Builder's Remedy project and therefore a General Plan Amendment and Rezone is not required, this does not exempt the Project from CEQA and its requirement that the land use and planning impacts of the Project be adequately analyzed. The IS/MND does not even bother to identify what land use plans, policies, and regulations were adopted for the purpose of avoiding or mitigating an environmental effect, let alone conduct the required consistency analysis to determine whether there is a conflict between the Project and these plans, policies and regulations. Notably the IS/MND concludes that the Project would not conflict with "*some*" of the standards of the Hillside Specific Plan without identifying which of those standards the Project does conflict with and explaining why those standards were not adopted for the purpose of avoiding or mitigating an environmental effect. Given that IS/MND itself acknowledges that the Project would conflict with standards set forth in the Hillside Specific Plan which was adopted for the purpose of protecting the Town's hillsides, and the Tree Ordinance, which was adopted for the purposes of protecting trees, substantial evidence

23-20

23-20 cont. supports a fair argument that the Project would result in a potentially significant land use and planning impact and an EIR must be prepared.

VI. **Substantial Evidence Supports a Fair Argument that the Project May Result in Wildfire Impacts, Contrary to the IS/MND's Conclusion**

23-21 The IS/MND mischaracterizes the Project sites fire zone as "High FHSC" (Fire Hazard Severity Zone) when in fact per Town Council Ordinance 2374 adopted June 17, 2025 to comply with State Government Code Section 5117 (Attachment 2) the Project site is in a ***Very High*** FHSC which means it is located in an area with the highest possible potential for widespread wildfire over a 30-50 year period. Accordingly, the IS/ MND is not accurate and its conclusion that project would not be expected to be subject to or result in substantial adverse wildfire effects is not supported by the evidence in the record.

VII. **Conclusion**

23-22 For the reasons stated above, the Town may not adopt the IS/MND because it does not meet the requirements of CEQA. By failing to include and analyze the reasonable foreseeable consequences of the Project such as accessory structures and uses, the Project description does not describe the "whole of the action" and therefore does not adequately analyze the full impacts of the Project. Additionally, a fair argument can be made based on substantial evidence that the Project will result in potentially significant environmental impacts with respect to Aesthetics, Biological Resources, Land Use and Planning and Wildfire Impacts. Finally, the IS/MND impact analyses and conclusions with respect to these categories are not supported by substantial evidence in the record. Accordingly, the Town must require a full EIR that analyzes the Project's potentially significant environmental impacts, identifies feasible mitigation to reduce these impacts, and analyzes a full range of Project alternatives.

Sincerely,

Camas J. Steinmetz

Enclosures:

Attachment 1 - Letter from State Department of Fish & Wildlife Dated August 28, 2025

Attachment 2 – Los Gatos Town Council Ordinance 2374 adopted June 17, 2025

References and Additional Literature Incorporated by Reference:

Block, W.M., Morrison, M.M., Verner, J. 1990. Wildlife and oak-woodland interdependency. Fremontia 18(3):72-76.

Zack, S., and California Partners in Flight. 2002. The Oak Woodland Bird Conservation Plan: A Strategy for Protecting and Managing Oak Woodland Habitats and Associated Birds in California, 126 pp.

Arrhenius, O. 1921. Species and area. Journal of Ecology 9:95–99.

Keeler-Wolf, T., and J. Evens. 2006. Vegetation classification of the Santa Monica Mountains National Recreation Area and environs in Ventura and Los Angeles counties, California. Report to National Park Service. California Department of Fish and Game and California Native Plant Society, Sacramento, California.

Pavlik, B. M., P. C. Muick, S. Johnson, and M. Popper. 1991. Oaks of California. Cachuma Press and California Oak Foundation, Los Olivos.

Preston, F. W. 1948. The commonness, and rarity, of species. Ecology 29:254–283.

Wilson, R. A., P. Manley, and B. R. Noon. 1991. Covariance patterns among birds and vegetation in a California oak woodland. Pages 126–135 in R. B. Standiford, editor. Proceedings of the symposium on oak woodlands and hardwood rangeland management. Gen. Tech. Rep. PSW-GTR-126. Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture, Berkeley, California.

Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4-12.

Letter 23 cont.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 28, 2025

Jolee Hui
Los Angeles County Department of Regional Planning
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Los Angeles, CA 90012
jhui@planning.lacounty.gov

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HOPE GARDENS PROJECT, SCH NO. 2022060277, LOS ANGELES COUNTY, CA

Dear Jolee Hui:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the Los Angeles County Department of Regional Planning (LACDRP; Lead Agency) for the Hope Gardens Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Union Rescue Mission

Objective: The Project proposes the demolition and redevelopment of the existing Sequoia Lodge with a new multi-use Sequoia building within the Hope Gardens Family Center. The current development pad of the Sequoia Lodge would be replaced to accommodate the new building. The new building would consist of three stories with a main ground floor basement that would provide building space for 117 housing units and supportive services. The housing capacity would be increased to support 525 formerly homeless women and children. Supportive services that would be located on site for residents include counseling offices, administration offices, security office, medical examination rooms, dental examination rooms, day care center, computer lab, multi-purpose room, kitchen, and a communal dining room. The subterranean parking area would provide 22 parking spaces, bicycle spaces, and ADA parking. Additional Project improvements would include new paving and resurfacing of internal roadways and hardscapes around the new building footprint for circulation and building access as well as widening of the on-site bridge that is accessible from Lopez Canyon Road. Project activities required to complete the Project would entail demolition, construction, paving, resurfacing, and landscaping.

Location: The Project site is located at 12249 Lopez Canyon Road, near Sylmar in the unincorporated County of Los Angeles. The Project site is approximately 77 acres set within the Lopez Canyon in the San Gabiel Mountains. The site is bounded by Interstate 210 to the south, undeveloped land to the west, and the Angeles National Forest to the north and east.

Biological Setting: The Hope Gardens Family Center encompasses 77 acres in the foothills of the San Gabriel Mountains. The Project site is located within a woodland area of mature native and landscaped trees and has a relatively small increase in elevation from south to north in the main developed area. Currently the site has perimeter fencing surrounding the property that abuts the Angeles National Forest. General biological field surveys of the Project site were conducted in May 2019, June 2020, and October 2022, and findings were compiled in a Biological Resources Report (BRR). An oak tree survey was conducted in May 2019, and the site was revisited in

[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

October 2022. The BRR, jurisdictional delineation report, oak tree survey report, and oak woodland report are included in the DEIR appendices. During biological surveys, three vegetation communities were identified within the Biological Study Area, which include California sagebrush scrub (*Artemisia californica-Salvia leucophylla* Alliance), coast live oak woodland (*Quercus agrifolia* forest & woodland Alliance), and scrub oak chapparal (*Quercus berberidifolia* Alliance). Within the Project footprint, 0.13 acre of coast live oak woodland and 1.61 acres of the developed area will be impacted. In the Project footprint, there are 57 coast live oak trees and one heritage oak. The Project intends to remove four coast live oak trees and encroach upon the protected zone of 12 oak trees. No special-status plants were identified during surveys. Moreover, three unnamed ephemeral channels that traverse the oak woodland were identified on site.

No special-status wildlife were observed during the surveys. Species that are of potential concern for the Project include, but are not limited to, white-tailed kite (*Elanus leucurus*; fully protected species), Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), western mastiff bat (*Eumops perotis californicus*; California Species of Special Concern (SSC)), and nesting birds and raptors. The DEIR includes seven biological mitigation measures which detail nesting bird preconstruction surveys, replacement of coast live oak trees, tree protection for remaining coast live oak trees, focused bat surveys, notifying for a Lake and Streambed Alternation (LSA) Agreement, alternative off-site mitigation, fencing, and lighting.

Project Timeline: The Project is anticipated to commence in the third quarter of 2026 for a span of approximately 34 months. Demolition, grading, bridge widening, and installation of underground utilities are expected to take 10 months to complete. Building construction from foundations to occupancy is expected to take 24 months to complete.

Project History: CDFW previously reviewed the Notice of Preparation (NOP) and submitted a comment letter on July 19, 2022. Comments in the NOP addressed streams, oak trees, migratory birds, landscaping, pest management, and rodenticide use.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LACDRP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts on Oak Woodlands

Issue: The Project will directly impact the coast live oak woodland and remove oak trees within the Project site. The mitigation measures in the DEIR do not appropriately mitigate for the loss of oak woodland.

Specific impact: Project activities (e.g., tree removal, grading, and brush removal) would directly impact 0.13 acre of coast live oak woodland, remove four oak trees, and encroach on several remaining oak trees. Use of heavy machinery may result in the removal of whole trees, canopy, or roots which would adversely impact wildlife that utilize the trees as nesting and/or foraging habitat.

Why impact would occur: The coast live oak woodland is the primary vegetation community intermixed with the landscaping surrounding the Sequoia Lodge. The DEIR notes that coast live oak woodland does not classify as a sensitive natural community; however, portions of the oak woodland surrounding the river are considered riparian habitat and are considered sensitive (pg. 4.1-13). Furthermore, the DEIR states that the "[C]oast live oak woodland in this area is designated as Southern Coast Live Oak Riparian Forest by the CDFW and is considered a sensitive natural community because it is a riparian community surrounding the channelized areas" (pg. 4.1-5). CDFW considers oak woodlands as a sensitive natural community that supports a host of wildlife and impacts to this natural community should be appropriately mitigated for. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). In addition to birds, mammals, reptiles, and amphibians depend on oak woodlands at some stage in their life cycle whether it is foraging acorns, providing refugia through leaf litter, or using cavities as shelter (Zack et al. 2002). Oak woodlands also serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Moreover, oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990).

LACDRP acknowledges that the loss of 0.13 acre of sensitive coast live oak woodland community would be a significant impact and proposes Mitigation Measure BIO-1, which would require the Project to plant eight replacement coast live oak trees along the adjacent the creek to reduce the level of impact to less than significant (pg. 4.1-32). Mitigation Measure BIO-5 is also incorporated in the DEIR to outline an alternative mitigation option to purchase mitigation credits at a 2:1 ratio. While CDFW appreciates the Project proponent would plant eight coast live oak trees, only planting trees does not fully mitigate on a biological level the permanent and temporal impacts on an oak woodland community. Appropriate compensatory mitigation would include habitat restoration or preservation of an in-kind oak woodland to ensure mitigation accounts for the natural community as a whole which includes, but is not limited to, plant assemblages, habitat composition, function, diversity, and structure.

Additionally, the location of the replanted trees may be within the current fuel modification zones and part of the landscaping plan. Generally, fuel modification activities such as tree trimming are conducted on a continuous basis and would not be appropriate for oak trees that are considered part of mitigation as it will take longer for those oaks to reach maturity. Planting eight oak trees as part of landscaping does not account for the loss of the woodland understory and is not viewed as appropriate mitigation since it will be subject to maintenance (i.e., pruning and irrigation).

Furthermore, Mitigation Measure BIO-1 states that the eight replacement trees would be cared for and maintained for a period of two years and replaced if mortality occurs. Oak trees have a slow growth rate and would take much longer than two years to mature or show signs of stress that could lead to mortality. If the Project proponent has to replace trees due to mortality, this action would result in prolonged temporal loss of habitat for wildlife that currently use that the Project site.

Lastly, the DEIR discusses potential off-site mitigation alternatives. Mitigation Measure BIO-5 discusses the option for the Project proponent to purchase mitigation credits for impacts at a 2:1 replacement ratio, which is the same proposed ratio as on-site tree replacement. Depending on the Project, off-site mitigation ratios may be higher than what is proposed on site given that the Project impacts are not being mitigated at the direct location of impacts. In addition to mitigation credits, Mitigation Measure BIO-1 provides the option to pay into the oak forests special fund at a dollar amount that will be determined by a qualified arborist. As currently written in the DEIR, it is unclear how or when the in-lieu fees would be applied to appropriately mitigate the loss of 0.13-acre oak woodland. Without disclosure of how the special funds are appropriated, the funds requested by LACDRP may not be at an amount sufficient to fully offset the loss of oak woodland. Additionally, the DEIR does not disclose a timeframe by which the special funds will be allocated toward mitigation efforts, which may result in unmitigated Project impacts and ongoing temporal loss of nesting and/or foraging habitat for wildlife.

Evidence impact would be significant: Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4, due to the historic and on-going loss of these resources. Currently, coast live oak has a reduced range largely due to development and are often vulnerable to environmental effects of projects. Currently, only two-thirds of California's original oak woodlands remain (Zack et al. 2002). Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to coast live oak woodlands may not minimize the Project's direct, indirect, and cumulative impacts to biological resources.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final EIR:

Mitigation Measure # 1: Mitigation Measure BIO-1 – Given that compensatory mitigation should account for the impacts on 0.13 acre of oak woodland as whole, CDFW requests that LACDRP revise Mitigation Measure BIO-1 to incorporate the underlined language and omit language in strikethrough:

Replacement of Coast Live Oak Woodland ~~Protected Coast Live Oak Trees~~:

- If avoidance is not feasible, the Project proponent shall provide on- or off-site mitigation for impacts to the coast live oak woodland to mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. At a minimum, 0.26 acres of coast live oak woodland shall be restored or preserved on site. Mitigation shall involve recreation of an oak woodland of similar composition, structure, and function to the selected oak woodland that was impacted. Mitigation shall include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted oak woodlands. Oak tree acorns shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds shall originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. Mitigation monitoring, management, and reporting for oak woodland should be provided for at least 10 years, with a minimum of seven years without supplemental irrigation, to ensure success of the restoration effort.

- A ~~Landscaping~~ Restoration Plan shall be prepared that includes requirements for oak-friendly landscaping under oaks and removal of regular irrigation under oak trees.

- At a minimum, ~~A total of~~ 16 ~~8~~ replacements oaks shall be planted to replace oaks removed. This replacement accounts for the removal of 4 protected oaks at a 4 ~~2~~:1 replacement ratio.

- A total of 8 oaks were assessed with the potential for death or significant decline due to the Project from either the trunk being located within 15 feet of the construction/area of disturbance or greater than 30 percent of the TPZ would be encroached. These oaks (#17, #18, #19, #20, #22, #23, #25, and #50) shall be properly cared for and monitored for a period of 10 ~~2~~ years and replaced at a 4 ~~2~~:1 replacement ratio by the permittee if mortality or significant decline (health assessed at a 1 or 2) occurs within that 10 ~~2~~-year period.

- Required replacement trees shall consist exclusively of indigenous oak trees and shall be in the replacement ratio of 4 ~~2~~:1. Each replacement tree shall be at least a 15-gallon size specimen and measure at least one inch in diameter one foot above the base. The hearing officer, director, or commission may, in lieu of this requirement, require the substitution of one larger container specimen for each oak tree to be replaced, where, in its opinion, the substitution is feasible, and conditions warrant such greater substitution.

- Replacement trees shall be properly cared for and maintained for a period of 10 ~~two~~ years and replaced by the permittee if mortality occurs within that period.

Letter 23 cont.

- Where feasible replacement trees should consist exclusively of indigenous oak trees and certified as being grown from a seed source collected in Los Angeles and Ventura counties.

- Replacement trees shall be planted and maintained within ~~or near~~ the Survey Area and outside of landscaping and fuel modification zones ~~and, if feasible, in the same general area where the trees were removed~~. The process of restoring or preserving a coast live oak woodland and replacement of oak trees shall be supervised in the field by a person who, in the opinion of the County forester and fire warden, has expertise in the planting, care and maintenance of oak trees.

- Potential planting sites within and near the Survey Area are shown in Figure 4.1-6, Potential Mitigation Planting Area. ~~Replacement plantings should be incorporated into proposed landscaping for the New Sequoia Building to the extent possible.~~ Plantings can be in the areas shown in Figure 4.1-6, Potential Mitigation Planting Area, that were chosen because they are currently free of trees or native vegetation and are contiguous with existing forested landscaping on the property. If enough suitable areas for mitigation plantings are not found within or near the Survey Area or within the Project Site as a whole, potential additional areas for replacement plantings include along Lopez Canyon Road and in the open areas of Angeles National Forest immediately east of the Project Site. Coordination with federal land managers would be required for plantings in the Angeles National Forest and coordination with state land managers would be necessary for plantings in the roadway right-of-way.

- No special-status plants or wildlife shall be impacted during the planting of replacement trees. If replacement trees are to be planted in areas of native habitat outside of the landscaped areas on the Hope Gardens property, or within the Angeles National Forest, a preconstruction survey shall be performed to ensure avoidance of impacts to special-status species. Prior to planting the replacement trees, the area shall be surveyed by a qualified biologist to determine that the area is suitable for the installation of replacement trees and that native plants or habitats would not be removed or crowded by the planting. Preconstruction surveys shall be timed to occur when able to observe potential target species above ground. A biologist shall prepare a report regarding the methods and findings of the preconstruction surveys, and an assessment of suitability of the location for installation of replacement planting. Any location determined to have special-status species or where planting would disturb, alter, or decrease the biological value of the habitat shall be avoided, and only locations where no impacts would occur (as determined by the qualified biologist) shall be used as planting sites. The County shall review the preconstruction survey report and approve all replacement planting and restoration or preservation of coast live oak woodland sites within areas of habitat outside of the Hope Gardens landscaped and disturbed areas prior to the installation of the planting.

- ~~If no suitable areas for replacement plantings are found~~ In addition to replanting on site, the Project proponent shall provide a payment into the oak forests special fund would be an alternative mitigation. The payment amount would be equivalent to the oaks that are impacted as determined by a qualified arborist, and the amount would require approval from the County forester.

Mitigation Measure #2: Mitigation Measure BIO-5 – CDFW request that LACDRP revise Mitigation Measure BIO-5 to incorporate the underlined language and omit language in strikethrough:

~~Oak trees are required to be planted at a 2:1 replacement ratio for each removal (see MM-BIO-1). The replacement plantings of the coast live oaks shall be planted along the channels within riparian areas in the Survey Area to the extent feasible. This replacement of riparian habitat would be considered suitable compensation for the impacts to riparian trees.~~ Alternative off-site mitigation considered suitable would be through purchase of mitigation credits for impacts to coast live oak riparian woodlands at a minimum 2:1 replacement ratio based on the existing and proposed mitigation woodland habitat value and function and would be subject to County review and approval.

Recommendation # 1: Oak Litter - CDFW recommends salvaging oak leaf litter or duff prior to Project ground-disturbing activities or vegetation removal impacting oak woodlands. Oak leaf litter contains beneficial mycorrhizae, microorganisms, and nutrients that could be used in restoration of oak woodlands. Oak leaf litter should not be taken outside of the Project boundary to prevent the spread of potential pathogens.

COMMENT # 2: Impacts on Crotch's Bumble Bee

Issue: The Project has potential to impact suitable nesting habitat and foraging opportunities for Crotch's bumble bee or may result in direct or indirect mortality. The DEIR does not include measures to ensure impacts to the species are appropriately addressed.

Specific impact: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Project ground disturbing activities may cause death or injury of adults, eggs, and larva, result in burrow collapse or nest abandonment, and may result in reduced nest success.

Why impact would occur: The DEIR acknowledges the medium potential for Crotch's bumble bee to utilize the California sagebrush scrub identified within the Biological Study Area. Additionally, the DEIR states that "[W]hile the coast live oak woodland has a species that serves as a host plant to Crotch's bumble bee (*Eriogonum fasciculatum*), only a few small shrubs were observed, and the level of disturbance has eliminated habitat" (pg. 4.1-30, 31). CDFW disagrees with LACDRP's conclusion that the Project would not result in direct and indirect impacts to Crotch's bumble bee.

Letter 23 cont.

Crotch's bumble bee are generalists and known to utilize a variety of sources for nesting and overwintering opportunities. Crotch's bumble bee primarily uses abandoned small mammal burrows to nest, but this species may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Given that a coast live oak woodland exist on site and California sagebrush scrub is adjacent to the Project footprint, there is potential for this CESA candidate species to be detected prior to or during Project activities.

No focused surveys were conducted for Crotch's bumble bee by a CDFW-approved qualified biologist. Additionally, the DEIR does not have any species specific-measures that outline focused surveys or actions if this CESA candidate species is observed on site. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could also result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project area.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the population size and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State Ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority[3]. Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the District (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final EIR:

[3] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline

Mitigation Measure # 3: Herbicide and Pesticide Use – To avoid impacts to pollinators, including Crotch's bumble bee, the Project proponent shall ensure that herbicides and pesticides are not sprayed at any time in the Project site or near any flowering plants.

Mitigation Measure # 4: Crotch's Bumble Bee Surveys - The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species[4]. Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season (April through August) to ensure no missed detection of Crotch's bumble bee occurs. Prior to focused surveys, surveyors shall reach out to CDFW to discuss methodologies and surveyor qualifications. Survey results, including negative findings, shall be submitted to CDFW and LACDRP prior to implementing Project ground-disturbing activities.

Mitigation Measure #5: Incidental Take Permit - If Crotch's bumble bee is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with all conditions detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to LACDRP prior to implementing Project ground-disturbing activities and vegetation removal.

Recommendation #2: CEQA - CDFW's issuance of an Incidental Take Permit (ITP) for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the Lead Agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

COMMENT # 3: Impacts on Bat Species and Roosts

Issue: Mitigation Measure BIO-3 does not propose compensatory mitigation to offset Project impacts on bats species that may utilize the Project site as roosting habitat.

Specific impact: The Project would result in the removal of trees, demolition of buildings, and vegetation removal within the Project footprint. These activities could result in direct mortality of individual bats or roost disturbance via increased noise

[4] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

disturbances, human activity, dust, ground-disturbing activities (e.g., staging, access, grading, excavating, paving), and vibrations caused by heavy equipment.

Why impact would occur: As stated in the DEIR "[S]pecial-status bats, such as western mastiff bat, may forage in the open woodland habitat or roost in the hollows of oak trees and the loss of 0.13-acre of this habitat would be a significant impact" (pg. 4.1-31). LACDRP incorporates Mitigation Measure BIO-3 in the DEIR that outlines focused bat surveys and roosting site protection during Project activities. CDFW appreciates the robust mitigation measure and believes that the mitigation measure should also outline compensatory mitigation in the event that full Project avoidance on individual bats and/or roosts (i.e., daytime, maternity) is not achievable. Without replacement of bat roosting habitat, the Project would contribute to the cumulative loss of suitable bat habitat on a local and regional scale. At a minimum the LACDRP and Project proponent should consider providing artificial roosting structures to replace natural roosting habitat on site.

Evidence impact may be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, a California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

1. if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
2. if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
3. if the species meets the State definition of threatened or endangered but has not formally been listed;
4. if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and
5. if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA- threatened or - endangered status (CDFW 2025).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final EIR:

Mitigation Measure # 6: CDFW requests LACDRP revise Mitigation Measure BIO-3 to incorporate the underlined language and omit the language in strikethrough:

- Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, such as tall trees, a qualified bat specialist shall conduct bat surveys within 14 days before construction throughout ~~within~~ these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Surveys should be conducted using acoustic recognition technology to maximize detection of bats. The biologist conducting the preconstruction survey would also identify the nature of the bat utilization (in essence, no roosting, night roost, day roost, hibernation roost, or maternity roost) and determine if passive bat exclusion would be necessary and feasible. A discussion of survey results, including negative findings, shall be provided to LACDRP and CDFW. If individual bats are identified, the Project proponent and qualified bat specialist shall coordinate and receive written concurrence from CDFW on the appropriate avoidance buffers and avoidance actions.

- To the greatest extent feasible, tree trimming and tree removal shall be performed outside the bat maternity season (April 1 through August 31) to avoid direct impact to non-volant young that may roost in trees within the Project site. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape.

- If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

- If maternity roosts are found and the County and CDFW determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology

should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise.

- If the Project impacts confirmed bat-roosting habitat and/or humane eviction/exclusion of bats is performed, the Project proponent shall provide alternate roosting habitat to ensure no net loss of bat-roosting habitat. The design, numbers, and locations of these artificial bat roost structures shall be determined in coordination with CDFW and a qualified bat specialist. The qualified bat specialist shall prepare a management plan for the bat roost structures for CDFW to review and approve. At a minimum, the management plan shall include: a map of the locations of roost structures; management actions of the structures; and monitoring of roost structures for bat occupancy.

ADDITIONAL COMMENTS

Fully Protected Species. White-tailed kite are generally found in open areas such as open woodlands and nest in the canopy of trees. The DEIR notes that white-tailed kite may move through the Project site and surrounding areas (pg. 4.1-17). Fully Protected Species may not be taken or possessed at any time according to the Fish and Game Code § 3511. CDFW cannot authorize take for white-tailed kite and LACDRP must completely avoid impacts to these species during Project's construction and operational activities. While the DEIR claims white-tailed kite would likely avoid the development and prefer the adjacent undeveloped habitat. CDFW recommends that the final EIR contain a discussion of full avoidance of impacts to white-tailed kite and include a mitigation measure, if appropriate.

Nesting Birds and Raptors. – The Migratory Bird Treaty Act of 1918 prohibits the take of protected migratory bird species and Fish and Game Code § 3503.5 prohibits the take of any birds in the orders of Falconiformes or Strigiformes. To avoid impacts on nesting birds and raptors, CDFW requests LACDRP revise RR-BIO-1 to incorporate the underlined language and omit language in strikethrough:

- If possible, ground disturbing activities and vegetation removal (including tree trimming) should be timed to occur outside the bird nesting season (September 1 – January 14).

- If ground disturbing activities or vegetation removal (including tree trimming) are scheduled during the bird nesting season (January 15 – August 31) a preconstruction survey for nesting birds and raptors should be conducted within

72 hours prior to construction activities. The survey should be conducted by a qualified biologist with prior experience conducting nesting bird and raptors surveys for construction projects. The preconstruction survey area should include the Development Site boundary and suitable habitat within a 500 ~~300~~-foot buffer, as access allows ~~or a buffer size determined by the qualified biologist based on level of proposed disturbance and access~~. If no active nests are found, no additional measures are required.

- If active nests are found the biologist will map the location and document the species and nesting stage. A no-work buffer will be established around the active nest as determined by the qualified biologist. A no-work buffer of 500 feet shall be used to protect nesting raptors, and a no-work buffer of 300 feet shall be used to protect nesting birds. If appropriate, a small buffer may be considered as determined by the qualified biologist ~~and~~ based on the species sensitivity to disturbance and the type and duration of the disturbance. No construction activities shall occur within the no-work buffer until the biologist has determined the nest is no longer active. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds and raptors, area sensitivity, and adherence to the no-work buffers.

Lake and Streambed Alteration Agreement Acknowledgement. CDFW concurs with MM BIO-4 to coordinate with CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project proponent should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether an LSA with the Project proponent is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration[5] Program webpage to obtain a notification package for an LSA. We look forward to further coordination with the Project proponent, and receipt of the streambed notification package for the Project.

Landscaping. CDFW recommends the LACDRP incorporates a planting palette in the final EIR, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the California Invasive Plant Council[6]. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include the MMs recommended in this letter. CDFW has

[5] https://wildlife.ca.gov/Conservation/Environmental-Review/LSA
[6] https://www.cal-ipc.org/plants/inventory/

provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable MMs (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LACDRP is welcome to coordinate with CDFW to further review and refine the Project's MMs. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested MMs and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB website[7] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[8].

LACDRP should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by LACDRP and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist LACDRP in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that LACDRP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

[7] https://wildlife.ca.gov/Data/CNDDB
[8] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

Questions regarding this letter or further coordination should be directed to Julisa Portugal[9], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, CDFW Environmental Program Manager
Steve Gibson, Senior Environmental Scientist Supervisor

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

Block, W.M., Morrison, M.M., Verner, J. 1990. Wildlife and oak-woodland interdependency. Fremontia 18(3):72-76.

[CDFW] California Department of Fish and Wildlife. 2025. Threatened and Endangered Species. Available at: https://wildlife.ca.gov/Conservation/CESA

Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.

Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4-12.

Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.

Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp.

[9] Phone: (858) 203-5872; Email: julisa.portugal@wildlife.ca.gov

Letter 23 cont.

Zack, S., and California Partners in Flight. 2002. The Oak Woodland Bird Conservation Plan: A Strategy for Protecting and Managing Oak Woodland Habitats and Associated Birds in California, 126 pp.

Letter 23 cont.

ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Mitigation Measure BIO-1 **Replacement of Coast Live Oak Woodland**: • If avoidance is not feasible, the Project proponent shall provide on- or off-site mitigation for impacts to the coast live oak woodland to mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. At a minimum, 0.26 acres of coast live oak woodland shall be restored or preserved on site. Mitigation shall involve recreation of an oak woodland of similar composition, structure, and function to the selected oak woodland that was impacted. Mitigation shall include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted oak woodlands. Oak tree acorns shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds shall originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. Mitigation monitoring, management, and reporting for oak woodland should be provided for at least 10 years, with a minimum of seven years without supplemental irrigation, to ensure success of the restoration effort. • A Restoration Plan shall be prepared that includes requirements for oak-friendly landscaping under oaks and removal of regular irrigation under oak trees.	Prior to, during, and following Project activities	Lead Agency/ Project Proponent

Mitigation Measure	Timing	Responsible Party
• At a minimum, 16 replacements oaks shall be planted to replace oaks removed. This replacement accounts for the removal of 4 protected oaks at a 4 :1 replacement ratio. • A total of 8 oaks were assessed with the potential for death or significant decline due to the Project from either the trunk being located within 15 feet of the construction/area of disturbance or greater than 30 percent of the TPZ would be encroached. These oaks (#17, #18, #19, #20, #22, #23, #25, and #50) shall be properly cared for and monitored for a period of 10 years and replaced at a 4:1 replacement ratio by the permittee if mortality or significant decline (health assessed at a 1 or 2) occurs within that 10 year period. • Required replacement trees shall consist exclusively of indigenous oak trees and shall be in the replacement ratio of 4:1. Each replacement tree shall be at least a 15-gallon size specimen and measure at least one inch in diameter one foot above the base. The hearing officer, director, or commission may, in lieu of this requirement, require the substitution of one larger container specimen for each oak tree to be replaced, where, in its opinion, the substitution is feasible, and conditions warrant such greater substitution. • Replacement trees shall be properly cared for and maintained for a period of 10 years and replaced by the permittee if mortality occurs within that period. • Where feasible replacement trees should consist exclusively of indigenous oak trees and certified as being grown from a seed source collected in Los Angeles and Ventura counties.		

Letter 23 cont.

Mitigation Measure	Timing	Responsible Party
• Replacement trees shall be planted and maintained within the Survey Area and outside of landscaping and fuel modification zones. The process of restoring or preserving a coast live oak woodland and replacement of oak trees shall be supervised in the field by a person who, in the opinion of the County forester and fire warden, has expertise in the planting, care and maintenance of oak trees. • Potential planting sites within and near the Survey Area are shown in Figure 4.1-6, Potential Mitigation Planting Area. Plantings can be in the areas shown in Figure 4.1-6, Potential Mitigation Planting Area, that were chosen because they are currently free of trees or native vegetation and are contiguous with existing forested landscaping on the property. If enough suitable areas for mitigation plantings are not found within or near the Survey Area or within the Project Site as a whole, potential additional areas for replacement plantings include along Lopez Canyon Road and in the open areas of Angeles National Forest immediately east of the Project Site. Coordination with federal land managers would be required for plantings in the Angeles National Forest and coordination with state land managers would be necessary for plantings in the roadway right-of-way. • No special-status plants or wildlife shall be impacted during the planting of replacement trees. If replacement trees are to be planted in areas of native habitat outside of the landscaped areas on the Hope Gardens property, or within the Angeles National Forest, a preconstruction survey shall be performed to ensure avoidance of impacts to special-status species. Prior to planting the replacement trees, the area shall be surveyed by a qualified biologist to determine that the area is suitable for the installation of replacement trees and that native plants or habitats would not be removed or crowded by the planting.		

Letter 23 cont.

Mitigation Measure	Timing	Responsible Party
Preconstruction surveys shall be timed to occur when able to observe potential target species above ground. A biologist shall prepare a report regarding the methods and findings of the preconstruction surveys, and an assessment of suitability of the location for installation of replacement planting. Any location determined to have special-status species or where planting would disturb, alter, or decrease the biological value of the habitat shall be avoided, and only locations where no impacts would occur (as determined by the qualified biologist) shall be used as planting sites. The County shall review the preconstruction survey report and approve all replacement planting and restoration or preservation of coast live oak woodland sites within areas of habitat outside of the Hope Gardens landscaped and disturbed areas prior to the installation of the planting. • In addition to replanting on site, the Project proponent shall provide a payment into the oak forests special fund would be an alternative mitigation. The payment amount would be equivalent to the oaks that are impacted as determined by a qualified arborist, and the amount would require approval from the County forester.		
Mitigation Measure #2: Mitigation Measure BIO-5 Alternative off-site mitigation considered suitable would be through purchase of mitigation credits for impacts to coast live oak riparian woodlands at a minimum 2:1 replacement ratio based on the existing and proposed mitigation woodland habitat value and function and would be subject to County review and approval.	Prior to Project activities	Project Proponent
Mitigation Measure #3: Herbicide and Pesticide Use To avoid impacts to pollinators, including Crotch's bumble bee, the Project proponent shall ensure that	Prior to, during, and following	Project Proponent

Mitigation Measure	Timing	Responsible Party
herbicides and pesticides are not sprayed at any time in the Project site or near any flowering plants.	Project activities	
Mitigation Measure #4: Crotch's Bumble Bee Surveys The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season (April through August) to ensure no missed detection of Crotch's bumble bee occurs. Prior to focused surveys, surveyors shall reach out to CDFW to discuss methodologies and surveyor qualifications. Survey results, including negative findings, shall be submitted to CDFW and LACDRP prior to implementing Project ground-disturbing activities.	Prior to Project activities	Qualified Biologist
Mitigation Measure #5: Incidental Take Permit If Crotch's bumble bee is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW. The Project proponent shall comply with all conditions detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to LACDRP prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to Project activities	Project Proponent
Mitigation Measure #6: Mitigation Measure BIO-3 • Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, such as tall trees, a qualified bat specialist shall conduct bat surveys within 14 days before construction throughout these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites, and any	Prior to and during Project activities	Project Proponent/ Bat Specialist

Letter 23 cont.

Mitigation Measure	Timing	Responsible Party
maternity roosts. Surveys should be conducted using acoustic recognition technology to maximize detection of bats. The biologist conducting the preconstruction survey would also identify the nature of the bat utilization (in essence, no roosting, night roost, day roost, hibernation roost, or maternity roost) and determine if passive bat exclusion would be necessary and feasible. A discussion of survey results, including negative findings, shall be provided to LACDRP and CDFW. If individual bats are identified, the Project proponent and qualified bat specialist shall coordinate and receive written concurrence from CDFW on the appropriate avoidance buffers and avoidance actions. • To the greatest extent feasible, tree trimming and tree removal shall be performed outside the bat maternity season (April 1 through August 31) to avoid direct impact to non-volant young that may roost in trees within the Project site. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. • If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season		

Mitigation Measure	Timing	Responsible Party
when young bats are present but are yet ready to fly out of the roost (March 1 to September 30). • If maternity roosts are found and the County and CDFW determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise. • If the Project impacts confirmed bat-roosting habitat and/or humane eviction/exclusion of bats is performed, the Project proponent shall provide alternate roosting habitat to ensure no net loss of bat-roosting habitat. The design, numbers, and locations of these artificial bat roost structures shall be determined in coordination with CDFW and a qualified bat specialist. The qualified bat specialist shall prepare a management plan for the bat roost structures for CDFW to review and approve. At a minimum, the management plan shall include: a map of the locations of roost structures; management actions of the structures; and monitoring of roost structures for bat occupancy.		

Letter 23 cont.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #7: RR-BIO-1 • If possible, ground disturbing activities and vegetation removal (including tree trimming) should be timed to occur outside the bird nesting season (September 1 – January 14). • If ground disturbing activities or vegetation removal (including tree trimming) are scheduled during the bird nesting season (January 15 – August 31) a preconstruction survey for nesting birds and raptors should be conducted within 72 hours prior to construction activities. The survey should be conducted by a qualified biologist with prior experience conducting nesting bird and raptors surveys for construction projects. The preconstruction survey area should include the Development Site boundary and suitable habitat within a 500-foot buffer, as access allows. If no active nests are found, no additional measures are required. • If active nests are found the biologist will map the location and document the species and nesting stage. A no-work buffer will be established around the active nest as determined by the qualified biologist. A no-work buffer of 500 feet shall be used to protect nesting raptors, and a no-work buffer of 300 feet shall be used to protect nesting birds. If appropriate, a small buffer may be considered as determined by the qualified biologist based on the species sensitivity to disturbance and the type and duration of the disturbance. No construction activities shall occur within the no-work buffer until the biologist has determined the nest is no longer active. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds and raptors, area sensitivity, and adherence to the no-work buffers.	Prior to and during Project activities	Qualified Biologist

Letter 23 cont.

Mitigation Measure	Timing	Responsible Party
Recommendation #1: Oak Litter CDFW recommends salvaging oak leaf litter or duff prior to Project ground-disturbing activities or vegetation removal impacting oak woodlands. Oak leaf litter contains beneficial mycorrhizae, microorganisms, and nutrients that could be used in restoration of oak woodlands. Oak leaf litter should not be taken outside of the Project boundary to prevent the spread of potential pathogens.	Prior to Project activities	Qualified Biologist
Recommendation #2: CEQA To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to final EIR	Lead Agency
Recommendation #3: Fully Protected Species CDFW recommends that the final EIR contain a discussion of full avoidance of impacts to white-tailed kite and include a mitigation measure, if appropriate.	Prior to final EIR	Lead Agency
Recommendation #4: Lake and Streambed Alteration Agreement Acknowledgment The Project proponent should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether an LSA with the Project proponent is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program webpage to obtain a notification package for an LSA.	Prior to Project activities	Project Proponent

Letter 23

Mitigation Measure	Timing	Responsible Party
Recommendation #5: Landscaping CDFW recommends the LACDRP incorporates a planting palette in the final EIR, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the California Invasive Plant Council. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to final EIR	Lead Agency/ Project Proponent

ORDINANCE 2374

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING REVISED CAL FIRE REQUIREMENTS FOR LOCAL RESPONSIBILITY AREA FIRE HAZARD SEVERITY ZONES

WHEREAS, the State's Government Code Section 51178 requires the local agency to designate moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal; and

WHEREAS, the local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area; and

WHEREAS, the local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively; and

WHEREAS, the local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion, may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency; and

WHEREAS, the local agency shall transmit a copy of an adopted ordinance to the State Board of Forestry and Fire Protection within 30 days of adoption.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I.

The Local Responsibility Area Fire Hazard Severity Zones Map (Exhibit A) as designated by the Office of the State Fire Marshal is hereby adopted and designated as the map delineating fire hazard severity zones for the Town of Los Gatos.

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section

irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. CEQA.

Adoption of this ordinance is a ministerial action which is exempt pursuant to CEQA, Section 15268 in that it is required by the State.

SECTION IV. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its adoption. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 3rd day of June 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 17th day of June 2025, by the following vote:

COUNCIL MEMBERS:

AYES:	Maria Ristow, Rob Rennie, Rob Moore, Mary Badame, Mayor Matthew Hudes
NAYS:	None
ABSENT:	None
ABSTAIN:	None

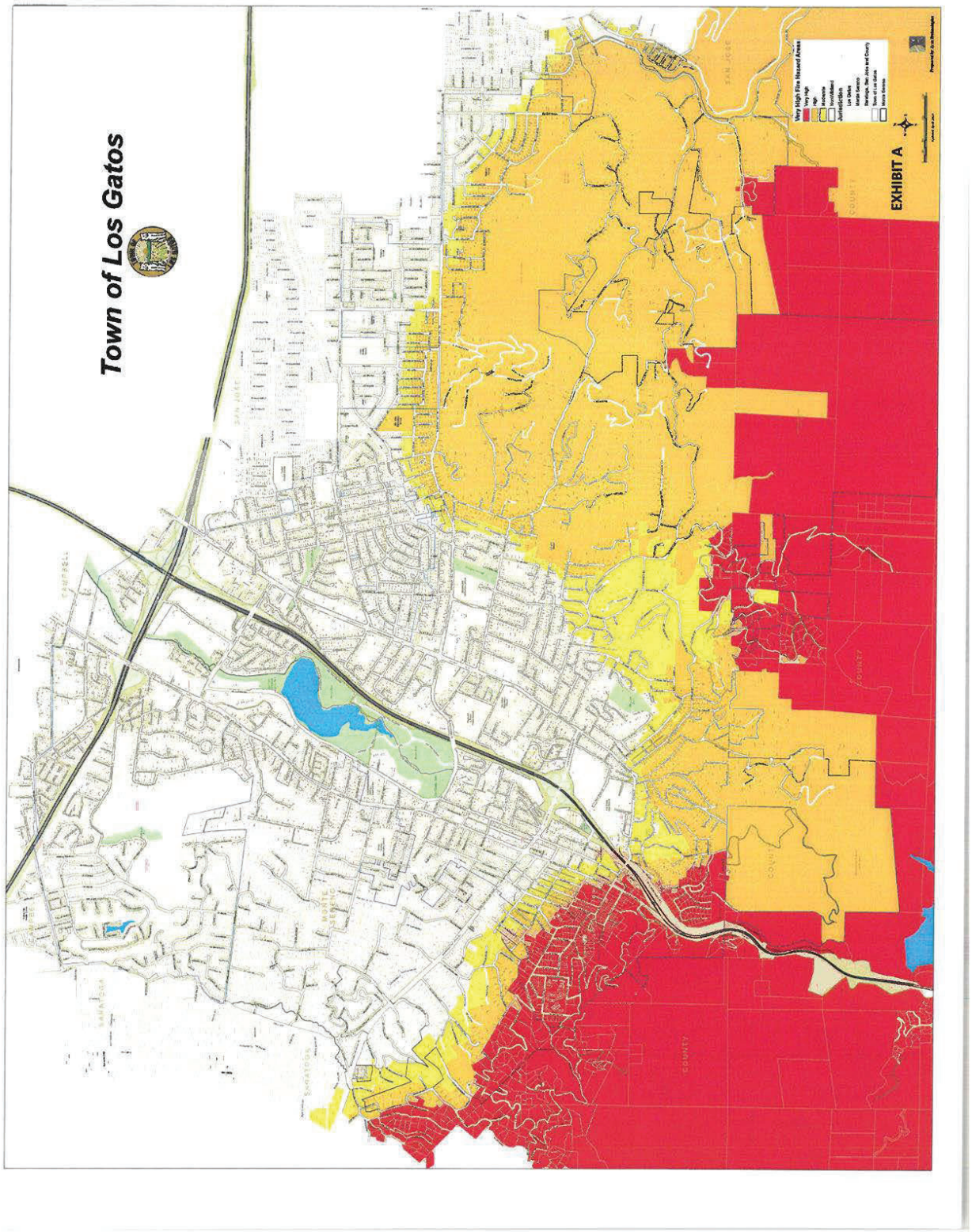
SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

Letter 23 cont.



LETTER 23: JON WITKIN (THROUGH CAMAS J. STEINMETZ)

Response to Comment 23-1
The comment is introductory and does not address the adequacy of the IS/MND. The comment has been noted for the record and will be forwarded to the decision-makers as part of the consideration of the proposed project.

Response to Comment 23-2
Please see Responses to Comments 2-3 and 5-15.

Response to Comment 23-3
The comment is introductory to a section of the comment letter, where specific elements of the comment are discussed in greater detail. Please see detailed responses below.

Response to Comment 23-4
The IS/MND prepared for the project provides substantial evidence that all potentially significant project-related environmental impacts can be fully mitigated, and thus, an EIR is not required.

Response to Comment 23-5
Please see Responses to Comments 23-10 through 23-23. In addition, cumulative impacts are discussed within the IS/MND under question XXI-b within Section XXI, Mandatory Findings of Significance.

Response to Comment 23-6
Comment noted. See Response to Comment 23-7.

Response to Comment 23-7
Analysis of accessory dwelling units (ADUs) is not required pursuant to CEQA unless the developer has a specific proposal to include such units in the project. For example, in *Save Round Valley Alliance v County of Inyo*, the court upheld an EIR's project description for a residential subdivision against claims the description should have included units that might be built under a county ordinance allowing a second unit on each lot, because future construction of second units was speculative. A specific proposal to build ADUs on the project site does not exist as part of the proposed project, and thus, evaluating ADUs as part of the project would be speculative.

The proposed project does not include swimming pools, cabanas, or sport courts within the development proposal, and thus, evaluating such features is speculative. Further, it is unclear how inclusion of such fairly typical residential amenities could result in significant physical environmental impacts.

Response to Comment 23-8
Please see Response to Comment 5-15.

Response to Comment 23-9
As noted on page 20 of the IS/MND, State Scenic Highways are not located within the Town of Los Gatos and the Town does not identify any roadways as scenic routes at a local level. Therefore, the proposed project would not have the potential to damage scenic resources, such as trees, that are located within the vicinity of a State Scenic Highway.

In addition, the discussion under question IV-e on pages 49 and 50 of the IS/MND acknowledges that the proposed project would result in a potentially significant impact related to the removal of on-site trees. As a result, the IS/MND includes a mitigation measure requiring compliance with the Town of Los Gatos Tree Protection Ordinance.

Response to Comment 23-10

Contrary to the comment, the IS/MND identifies the applicable regulations governing scenic quality. Question I-c includes multiple references to the Hillside Development Standards and Guidelines, the scenic regulations of which would apply to the proposed project. For example, the Hillside Development Standards and Guidelines require an analysis of how a project would impact views from four specific "viewing areas." The IS/MND includes such an analysis, as well as further discussion using simulated public viewpoints that were prepared to meet the Town's Height Pole, Flagging, Netting, and Signage Policy For Additions and New Construction Policy. Based on the dual analyses and the simulated views presented in Figures 11 through 14 of the IS/MND, the IS/MND presents sufficient evidence to support the conclusion that the project's deviations from Hillside Development Standards are inconsequential from an aesthetics perspective. Please see Response to Comment 5-15.

Response to Comment 23-11

Please see Response to Comment 5-15. A deed restriction related to the trees in question is not required for the proposed project, as such a deed restriction is associated with a visibility analysis pursuant to the Hillside Development Standards and Guidelines. In accordance with State Density Bonus Law, the proposed project was not required to conduct a Hillside Development Standards and Guidelines visibility analysis.

Response to Comment 23-12

The standard referenced by the comment, on page 17 of the Hillside Development Standards and Guidelines, is related to locating building sites within the least visible areas of the Least Restrictive Development Areas (LRDAs), not the least visible areas of the project site as a whole. With respect to the on-site LRDAs, page 21 of the IS/MND includes the following discussion:

> The project has been designed such that several residential lots would comply with a number of Hillside Development Standards and Guidelines, including standards related to the Least Restrictive Development Areas (LRDAs), the maximum allowable floor area ratio (FAR) for the site, and the location of the proposed residences within the lots. For example, nine of the 12 proposed residences would be located within the LRDAs, where the slopes are less than 30 percent, consistent with the Hillside Development Standards.

The above analysis supports the IS/MND's conclusion that views of the site, including from Longmeadow Drive, would not conflict with the policy referenced by the comment.

Please also see Response to Comment 5-15.

Response to Comment 23-13

Please see Response to Comment 5-4.

Response to Comment 23-14

The commenter provides no substantial evidence showing that the proposed two-story homes would result in substantial shadow effects to nearby residences. Such analyses are typically conducted for taller structures.

Response to Comment 23-15

As discussed in Response to Comment 5-27, the total number of on-site trees has been revised to 630. Therefore, the 223 trees proposed for removal is actually 35 percent.

As noted by the comment, the appropriate CEQA threshold is whether the project would conflict with a local policy intended to protect biological resources, such as the Town's Tree Protection Ordinance. Because the mitigation measure would require compliance with the ordinance, a conflict would not occur, and the project would result in a less-than-significant impact.

Response to Comment 23-16

The CEQA threshold within question IV-e is related to whether the project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Maintenance of on-site trees can be ensured through the covenants codes & restrictions that will be established for the project.

Response to Comment 23-17

Section 29.10.0985 of the Town's Municipal Code requires that two or more trees be planted per tree removed to mitigate permitted protected tree removal. The exact number of required replacement trees is determined by using Table 3-1 as presented in Section 29.10.0985 and indexing the canopy size of the tree to be removed with the required replacement quantity. The Municipal Code section also provides that, if a tree or trees cannot be reasonably planted on a site, an in-lieu payment, as set forth by the Town Council, shall be paid to the Town Tree Replacement Fund.

The Town's Comprehensive Fee Schedule sets the in-lieu fee as the Market Price plus installation cost for replacement trees, as determined by the Director. The current in-lieu fees are $250 for a 24-inch box replacement tree and $500 for a 36-inch box replacement tree. As part of the conditions of approval associated with the proposed project, the project applicant shall be required to obtain an approved Tree Removal and/or Pruning Permit prior to construction and tree removal. The Town will require payment of any required in-lieu fees prior to issuance of the Tree Removal and/or Pruning Permit. Funds collected through the fees are continually used to replant trees throughout the Town.

Defensible space is defined in Section 29.10.0955 of the Town's Municipal Code as follows:

> Defensible Space means an area around the perimeter of a structure in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures.

Because the project's development application is proposing development on vacant land, the defensible space finding required for an exception from obtaining a Tree Removal and/or Pruning Permit does not apply. As noted on page 16 and throughout the IS/MND, the proposed project would require Town approval of such a permit.

Response to Comment 23-18

Please see Response to Comment 23-19.

Response to Comment 23-19

The Oak Woodlands Conservation Act is a voluntary program to encourage landowners to protect oak woodlands, and does not obligate landowners to conserve oak woodlands. The project site is a relatively small infill project of 17.55 acres and is currently surrounded by existing development. The site supports approximately 5.5 acres of mixed oak woodlands, less than half which would be impacted by the project. Because the Oak Woodlands Conservation Act is a voluntary program and the project is impacting a relatively small amount of oak woodlands as compared to the amount of oak woodlands in the region, the project's impact is less than significant and does not require specific mitigation. In addition, as discussed under question IV-f of the IS/MND, project would also comply with the Town's Tree Protection Ordinance.

Response to Comment 23-20

Contrary to the comment, question XI-b within Section XI, Land Use and Planning, of the IS/MND includes specific policies, as follows (emphasis added):

> As discussed throughout this IS/MND, the proposed project, including the proposed off-site improvements, would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein. **In addition, the proposed project would not conflict with Town policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including, but not limited to, the Town's noise standards, applicable SWRCB regulations related to stormwater, the Town's tree protection ordinance, and the development standards included in the Town's General Plan and zoning code, as well as some of the standards included within the 1987 Hillside Specific Plan.** Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Thus, a less-than-significant impact would occur.

The consistency with the applicable policies, including the Hillside Standards and Guidelines, are discussed throughout the IS/MND (e.g., consistency with applicable noise standards is analyzed under Section XIII, Noise).

In addition, the determination that the project is consistent or inconsistent with the Town policies or other plans and policies, such as the Hillside Standards and Guidelines, is ultimately the decision of the Town Council. Furthermore, although CEQA analysis may identify some areas of general consistency with jurisdiction policies, the jurisdiction has the ability to impose additional requirements or conditions of approval on a project, at the time of its approval, to bring a project into more complete conformance with existing policies, though this ability is more narrow in this case due to Builder's Remedy.

Response to Comment 23-21

Please see Response to Comment 2-2.

Response to Comment 23-22

The comment is conclusory and summarizes the comments contained within the letter, which are addressed in further detail above within Responses to Comments 23-2 through 23-21. For the

reasons discussed therein, revision and recirculation of the IS/MND and/or preparation of an EIR are not required.

Letter 24

From: Zamudio, Grant [redacted]
Sent: Monday, October 6, 2025 1:37 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Shelby Zamudio [redacted]
Subject: Proposed Development in Surrey Farms - Objection / Feedback

[EXTERNAL SENDER]

Hi Erin,

We live at [redacted] in Los Gatos and have a few concerns regarding the proposed development at 178 Twin Oaks Drive.

We fully understand that some building will take place as there is a legal right to do so, but are mainly concerned that the city may be providing variances to city code which is not fair or reasonable. The size and scope of the development is too large and it will materially impact the neighborhood, the hillside, and the existing home-owners in Surrey Farms.

24-1

- One of our main concerns is the noncompliance with Hillside Development Standards and Hillside Specific Plan. These should be maintained as they are in the code for a reason and should not be waived.

- Protected trees should not be removed as that has been a key component to Los Gatos development and redevelopment plans and a variance should not be waived. These trees will not be coming back.

24-2

- Encroachment on protected wetlands should not be permitted as they are "protected" for a reason. This development also interferes with the Riparian Habitat (Ross Creek),

- We also have concerns over the increased fire hazards, drainage, harm to biological resources, protected species and wildlife, degradation of the hillside pollution (light, air, noise), traffic

24-3

Builders Remedy should not be an excuse to trample all legitimate zoning concerns, and the mitigation details do not provide sufficient detail to remedy these concerns.

As we know construction is likely to take place, we would request some construction protocols be followed as there are many children in the neighborhood, many of which will be unable to pay in the streets for years due to the construction project.

24-4

1. There should be more than 1 point of entrance to the construction site from a safety, cleanliness, noise, and traffic consideration. This will also allow for proper fire truck access in case there was an emergency.
2. Divide the traffic amongst other neighborhoods as Longmeadow shouldn't be the only impacted street. This can be done on a pro rata basis (# of homes accessed or impacted by other neighborhoods, or other means)
3. Due to all of this traffic on Longmeadow, we fully expect the road to be severely impacted and damaged due to the weight of the trucks and the sheer number of them. We would expect the city or building to resurface the streets following the completion.
4. I know some neighbors have requested for a trail to be built for walking as part of the new development – we would be in support of this if possible as that would help the neighborhood maintain its community feel and enhance our access to nature.

We would be happy to provide further detail on these concerns & thank you for the consideration

Regards,

Grant & Shelby Zamudio

[redacted], Los Gatos, CA 95032

Grant Zamudio, MCR
Vice Chair

Global Brokerage & Strategy

CA Lic. 01858005
[redacted]

Colliers

LETTER 24: GRANT ZAMUDIO

Response to Comment 24-1
Commented noted. Please see Response to Comment 5-4.

Response to Comment 24-2
Please see Responses to Comments 1-1 and 2-3. The proposed project is not requesting a variance or waiver related to the Town's tree removal requirements.

The IS/MND evaluates potential impacts to riparian habitat and protected wetlands under question IV-b,c. As discussed therein, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, or have a substantial adverse effect on State- or federally protected wetlands, and a less than significant impact would occur. With respect to Ross Creek specifically, page 48 of the IS/MND includes the following discussion:

> As discussed above, the Biological Evaluation identified riparian woodland in the vicinity of Ross Creek in the site's southwest corner. However, distinctive riparian vegetation is absent, and only the presence of Ross Creek qualifies the surrounding vegetation as a riparian corridor. Furthermore, consistent with the Town's Standards and Guidelines for Land Use Near Streams, the proposed project would include a 25-foot riparian setback from the top-of-bank of Ross Creek and incorporate the 100- to 110-foot flood easement from Ross Creek. As such, according to the site plan prepared for the proposed project, development within the riparian woodland area is not proposed, and Ross Creek would not be directly impacted by the proposed project. Therefore, the proposed project would not directly or indirectly impact riparian habitat.

Response to Comment 24-3
Please see Response to Comment 3-2.

Response to Comment 24-4
Please see Responses to Comments 2-2, 3-1, 3-3, and 21-3. The comment does not provide sufficient detail or evidence supporting the claim that an existing road would be substantially damaged as a result of the proposed project. Project construction would be required to comply with all applicable standards and requirements set forth by the Town, State, or other regulatory agency. The comment will be forwarded to the decision-makers as part of the consideration of the proposed project.

APPENDIX A

BAY AREA HYDROLOGY MODEL REPORT

Balance Hydrologics

800 Bancroft Way • Suite 101 • Berkeley, CA 94710 • (510) 704-1000
931 Mission Street • Santa Cruz, CA 95060 • (831) 457-9900
12020 Donner Pass Road • Unit B1 • Truckee, CA 96161 • (530) 550-9776
www.balancehydro.com • email: office@balancehydro.com

July 31, 2025

Rafael Hernandez, P.E.
HMH Engineers
1570 Oakland Road
San Jose, California 95131

via email to: rhernandez@HMHca.com

RE: **Summary of BAHM Modeling for the Surrey Farm Project, Town of Los Gatos**

Dear Rafael Hernandez:

I would like to begin by again thanking you for providing Balance Hydrologics the opportunity to assist with the modeling of water-quality and hydromodification control measures for the proposed Surrey Farm Project (Project) in the Town of Los Gatos, California. Coordinating with your office, Balance has proceeded with completing modeling of the proposed stormwater treatment measures, demonstrating that the project can meet flow-duration frequency requirements while meeting the required water quality treatment standards. This letter reviews our technical approach and methodology, summarizes the modeling input parameters and assumptions, and discusses the results of the work.

Regulatory and Project Setting

Compliance with runoff water quality and hydromodification management criteria was assessed using the Bay Area Hydrology Model (BAHM, version 2023). Per the latest version of Municipal Regional Stormwater Permit (MRP3) issued by the San Francisco Bay Regional Water Quality Control Board, treatment controls must be provided and must be capable of treating 80 percent of the mean annual runoff from the post-project site. Additionally, changes in runoff flow and duration must be mitigated to avoid hydromodification impacts. The pertinent range for flow-duration control is from one-tenth of the 2-year pre-project flow rate to the 10-year pre-project flow rate.

The proposed project will construct a clustered group of residential structures on a previously undeveloped property totaling approximately 1765 acres in the south-central part of the Town. The site is located roughly a quarter mile south of Shannon Drive between Twin Oaks Drive to the west and Cerro Vista Drive to the east. The existing site is characterized by relatively steep terrain with land cover consisting largely of non-native grassland with some scattered trees.

The site is underlaid by three soil types per soil mapping information prepared by the Natural Resources Conservation Service (see **Appendix A**). The dominant soil type covering 86% of the site is Zeppelin-Alumrock Complex, which is classified as a Hydrologic Soil Group C soil, indicative of low infiltration soils that are prone to high rates of runoff.

BAHM Modeling

Input parameters for the BAHM model were compiled from project plans provided by HMH. The BAHM model used data from the San Jose rain gauge with a factor of 1.724 to account for the difference in mean annual precipitation between the project site and the reference gauge location.

The pre- and post-project drainage areas were analyzed as follows and pertinent parameters are summarized in **Table 1**:

- *Pre-project*. The overall site was divided into three drainage management areas (DMAs) to characterize runoff in the pre-project condition, and these are identified as DMA A, DMA B, and DMA C (see **Figure 1** below). The first two DMAs represent distinct connection points to an existing storm drain system that crosses the western portion of the site and runs north to the end of Longmeadow Drive. Given the close proximity of these two connections, they were considered to represent a single point of compliance identified as POC1. DMA C represents runoff from the northeastern portion of the site that runs north as sheet flow toward Cerro Vista Court. Flow is picked up there by a separate trunk storm drain line, and, though part of the same overall watershed, was assigned a separate point of compliance, POC2. There is no appreciable impervious cover on the site in the pre-project condition, and all three DMAs were parameterized in BAHM as C/D grass cover on moderate slopes (DMA A) or steep slopes (DMAs B and C).

- *Post-project*. For the post-project conditions, the overall analysis framework of three DMAs and two points of compliance is maintained. Minor DMA boundary shifts occur within two of the lots and along the principal access road to the site (see the plan sheet included as **Appendix B**). The residential lots will all drain to treatment measures located within DMA B. The only land cover changes in DMA A will be the initial, roughly 400 feet of the access road, which will be constructed with permeable concrete and/or pavers over a course of aggregate base rock. A similar situation will exist in DMA B and DMA C where some access driveways will be constructed of permeable material. Since all runoff in DMA A will be routed to the pavers, that DMA is separated into two parts in the post-project case, one representing the preserved open space portion (permeable) and another for the small impervious cover area, both of which are then connected to a permeable paver element in BAHM. The permeable paver area in DMA B1 is modeled analogously to that in DMA but receives runoff from a larger impervious area. The other permeable roadway areas are modeled as pervious self-treating areas.

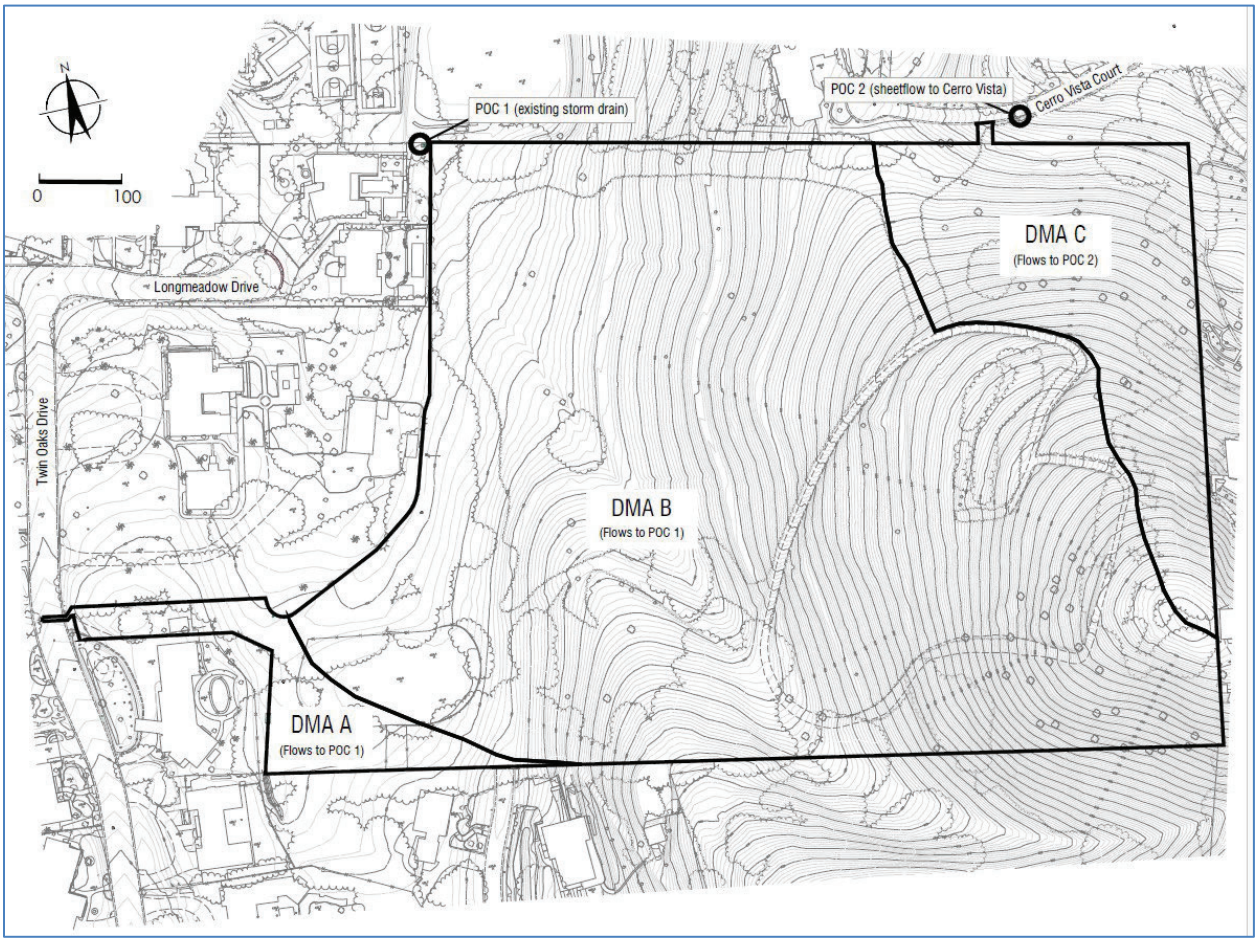


Figure 1. Pre-project DMA boundaries and points of compliance

As noted above, all the developed portions of the residential lots and the remainder of the access road will be located in DMA B. That said, the site plan uses compact structure configurations to limit impervious cover and preserve pervious area as practical. In fact, overall impervious cover is projected to be approximately 16% of the 14.2-acre DMA B. Runoff from all impervious areas will be collected in field inlets and/or catch basins and routed to one of nine bioretention basins that will provide water-quality treatment and flow-duration control. The bioretention basins are identified using numbering based on the respective lot draining to each. In all but three cases, each bioretention basin (BR) will handle the runoff from only the impervious area for one residential lot. The exceptions include the following: DMA B1 will drain to an area of permeable pavers sized to infiltrate the required treatment volume as described previously, BR 5+6 which will serve two lots (DMA 5+6), and BR 11 which will handle runoff from the eastern part of the main site roadway (DMA 11).

Table 1. Summary of Pre- and Post-Project Land Cover

DMA	Total Area (sq ft)	Total Area (acres)	Road/Sidewalk (sq ft)	Road/Sidewalk (acres)	Roof (sq ft)	Roof (acres)	Pervious (sq ft)	Pervious (acres)
Pre-project								
DMA A	34,860	0.8003	0	0.0000	0	0.0000	34,658	0.7956
DMA B	613,302	14.0795	0	0.0000	0	0.0000	613,302	14.0795
DMA C	116,866	2.6829	0	0.0000	0	0.0000	116,866	2.6829
Total	***765,028***	***17.5626***	***0***	***0.0000***	***0***	***0.0000***	***764,826***	***17.5580***
Post-project								
DMA A+AA OS	23,853	0.5476	1,435	0.0329	0	0.0000	22,418	0.5146
DMA A+AA PP	9,084	0.2085	0	0.0000	0	0.0000	9,084	0.2085
DMA B OS	485,022	11.1346	0	0.0000	0	0.0000	485,022	11.1346
B1	6,720	0.1543	770	0.0177	3,082	0.0707	2,868	0.0658
B1 PP	3,280	0.0753	0	0.0000	0	0.0000	3,280	0.0753
B2	7,853	0.1803	1,038	0.0238	4,153	0.0953	2,662	0.0611
B3	7,446	0.1709	1,064	0.0244	4,256	0.0977	2,126	0.0488
B4	13,404	0.3077	1,362	0.0313	5,447	0.1251	6,595	0.1514
B5-6	42,370	0.9727	18,965	0.4354	12,643	0.2902	10,762	0.2471
B7	12,030	0.2762	1,789	0.0411	7,157	0.1643	3,084	0.0708
B8	9,661	0.2218	1,788	0.0410	7,150	0.1642	723	0.0166
B9	11,603	0.2664	1,787	0.0410	7,149	0.1641	2,667	0.0612
B10	13,150	0.3019	2,031	0.0466	8,124	0.1865	2,995	0.0688
B11	7,476	0.1716	1,141	0.0262	4,563	0.1048	1,772	0.0407
DMA C OS	112,076	2.5729	0	0.0000	0	0.0000	112,076	2.5729
Total	***765,028***	***17.5626***	***33,170***	***0.7615***	***63,724***	***1.4629***	***668,134***	***15.3382***

The proposed bioretention basins will follow standard design elements as summarized in the C.3 Stormwater Handbook published by the Santa Clara Valley Urban Runoff Pollution Prevention Program (June 2016). Each facility is modeled with a total surface ponding depth of 6 inches, an 18-inch-thick biosoil layer, and a bottom 12-inch-thick rock layer. The model was parameterized using a 4-inch diameter underdrain, and model results show that 2-inch diameter underdrain orifices will be needed to meet hydromodification management criteria. The basins were assumed to have 3:1 side slopes.

Figure 2 shows the post-project schematic of the BAHM model.

Figure 2. Post-Project BAHM Model Schematic

Model Results

Iterative BAHM model runs were completed to optimize the size and configuration of the stormwater infrastructure components. The full BAHM model output is included in **Appendix C.** The bioretention top of biosoil area and runoff treatment performance for each basin are summarized in **Table 2**. The modeling indicates that very high treatment rates can be anticipated from the proposed treatment measures. In fact, the BAHM output shows that the basins will biofilter approximately 90% of the mean annual runoff on average, well in excess of the minimum 80% required per MRP3, with no single basin failing to meet 80% treatment.

Table 2. Treatment Areas and Resulting Runoff Treatment

Facility	Eff Impervious *(sq ft)*	Surface Area *(sq ft)*	Area/Eff Imp *(%)*	Treated *(%)*
DMA B1 Pavers	4139	3,280	79%	99.0
BR 2	5,431	259	4.8%	92.6
BR 3	5,507	259	4.7%	93.0
BR 4	7,438	306	4.1%	87.7
BR 5+6	32,516	1,682	5.2%	88.9
BR 7	9,224	305	3.3%	87.4
BR 8	8,973	371	4.1%	92.9
BR 9	9,168	346	3.8%	90.2
BR 10	10,418	363	3.5%	88.8
BR 11	5,857	238	4.1%	91.3

Figure 3 illustrates the flow-duration plots for POC2 for the pre- and post-project (mitigated) cases.

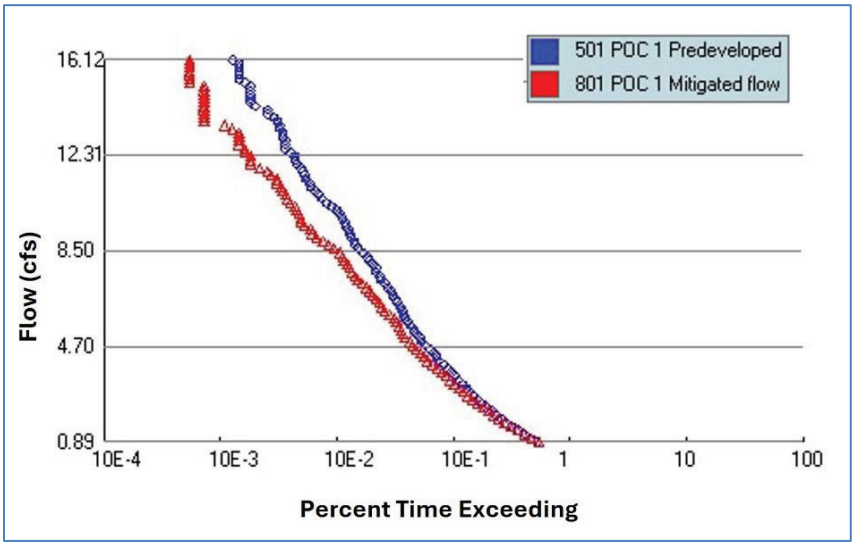


Figure 3. Flow-Duration Compliance Plot for POC 1 from the BAHM Model Output

Flow-duration compliance for POC2 is shown in **Figure 4** below.

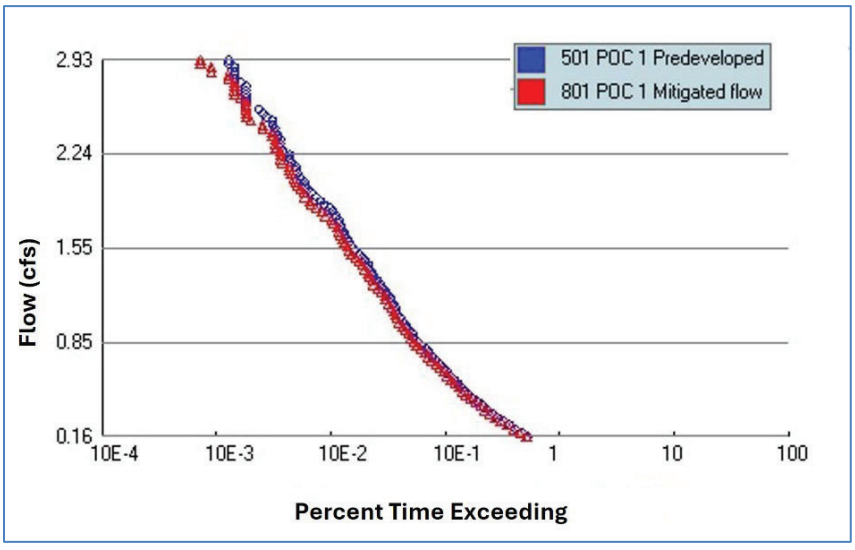


Figure 4. Flow-Duration Compliance Plot for POC 2 from the BAHM Model Output

Closing

Thank you again for the opportunity to assist with these stormwater management analyses. The modeling of the proposed stormwater management facilities shows that effective water-quality treatment and flow-duration controls can be provided for the full range of flows from one-tenth of the 2-year event up to the 10-year event.

Please do not hesitate to contact us if you have questions related to the modeling work, results, or conclusions presented herein.

Sincerely,

BALANCE HYDROLOGICS, Inc.

Edward D. Ballman, PE
Principal Engineer

Jiovanna Garcia-Diaz
Engineer/ Hydrologist

Enclosures:
Appendix A: Web Soil Survey Report
Appendix B: Post-project Stormwater Control Plan
Appendix C: Bay Area Hydrology Model Output
BAHM July 2025 Zip File

APPENDICES

APPENDIX A

Web Soil Survey Report

Hydrologic Soil Group—Santa Clara Area, California, Western Part
(Surrey Farrms)

Map Scale: 1:2,510 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 35 70 140 210

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Santa Clara Area, California, Western Part
Survey Area Data: Version 12, Sep 11, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 1, 2023—Sep 1, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
135	Urban land-Stevenscreek complex, 0 to 2 percent slopes		2.4	12.5%
177	Urban land-Botella complex, 9 to 15 percent slopes		0.4	1.9%
376	Zeppelin-Alumrock complex, 30 to 50 percent slopes	C	16.4	85.6%
Totals for Area of Interest			**19.1**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX B

Post-project Stormwater Control Plan

LEGEND

PROJECT BOUNDARY	
LOT LINE	
EASEMENT	
STORM DRAIN PIPE	SD SD SD
STORM DRAIN PIPE (EXISTING)	SD(E) SD(E)
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
CURB INLET	
STORM DRAIN INLET	
STORM DRAIN INLET (EXISTING)	
STORM DRAIN CLEANOUT AT DOWNSPOUT	
BUBBLER BOX	
DIRECTION OF SURFACE DRAINAGE	
DRAINAGE MANAGEMENT AREA	DMA#
BIORETENTION AREA	
PERVIOUS PAVERS	
RIPARIAN	

HYDROMODIFICATION NOTE:

1. REFER TO THE "SUMMARY OF BAHM MODELING FOR THE SURFEY FARM PROJECT" REPORT FOR HYDROMODIFICATION AND STORMWATER TREATMENT DESIGN ASSUMPTIONS AND SUMMARY OF RESULTS.

2. Project Size

a. Total Site Area: 765,028 (ft²)

b. Total Land Area Disturbed During Construction: 242,482 (ft²) (including clearing, grading, stockpiling, or excavating)

Project Totals	Total Existing (Pre-project) Area (ft²)	Existing Area Retained[1] (ft²)	Existing Area Replaced[2] (ft²)	New Area Created[2] (ft²)	Total Post-Project Area (ft²)
Impervious Area (IA)					
c. Total on-site IA	0	0	0	96,692	96,692
d. Total off-site IA[3]	202		202	0	202
e. Total project IA	202	0	202	96,692	96,894
f. Total new and replaced IA			96,894		
Pervious Area (PA)[4]					
g. Total on-site PA	764,378				667,686
h. Total off-site PA[3]	448				448
i. Total project PA	764,826				668,134
j. Total Project Area (2.c.+2.i.)	765,028				765,028
k. Percent Replacement of IA in Redevelopment Projects: (Total Existing IA Replaced ÷ Total Existing IA) x 100% 100 %					

[1] "Retained" means to leave existing IA in place. An IA that receives surface treatment (e.g., pavement resurfacing/slurry seal/grind) only is considered "retained". This category does not apply to off-site areas.

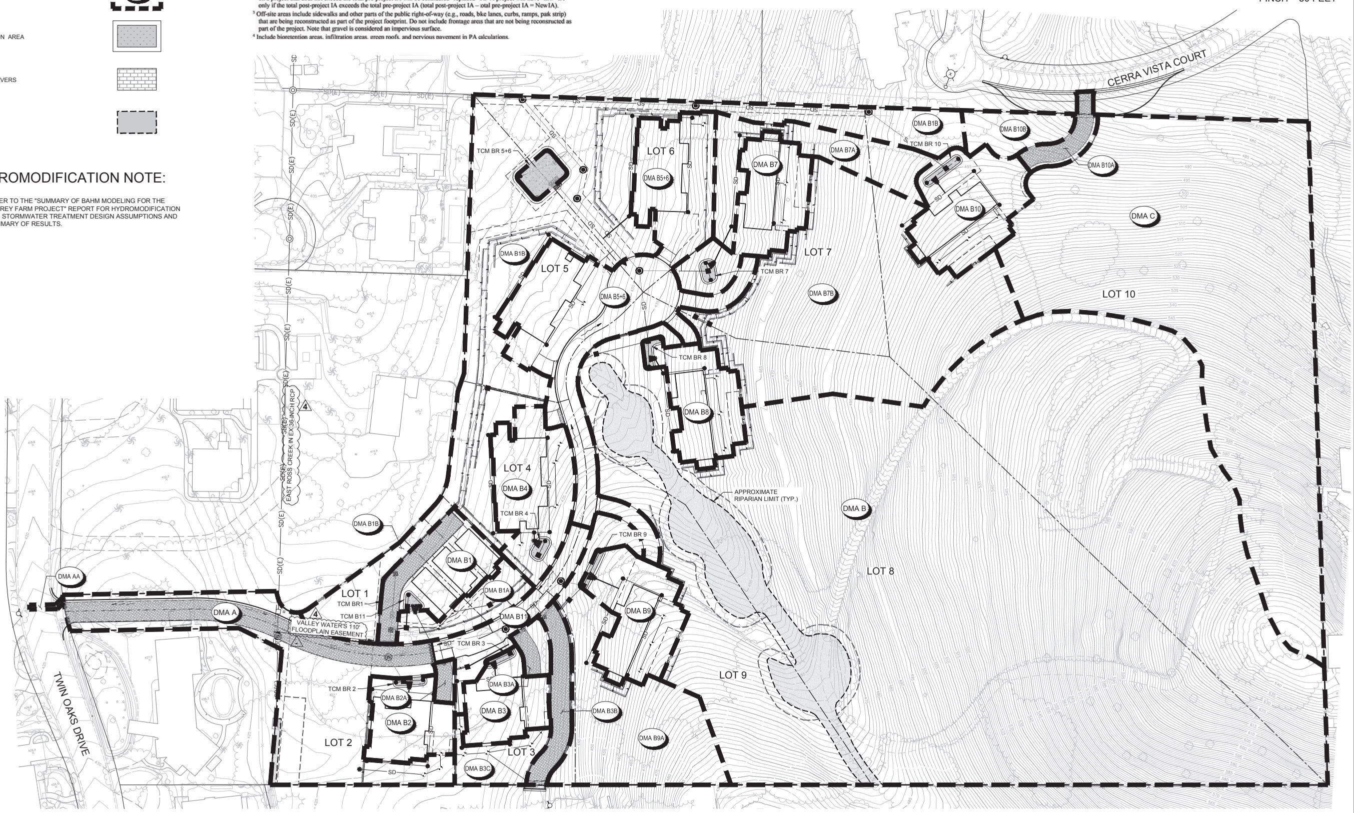
[2] The "new" and "replaced" IA are based on the total project area and not specific locations within the project. Constructed IA on a project that does not exceed the total pre-project IA will be considered "replaced" IA. A project will have "new" IA only if the total post-project IA exceeds the total pre-project IA (total post-project IA – total pre-project IA = New IA).

[3] Off-site areas include sidewalks and other parts of the public right-of-way (e.g., roads, bike lanes, curbs, ramps, park strip) that are being reconstructed as part of the project footprint. Do not include frontage areas that are not being reconstructed as part of the project. Note that gravel is considered an impervious surface.

[4] Include bioretention areas, infiltration areas, green roofs, and pervious pavement in PA calculations.

0 25 50 100

1 INCH = 50 FEET



HMH

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

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

SURREY FARM ESTATES

178 TWIN OAKS DRIVE

DEVELOPMENT REVIEW & TENTATIVE MAP

M-24-013

NO	DATE	DESCRIPTION
4	07/25/25	PER CITY COMMENTS
3	04/18/25	PER CITY COMMENTS
2	01/08/25	PER CITY COMMENTS
1	10/07/24	PER CITY COMMENTS

PROJECT NO:	4185.10
CAD DWG FILE:	418510SW.DWG
DESIGNED BY:	MD
DRAWN BY:	NW
CHECKED BY:	RH
DATE:	AUGUST XX, 2025
SCALE:	1" = 50'

STORMWATER CONTROL PLAN

5.0

PLOTTED: 7/23/2025 3:47 PM

APPENDIX C

Bay Area Hydrology Model Output

BAHM2023

PROJECT REPORT

General Model Information

BAHM2023 Project Name: 224067 Surrey Farm July 2025

Site Name:	Surrey Farm
Site Address:	
City:	Los Gatos
Report Date:	7/29/2025
Gage:	San Jose
Data Start:	1959/10/01
Data End:	2022/09/30
Timestep:	Hourly
Precip Scale:	1.724
Version Date:	2024/06/19

POC Thresholds

Low Flow Threshold for POC1:	10 Percent of the 2 Year
High Flow Threshold for POC1:	10 Year
Low Flow Threshold for POC2:	10 Percent of the 2 Year
High Flow Threshold for POC2:	10 Year

Landuse Basin Data

Pre-Project Land Use

DMA B Pre

Bypass:	No
GroundWater:	No
Pervious Land Use	acre
C D,Grass,Ste(10-20)	14.0795
Pervious Total	14.0795
Impervious Land Use	acre
Impervious Total	0
Basin Total	14.0795

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

POC 1	POC 1

DMA C Pre

Bypass:	No
GroundWater:	No
Pervious Land Use	acre
C D,Grass,Ste(10-20)	2.6829
Pervious Total	2.6829
Impervious Land Use	acre
Impervious Total	0
Basin Total	2.6829

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

POC 2	POC 2

DMA A Pre

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Mod(5-10%)	0.7956
Pervious Total	0.7956

Impervious Land Use	acre
Roads,Flat(0-5%)	0.0046
Impervious Total	0.0046
Basin Total	0.8002

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
POC 1	POC 1	

Mitigated Land Use

DMA B OS

Bypass:	Yes
GroundWater:	No
Pervious Land Use	acre
C D,Grass,Ste(10-20)	11.1346
Pervious Total	11.1346
Impervious Land Use	acre
Impervious Total	0
Basin Total	11.1346

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

POC 1	POC 1

DMA B2

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0552
Pervious Total	0.0552

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0238
Roof Area	0.0953
Impervious Total	0.1191
Basin Total	0.1743

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

Surface	Interflow	Groundwater
Surface BR B2	Surface BR B2	

DMA B3

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0429
Pervious Total	0.0429

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0244
Roof Area	0.0977
Impervious Total	0.1221
Basin Total	0.165

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

Surface	Interflow	Groundwater
Surface BR B3	Surface BR B3	

DMA B4

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.1444
Pervious Total	0.1444

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0313
Roof Area	0.1251
Impervious Total	0.1564
Basin Total	0.3008

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
Surface BR B4	Surface BR B4	

DMA B5-6

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.2084
Pervious Total	0.2084

Impervious Land Use	acre
Roads,Flat(0-5%)	0.0969
Roads,Mod(5-10%)	0.3385
Roof Area	0.2902
Impervious Total	0.7256
Basin Total	0.934

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
Surface BR B5-6	Surface BR B5-6	

DMA B7

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0638
Pervious Total	0.0638

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0411
Roof Area	0.1643
Impervious Total	0.2054
Basin Total	0.2692

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
Surface BR B7	Surface BR B7	

DMA B8

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0081
Pervious Total	0.0081

Impervious Land Use	acre
Roads,Mod(5-10%)	0.041
Roof Area	0.1642
Impervious Total	0.2052
Basin Total	0.2133

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

Surface	Interflow	Groundwater
Surface BR B8	Surface BR B8	

DMA B9

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0533
Pervious Total	0.0533

Impervious Land Use	acre
Roads,Mod(5-10%)	0.041
Roof Area	0.1641
Impervious Total	0.2051
Basin Total	0.2584

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

Surface	Interflow	Groundwater
Surface BR B9	Surface BR B9	

DMA B10

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0604
Pervious Total	0.0604

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0466
Roof Area	0.1865
Impervious Total	0.2331
Basin Total	0.2935

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
Surface BR B10	Surface BR B10	

DMA B11

Bypass:	No
GroundWater:	No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	0.0352
Pervious Total	0.0352

Impervious Land Use	acre
Roads,Mod(5-10%)	0.0262
Roof Area	0.1048
Impervious Total	0.131
Basin Total	0.1662

Element Flow Componants:

Surface	Interflow	Groundwater
Componant Flows To:		
Surface BR B11	Surface BR B11	

DMA C OS

Bypass:	No
GroundWater:	No
Pervious Land Use	acre
C D,Grass,Ste(10-20)	2.5729
Pervious Total	2.5729
Impervious Land Use	acre
Impervious Total	0
Basin Total	2.5729

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

POC 2	POC 2

DMA A OS

Bypass: No

GroundWater: No

Pervious Land Use	acre
C D,Grass,Mod(5-10%)	.5146

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

DMA A PP	DMA A PP

DMA A Imp

Bypass:	No
Impervious Land Use	acre
Roads,Mod(5-10%)	0.0329

Element Flow Componant:
Surface
Componant Flows To:
DMA A PP

DMA B1 Perv

Bypass: No

GroundWater: No

Pervious Land Use	acre
C D,Grass,Flat(0-5%)	.0658

Element Flow Componants:

Surface	Interflow	Groundwater

Componant Flows To:

DMA B1 PP	DMA B1 PP

DMA B1 Imp

Bypass:	No
Impervious Land Use	acre
Roof Area	0.0884
Element Flow Componant:	
Surface	
Componant Flows To:	
DMA B1 PP	

Routing Elements
Pre-Project Routing

Mitigated Routing

BR B2

Bottom Length:	25.90 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	16.025
Total Outflow (ac-ft.):	17.308
Percent Through Underdrain:	92.59
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0059	0.0000	0.0000	0.0000
0.0385	0.0059	0.0001	0.0000	0.0000
0.0769	0.0059	0.0002	0.0000	0.0000
0.1154	0.0059	0.0003	0.0000	0.0000
0.1538	0.0059	0.0003	0.0000	0.0000
0.1923	0.0059	0.0004	0.0000	0.0000
0.2308	0.0059	0.0005	0.0000	0.0000
0.2692	0.0059	0.0006	0.0000	0.0000
0.3077	0.0059	0.0007	0.0000	0.0000
0.3462	0.0059	0.0008	0.0000	0.0000
0.3846	0.0059	0.0009	0.0000	0.0000
0.4231	0.0059	0.0010	0.0013	0.0000
0.4615	0.0059	0.0010	0.0016	0.0000
0.5000	0.0059	0.0011	0.0018	0.0000
0.5385	0.0059	0.0012	0.0022	0.0000
0.5769	0.0059	0.0013	0.0025	0.0000
0.6154	0.0059	0.0014	0.0029	0.0000
0.6538	0.0059	0.0015	0.0033	0.0000
0.6923	0.0059	0.0016	0.0038	0.0000
0.7308	0.0059	0.0017	0.0043	0.0000
0.7692	0.0059	0.0017	0.0049	0.0000
0.8077	0.0059	0.0018	0.0055	0.0000
0.8462	0.0059	0.0019	0.0062	0.0000
0.8846	0.0059	0.0020	0.0069	0.0000
0.9231	0.0059	0.0021	0.0076	0.0000
0.9615	0.0059	0.0022	0.0077	0.0000
1.0000	0.0059	0.0023	0.0085	0.0000
1.0385	0.0059	0.0023	0.0094	0.0000

1.0769	0.0059	0.0024	0.0104	0.0000
1.1154	0.0059	0.0025	0.0114	0.0000
1.1538	0.0059	0.0026	0.0124	0.0000
1.1923	0.0059	0.0027	0.0135	0.0000
1.2308	0.0059	0.0028	0.0147	0.0000
1.2692	0.0059	0.0029	0.0160	0.0000
1.3077	0.0059	0.0030	0.0173	0.0000
1.3462	0.0059	0.0030	0.0183	0.0000
1.3846	0.0059	0.0031	0.0186	0.0000
1.4231	0.0059	0.0032	0.0201	0.0000
1.4615	0.0059	0.0033	0.0216	0.0000
1.5000	0.0059	0.0034	0.0231	0.0000
1.5385	0.0059	0.0035	0.0248	0.0000
1.5769	0.0059	0.0036	0.0265	0.0000
1.6154	0.0059	0.0037	0.0282	0.0000
1.6538	0.0059	0.0038	0.0366	0.0000
1.6923	0.0059	0.0039	0.0400	0.0000
1.7308	0.0059	0.0040	0.0400	0.0000
1.7692	0.0059	0.0041	0.0400	0.0000
1.8077	0.0059	0.0042	0.0400	0.0000
1.8462	0.0059	0.0043	0.0400	0.0000
1.8846	0.0059	0.0043	0.0400	0.0000
1.9231	0.0059	0.0044	0.0400	0.0000
1.9615	0.0059	0.0045	0.0400	0.0000
2.0000	0.0059	0.0046	0.0400	0.0000
2.0385	0.0059	0.0047	0.0400	0.0000
2.0769	0.0059	0.0048	0.0400	0.0000
2.1154	0.0059	0.0049	0.0400	0.0000
2.1538	0.0059	0.0050	0.0400	0.0000
2.1923	0.0059	0.0051	0.0400	0.0000
2.2308	0.0059	0.0052	0.0400	0.0000
2.2692	0.0059	0.0053	0.0400	0.0000
2.3077	0.0059	0.0054	0.0400	0.0000
2.3462	0.0059	0.0055	0.0400	0.0000
2.3846	0.0059	0.0056	0.0400	0.0000
2.4231	0.0059	0.0057	0.0400	0.0000
2.4615	0.0059	0.0058	0.0400	0.0000
2.5000	0.0059	0.0059	0.0400	0.0000
2.5000	0.0059	0.0059	0.0400	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0059	0.0059	0.0000	0.0300	0.0000
2.5385	0.0061	0.0061	0.0000	0.0300	0.0000
2.5769	0.0063	0.0063	0.0000	0.0315	0.0000
2.6154	0.0065	0.0066	0.0000	0.0323	0.0000
2.6538	0.0067	0.0068	0.0000	0.0331	0.0000
2.6923	0.0069	0.0071	0.0000	0.0338	0.0000
2.7308	0.0071	0.0074	0.0000	0.0346	0.0000
2.7692	0.0073	0.0077	0.0000	0.0354	0.0000
2.8077	0.0075	0.0079	0.0000	0.0361	0.0000
2.8462	0.0078	0.0082	0.0000	0.0369	0.0000
2.8846	0.0080	0.0085	0.0000	0.0377	0.0000
2.9231	0.0082	0.0088	0.0000	0.0384	0.0000
2.9615	0.0084	0.0092	0.0000	0.0392	0.0000
3.0000	0.0086	0.0095	0.0000	0.0400	0.0000
3.0385	0.0088	0.0098	0.0800	0.0407	0.0000
3.0769	0.0091	0.0102	0.2257	0.0415	0.0000

3.1154	0.0093	0.0105	0.4122	0.0423	0.0000
3.1538	0.0095	0.0109	0.6273	0.0430	0.0000
3.1923	0.0098	0.0113	0.8600	0.0438	0.0000
3.2308	0.0100	0.0116	1.0991	0.0446	0.0000
3.2692	0.0102	0.0120	1.3333	0.0453	0.0000
3.3077	0.0105	0.0124	1.5516	0.0461	0.0000
3.3462	0.0107	0.0128	1.7445	0.0469	0.0000
3.3846	0.0110	0.0133	1.9054	0.0477	0.0000
3.4231	0.0112	0.0137	2.0318	0.0484	0.0000
3.4615	0.0115	0.0141	2.1274	0.0492	0.0000
3.5000	0.0117	0.0146	2.2033	0.0500	0.0000

BR B3

Bottom Length:	25.90 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	15.903
Total Outflow (ac-ft.):	17.105
Percent Through Underdrain:	92.98
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0059	0.0000	0.0000	0.0000
0.0385	0.0059	0.0001	0.0000	0.0000
0.0769	0.0059	0.0002	0.0000	0.0000
0.1154	0.0059	0.0003	0.0000	0.0000
0.1538	0.0059	0.0003	0.0000	0.0000
0.1923	0.0059	0.0004	0.0000	0.0000
0.2308	0.0059	0.0005	0.0000	0.0000
0.2692	0.0059	0.0006	0.0000	0.0000
0.3077	0.0059	0.0007	0.0000	0.0000
0.3462	0.0059	0.0008	0.0000	0.0000
0.3846	0.0059	0.0009	0.0000	0.0000
0.4231	0.0059	0.0010	0.0013	0.0000
0.4615	0.0059	0.0010	0.0016	0.0000
0.5000	0.0059	0.0011	0.0018	0.0000
0.5385	0.0059	0.0012	0.0022	0.0000
0.5769	0.0059	0.0013	0.0025	0.0000
0.6154	0.0059	0.0014	0.0029	0.0000
0.6538	0.0059	0.0015	0.0033	0.0000
0.6923	0.0059	0.0016	0.0038	0.0000
0.7308	0.0059	0.0017	0.0043	0.0000
0.7692	0.0059	0.0017	0.0049	0.0000
0.8077	0.0059	0.0018	0.0055	0.0000
0.8462	0.0059	0.0019	0.0062	0.0000
0.8846	0.0059	0.0020	0.0069	0.0000
0.9231	0.0059	0.0021	0.0076	0.0000
0.9615	0.0059	0.0022	0.0077	0.0000
1.0000	0.0059	0.0023	0.0085	0.0000
1.0385	0.0059	0.0023	0.0094	0.0000
1.0769	0.0059	0.0024	0.0104	0.0000
1.1154	0.0059	0.0025	0.0114	0.0000

1.1538	0.0059	0.0026	0.0124	0.0000
1.1923	0.0059	0.0027	0.0135	0.0000
1.2308	0.0059	0.0028	0.0147	0.0000
1.2692	0.0059	0.0029	0.0160	0.0000
1.3077	0.0059	0.0030	0.0173	0.0000
1.3462	0.0059	0.0030	0.0183	0.0000
1.3846	0.0059	0.0031	0.0186	0.0000
1.4231	0.0059	0.0032	0.0201	0.0000
1.4615	0.0059	0.0033	0.0216	0.0000
1.5000	0.0059	0.0034	0.0231	0.0000
1.5385	0.0059	0.0035	0.0248	0.0000
1.5769	0.0059	0.0036	0.0265	0.0000
1.6154	0.0059	0.0037	0.0282	0.0000
1.6538	0.0059	0.0038	0.0366	0.0000
1.6923	0.0059	0.0039	0.0400	0.0000
1.7308	0.0059	0.0040	0.0400	0.0000
1.7692	0.0059	0.0041	0.0400	0.0000
1.8077	0.0059	0.0042	0.0400	0.0000
1.8462	0.0059	0.0043	0.0400	0.0000
1.8846	0.0059	0.0043	0.0400	0.0000
1.9231	0.0059	0.0044	0.0400	0.0000
1.9615	0.0059	0.0045	0.0400	0.0000
2.0000	0.0059	0.0046	0.0400	0.0000
2.0385	0.0059	0.0047	0.0400	0.0000
2.0769	0.0059	0.0048	0.0400	0.0000
2.1154	0.0059	0.0049	0.0400	0.0000
2.1538	0.0059	0.0050	0.0400	0.0000
2.1923	0.0059	0.0051	0.0400	0.0000
2.2308	0.0059	0.0052	0.0400	0.0000
2.2692	0.0059	0.0053	0.0400	0.0000
2.3077	0.0059	0.0054	0.0400	0.0000
2.3462	0.0059	0.0055	0.0400	0.0000
2.3846	0.0059	0.0056	0.0400	0.0000
2.4231	0.0059	0.0057	0.0400	0.0000
2.4615	0.0059	0.0058	0.0400	0.0000
2.5000	0.0059	0.0059	0.0400	0.0000
2.5000	0.0059	0.0059	0.0400	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0059	0.0059	0.0000	0.0300	0.0000
2.5385	0.0061	0.0061	0.0000	0.0300	0.0000
2.5769	0.0063	0.0063	0.0000	0.0315	0.0000
2.6154	0.0065	0.0066	0.0000	0.0323	0.0000
2.6538	0.0067	0.0068	0.0000	0.0331	0.0000
2.6923	0.0069	0.0071	0.0000	0.0338	0.0000
2.7308	0.0071	0.0074	0.0000	0.0346	0.0000
2.7692	0.0073	0.0077	0.0000	0.0354	0.0000
2.8077	0.0075	0.0079	0.0000	0.0361	0.0000
2.8462	0.0078	0.0082	0.0000	0.0369	0.0000
2.8846	0.0080	0.0085	0.0000	0.0377	0.0000
2.9231	0.0082	0.0088	0.0000	0.0384	0.0000
2.9615	0.0084	0.0092	0.0000	0.0392	0.0000
3.0000	0.0086	0.0095	0.0000	0.0400	0.0000
3.0385	0.0088	0.0098	0.0800	0.0407	0.0000
3.0769	0.0091	0.0102	0.2257	0.0415	0.0000
3.1154	0.0093	0.0105	0.4122	0.0423	0.0000
3.1538	0.0095	0.0109	0.6273	0.0430	0.0000

3.1923	0.0098	0.0113	0.8600	0.0438	0.0000
3.2308	0.0100	0.0116	1.0991	0.0446	0.0000
3.2692	0.0102	0.0120	1.3333	0.0453	0.0000
3.3077	0.0105	0.0124	1.5516	0.0461	0.0000
3.3462	0.0107	0.0128	1.7445	0.0469	0.0000
3.3846	0.0110	0.0133	1.9054	0.0477	0.0000
3.4231	0.0112	0.0137	2.0318	0.0484	0.0000
3.4615	0.0115	0.0141	2.1274	0.0492	0.0000
3.5000	0.0117	0.0146	2.2033	0.0500	0.0000

BR B4

Bottom Length:	30.60 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	22.784
Total Outflow (ac-ft.):	25.986
Percent Through Underdrain:	87.68
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0070	0.0000	0.0000	0.0000
0.0385	0.0070	0.0001	0.0000	0.0000
0.0769	0.0070	0.0002	0.0000	0.0000
0.1154	0.0070	0.0003	0.0000	0.0000
0.1538	0.0070	0.0004	0.0000	0.0000
0.1923	0.0070	0.0005	0.0000	0.0000
0.2308	0.0070	0.0006	0.0000	0.0000
0.2692	0.0070	0.0007	0.0000	0.0000
0.3077	0.0070	0.0008	0.0000	0.0000
0.3462	0.0070	0.0009	0.0000	0.0000
0.3846	0.0070	0.0010	0.0000	0.0000
0.4231	0.0070	0.0011	0.0016	0.0000
0.4615	0.0070	0.0012	0.0019	0.0000
0.5000	0.0070	0.0013	0.0022	0.0000
0.5385	0.0070	0.0014	0.0025	0.0000
0.5769	0.0070	0.0015	0.0030	0.0000
0.6154	0.0070	0.0016	0.0034	0.0000
0.6538	0.0070	0.0017	0.0039	0.0000
0.6923	0.0070	0.0018	0.0045	0.0000
0.7308	0.0070	0.0020	0.0051	0.0000
0.7692	0.0070	0.0021	0.0058	0.0000
0.8077	0.0070	0.0022	0.0065	0.0000
0.8462	0.0070	0.0023	0.0073	0.0000
0.8846	0.0070	0.0024	0.0082	0.0000
0.9231	0.0070	0.0025	0.0090	0.0000
0.9615	0.0070	0.0026	0.0091	0.0000
1.0000	0.0070	0.0027	0.0101	0.0000
1.0385	0.0070	0.0028	0.0111	0.0000
1.0769	0.0070	0.0029	0.0122	0.0000
1.1154	0.0070	0.0030	0.0134	0.0000

1.1538	0.0070	0.0031	0.0147	0.0000
1.1923	0.0070	0.0032	0.0160	0.0000
1.2308	0.0070	0.0033	0.0174	0.0000
1.2692	0.0070	0.0034	0.0189	0.0000
1.3077	0.0070	0.0035	0.0204	0.0000
1.3462	0.0070	0.0036	0.0216	0.0000
1.3846	0.0070	0.0037	0.0220	0.0000
1.4231	0.0070	0.0038	0.0237	0.0000
1.4615	0.0070	0.0039	0.0255	0.0000
1.5000	0.0070	0.0040	0.0273	0.0000
1.5385	0.0070	0.0041	0.0293	0.0000
1.5769	0.0070	0.0042	0.0313	0.0000
1.6154	0.0070	0.0043	0.0333	0.0000
1.6538	0.0070	0.0045	0.0366	0.0000
1.6923	0.0070	0.0046	0.0452	0.0000
1.7308	0.0070	0.0047	0.0472	0.0000
1.7692	0.0070	0.0048	0.0472	0.0000
1.8077	0.0070	0.0049	0.0472	0.0000
1.8462	0.0070	0.0050	0.0472	0.0000
1.8846	0.0070	0.0051	0.0472	0.0000
1.9231	0.0070	0.0052	0.0472	0.0000
1.9615	0.0070	0.0054	0.0472	0.0000
2.0000	0.0070	0.0055	0.0472	0.0000
2.0385	0.0070	0.0056	0.0472	0.0000
2.0769	0.0070	0.0057	0.0472	0.0000
2.1154	0.0070	0.0058	0.0472	0.0000
2.1538	0.0070	0.0059	0.0472	0.0000
2.1923	0.0070	0.0060	0.0472	0.0000
2.2308	0.0070	0.0061	0.0472	0.0000
2.2692	0.0070	0.0063	0.0472	0.0000
2.3077	0.0070	0.0064	0.0472	0.0000
2.3462	0.0070	0.0065	0.0472	0.0000
2.3846	0.0070	0.0066	0.0472	0.0000
2.4231	0.0070	0.0067	0.0472	0.0000
2.4615	0.0070	0.0068	0.0472	0.0000
2.5000	0.0070	0.0069	0.0472	0.0000
2.5000	0.0070	0.0069	0.0472	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0070	0.0069	0.0000	0.0354	0.0000
2.5385	0.0072	0.0072	0.0000	0.0354	0.0000
2.5769	0.0075	0.0075	0.0000	0.0372	0.0000
2.6154	0.0077	0.0078	0.0000	0.0381	0.0000
2.6538	0.0079	0.0081	0.0000	0.0390	0.0000
2.6923	0.0081	0.0084	0.0000	0.0400	0.0000
2.7308	0.0084	0.0087	0.0000	0.0409	0.0000
2.7692	0.0086	0.0090	0.0000	0.0418	0.0000
2.8077	0.0088	0.0094	0.0000	0.0427	0.0000
2.8462	0.0091	0.0097	0.0000	0.0436	0.0000
2.8846	0.0093	0.0101	0.0000	0.0445	0.0000
2.9231	0.0095	0.0104	0.0000	0.0454	0.0000
2.9615	0.0098	0.0108	0.0000	0.0463	0.0000
3.0000	0.0100	0.0112	0.0000	0.0472	0.0000
3.0385	0.0103	0.0116	0.0800	0.0481	0.0000
3.0769	0.0105	0.0120	0.2257	0.0490	0.0000
3.1154	0.0108	0.0124	0.4122	0.0499	0.0000
3.1538	0.0110	0.0128	0.6273	0.0509	0.0000

3.1923	0.0113	0.0132	0.8600	0.0518	0.0000
3.2308	0.0116	0.0137	1.0991	0.0527	0.0000
3.2692	0.0118	0.0141	1.3333	0.0536	0.0000
3.3077	0.0121	0.0146	1.5516	0.0545	0.0000
3.3462	0.0123	0.0150	1.7445	0.0554	0.0000
3.3846	0.0126	0.0155	1.9054	0.0563	0.0000
3.4231	0.0129	0.0160	2.0318	0.0572	0.0000
3.4615	0.0132	0.0165	2.1274	0.0581	0.0000
3.5000	0.0134	0.0170	2.2033	0.0590	0.0000

BR B5-6

Bottom Length:	139.80 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	88.656
Total Outflow (ac-ft.):	99.74
Percent Through Underdrain:	88.89
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0321	0.0000	0.0000	0.0000
0.0385	0.0321	0.0005	0.0000	0.0000
0.0769	0.0321	0.0009	0.0000	0.0000
0.1154	0.0321	0.0014	0.0000	0.0000
0.1538	0.0321	0.0019	0.0000	0.0000
0.1923	0.0321	0.0023	0.0000	0.0000
0.2308	0.0321	0.0028	0.0000	0.0000
0.2692	0.0321	0.0033	0.0000	0.0000
0.3077	0.0321	0.0038	0.0000	0.0000
0.3462	0.0321	0.0042	0.0000	0.0000
0.3846	0.0321	0.0047	0.0000	0.0000
0.4231	0.0321	0.0052	0.0073	0.0000
0.4615	0.0321	0.0056	0.0085	0.0000
0.5000	0.0321	0.0061	0.0100	0.0000
0.5385	0.0321	0.0066	0.0116	0.0000
0.5769	0.0321	0.0070	0.0135	0.0000
0.6154	0.0321	0.0075	0.0156	0.0000
0.6538	0.0321	0.0080	0.0180	0.0000
0.6923	0.0321	0.0084	0.0199	0.0000
0.7308	0.0321	0.0089	0.0234	0.0000
0.7692	0.0321	0.0094	0.0249	0.0000
0.8077	0.0321	0.0099	0.0252	0.0000
0.8462	0.0321	0.0103	0.0295	0.0000
0.8846	0.0321	0.0108	0.0333	0.0000
0.9231	0.0321	0.0113	0.0354	0.0000
0.9615	0.0321	0.0117	0.0366	0.0000
1.0000	0.0321	0.0122	0.0397	0.0000
1.0385	0.0321	0.0127	0.0425	0.0000
1.0769	0.0321	0.0131	0.0452	0.0000
1.1154	0.0321	0.0136	0.0477	0.0000

1.1538	0.0321	0.0141	0.0501	0.0000
1.1923	0.0321	0.0145	0.0523	0.0000
1.2308	0.0321	0.0150	0.0545	0.0000
1.2692	0.0321	0.0155	0.0566	0.0000
1.3077	0.0321	0.0159	0.0586	0.0000
1.3462	0.0321	0.0164	0.0605	0.0000
1.3846	0.0321	0.0169	0.0624	0.0000
1.4231	0.0321	0.0174	0.0642	0.0000
1.4615	0.0321	0.0178	0.0660	0.0000
1.5000	0.0321	0.0183	0.0677	0.0000
1.5385	0.0321	0.0188	0.0694	0.0000
1.5769	0.0321	0.0194	0.0710	0.0000
1.6154	0.0321	0.0199	0.0726	0.0000
1.6538	0.0321	0.0204	0.0742	0.0000
1.6923	0.0321	0.0209	0.0757	0.0000
1.7308	0.0321	0.0214	0.0772	0.0000
1.7692	0.0321	0.0219	0.0787	0.0000
1.8077	0.0321	0.0224	0.0801	0.0000
1.8462	0.0321	0.0229	0.0815	0.0000
1.8846	0.0321	0.0235	0.0829	0.0000
1.9231	0.0321	0.0240	0.0843	0.0000
1.9615	0.0321	0.0245	0.0857	0.0000
2.0000	0.0321	0.0250	0.0870	0.0000
2.0385	0.0321	0.0255	0.0883	0.0000
2.0769	0.0321	0.0260	0.0896	0.0000
2.1154	0.0321	0.0265	0.0909	0.0000
2.1538	0.0321	0.0270	0.0921	0.0000
2.1923	0.0321	0.0276	0.0934	0.0000
2.2308	0.0321	0.0281	0.0946	0.0000
2.2692	0.0321	0.0286	0.0958	0.0000
2.3077	0.0321	0.0291	0.0970	0.0000
2.3462	0.0321	0.0296	0.0994	0.0000
2.3846	0.0321	0.0301	0.1017	0.0000
2.4231	0.0321	0.0306	0.1040	0.0000
2.4615	0.0321	0.0311	0.1063	0.0000
2.5000	0.0321	0.0317	0.1096	0.0000
2.5000	0.0321	0.0317	0.1096	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0321	0.0317	0.0000	0.1618	0.0000
2.5385	0.0329	0.0329	0.0000	0.1618	0.0000
2.5769	0.0337	0.0342	0.0000	0.1701	0.0000
2.6154	0.0345	0.0355	0.0000	0.1743	0.0000
2.6538	0.0353	0.0368	0.0000	0.1784	0.0000
2.6923	0.0361	0.0382	0.0000	0.1826	0.0000
2.7308	0.0369	0.0396	0.0000	0.1867	0.0000
2.7692	0.0377	0.0410	0.0000	0.1908	0.0000
2.8077	0.0385	0.0425	0.0000	0.1950	0.0000
2.8462	0.0393	0.0440	0.0000	0.1991	0.0000
2.8846	0.0402	0.0455	0.0000	0.2033	0.0000
2.9231	0.0410	0.0471	0.0000	0.2074	0.0000
2.9615	0.0418	0.0487	0.0000	0.2116	0.0000
3.0000	0.0426	0.0503	0.0000	0.2157	0.0000
3.0385	0.0434	0.0520	0.0800	0.2199	0.0000
3.0769	0.0443	0.0537	0.2257	0.2240	0.0000
3.1154	0.0451	0.0554	0.4122	0.2282	0.0000
3.1538	0.0459	0.0571	0.6273	0.2323	0.0000

3.1923	0.0468	0.0589	0.8600	0.2365	0.0000
3.2308	0.0476	0.0607	1.0991	0.2406	0.0000
3.2692	0.0485	0.0626	1.3333	0.2448	0.0000
3.3077	0.0493	0.0645	1.5516	0.2489	0.0000
3.3462	0.0501	0.0664	1.7445	0.2531	0.0000
3.3846	0.0510	0.0683	1.9054	0.2572	0.0000
3.4231	0.0518	0.0703	2.0318	0.2614	0.0000
3.4615	0.0527	0.0723	2.1274	0.2655	0.0000
3.5000	0.0536	0.0743	2.2033	0.2697	0.0000

BR B7

Bottom Length:	30.50 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	24.688
Total Outflow (ac-ft.):	28.237
Percent Through Underdrain:	87.43
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0070	0.0000	0.0000	0.0000
0.0385	0.0070	0.0001	0.0000	0.0000
0.0769	0.0070	0.0002	0.0000	0.0000
0.1154	0.0070	0.0003	0.0000	0.0000
0.1538	0.0070	0.0004	0.0000	0.0000
0.1923	0.0070	0.0005	0.0000	0.0000
0.2308	0.0070	0.0006	0.0000	0.0000
0.2692	0.0070	0.0007	0.0000	0.0000
0.3077	0.0070	0.0008	0.0000	0.0000
0.3462	0.0070	0.0009	0.0000	0.0000
0.3846	0.0070	0.0010	0.0000	0.0000
0.4231	0.0070	0.0011	0.0016	0.0000
0.4615	0.0070	0.0012	0.0019	0.0000
0.5000	0.0070	0.0013	0.0022	0.0000
0.5385	0.0070	0.0014	0.0025	0.0000
0.5769	0.0070	0.0015	0.0029	0.0000
0.6154	0.0070	0.0016	0.0034	0.0000
0.6538	0.0070	0.0017	0.0039	0.0000
0.6923	0.0070	0.0018	0.0045	0.0000
0.7308	0.0070	0.0019	0.0051	0.0000
0.7692	0.0070	0.0020	0.0058	0.0000
0.8077	0.0070	0.0021	0.0065	0.0000
0.8462	0.0070	0.0023	0.0073	0.0000
0.8846	0.0070	0.0024	0.0081	0.0000
0.9231	0.0070	0.0025	0.0090	0.0000
0.9615	0.0070	0.0026	0.0091	0.0000
1.0000	0.0070	0.0027	0.0100	0.0000
1.0385	0.0070	0.0028	0.0111	0.0000
1.0769	0.0070	0.0029	0.0122	0.0000
1.1154	0.0070	0.0030	0.0134	0.0000

1.1538	0.0070	0.0031	0.0146	0.0000
1.1923	0.0070	0.0032	0.0159	0.0000
1.2308	0.0070	0.0033	0.0173	0.0000
1.2692	0.0070	0.0034	0.0188	0.0000
1.3077	0.0070	0.0035	0.0203	0.0000
1.3462	0.0070	0.0036	0.0215	0.0000
1.3846	0.0070	0.0037	0.0220	0.0000
1.4231	0.0070	0.0038	0.0236	0.0000
1.4615	0.0070	0.0039	0.0254	0.0000
1.5000	0.0070	0.0040	0.0273	0.0000
1.5385	0.0070	0.0041	0.0292	0.0000
1.5769	0.0070	0.0042	0.0312	0.0000
1.6154	0.0070	0.0043	0.0332	0.0000
1.6538	0.0070	0.0044	0.0366	0.0000
1.6923	0.0070	0.0046	0.0452	0.0000
1.7308	0.0070	0.0047	0.0471	0.0000
1.7692	0.0070	0.0048	0.0471	0.0000
1.8077	0.0070	0.0049	0.0471	0.0000
1.8462	0.0070	0.0050	0.0471	0.0000
1.8846	0.0070	0.0051	0.0471	0.0000
1.9231	0.0070	0.0052	0.0471	0.0000
1.9615	0.0070	0.0053	0.0471	0.0000
2.0000	0.0070	0.0055	0.0471	0.0000
2.0385	0.0070	0.0056	0.0471	0.0000
2.0769	0.0070	0.0057	0.0471	0.0000
2.1154	0.0070	0.0058	0.0471	0.0000
2.1538	0.0070	0.0059	0.0471	0.0000
2.1923	0.0070	0.0060	0.0471	0.0000
2.2308	0.0070	0.0061	0.0471	0.0000
2.2692	0.0070	0.0062	0.0471	0.0000
2.3077	0.0070	0.0063	0.0471	0.0000
2.3462	0.0070	0.0065	0.0471	0.0000
2.3846	0.0070	0.0066	0.0471	0.0000
2.4231	0.0070	0.0067	0.0471	0.0000
2.4615	0.0070	0.0068	0.0471	0.0000
2.5000	0.0070	0.0069	0.0471	0.0000
2.5000	0.0070	0.0069	0.0471	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0070	0.0069	0.0000	0.0353	0.0000
2.5385	0.0072	0.0072	0.0000	0.0353	0.0000
2.5769	0.0074	0.0075	0.0000	0.0371	0.0000
2.6154	0.0077	0.0078	0.0000	0.0380	0.0000
2.6538	0.0079	0.0081	0.0000	0.0389	0.0000
2.6923	0.0081	0.0084	0.0000	0.0398	0.0000
2.7308	0.0083	0.0087	0.0000	0.0407	0.0000
2.7692	0.0086	0.0090	0.0000	0.0416	0.0000
2.8077	0.0088	0.0093	0.0000	0.0425	0.0000
2.8462	0.0090	0.0097	0.0000	0.0434	0.0000
2.8846	0.0093	0.0100	0.0000	0.0444	0.0000
2.9231	0.0095	0.0104	0.0000	0.0453	0.0000
2.9615	0.0098	0.0108	0.0000	0.0462	0.0000
3.0000	0.0100	0.0111	0.0000	0.0471	0.0000
3.0385	0.0102	0.0115	0.0800	0.0480	0.0000
3.0769	0.0105	0.0119	0.2257	0.0489	0.0000
3.1154	0.0107	0.0123	0.4122	0.0498	0.0000
3.1538	0.0110	0.0128	0.6273	0.0507	0.0000

3.1923	0.0113	0.0132	0.8600	0.0516	0.0000
3.2308	0.0115	0.0136	1.0991	0.0525	0.0000
3.2692	0.0118	0.0141	1.3333	0.0534	0.0000
3.3077	0.0120	0.0145	1.5516	0.0543	0.0000
3.3462	0.0123	0.0150	1.7445	0.0552	0.0000
3.3846	0.0126	0.0155	1.9054	0.0561	0.0000
3.4231	0.0129	0.0160	2.0318	0.0570	0.0000
3.4615	0.0131	0.0165	2.1274	0.0579	0.0000
3.5000	0.0134	0.0170	2.2033	0.0588	0.0000

BR B8

Bottom Length:	37.10 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	23.936
Total Outflow (ac-ft.):	25.754
Percent Through Underdrain:	92.94
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0085	0.0000	0.0000	0.0000
0.0385	0.0085	0.0001	0.0000	0.0000
0.0769	0.0085	0.0002	0.0000	0.0000
0.1154	0.0085	0.0004	0.0000	0.0000
0.1538	0.0085	0.0005	0.0000	0.0000
0.1923	0.0085	0.0006	0.0000	0.0000
0.2308	0.0085	0.0007	0.0000	0.0000
0.2692	0.0085	0.0009	0.0000	0.0000
0.3077	0.0085	0.0010	0.0000	0.0000
0.3462	0.0085	0.0011	0.0000	0.0000
0.3846	0.0085	0.0012	0.0000	0.0000
0.4231	0.0085	0.0014	0.0019	0.0000
0.4615	0.0085	0.0015	0.0023	0.0000
0.5000	0.0085	0.0016	0.0026	0.0000
0.5385	0.0085	0.0017	0.0031	0.0000
0.5769	0.0085	0.0019	0.0036	0.0000
0.6154	0.0085	0.0020	0.0041	0.0000
0.6538	0.0085	0.0021	0.0048	0.0000
0.6923	0.0085	0.0022	0.0054	0.0000
0.7308	0.0085	0.0024	0.0062	0.0000
0.7692	0.0085	0.0025	0.0070	0.0000
0.8077	0.0085	0.0026	0.0079	0.0000
0.8462	0.0085	0.0027	0.0089	0.0000
0.8846	0.0085	0.0029	0.0099	0.0000
0.9231	0.0085	0.0030	0.0109	0.0000
0.9615	0.0085	0.0031	0.0110	0.0000
1.0000	0.0085	0.0032	0.0122	0.0000
1.0385	0.0085	0.0034	0.0135	0.0000
1.0769	0.0085	0.0035	0.0148	0.0000
1.1154	0.0085	0.0036	0.0163	0.0000

1.1538	0.0085	0.0037	0.0178	0.0000
1.1923	0.0085	0.0039	0.0194	0.0000
1.2308	0.0085	0.0040	0.0211	0.0000
1.2692	0.0085	0.0041	0.0229	0.0000
1.3077	0.0085	0.0042	0.0247	0.0000
1.3462	0.0085	0.0044	0.0262	0.0000
1.3846	0.0085	0.0045	0.0267	0.0000
1.4231	0.0085	0.0046	0.0288	0.0000
1.4615	0.0085	0.0047	0.0309	0.0000
1.5000	0.0085	0.0049	0.0332	0.0000
1.5385	0.0085	0.0050	0.0355	0.0000
1.5769	0.0085	0.0051	0.0366	0.0000
1.6154	0.0085	0.0053	0.0397	0.0000
1.6538	0.0085	0.0054	0.0417	0.0000
1.6923	0.0085	0.0055	0.0425	0.0000
1.7308	0.0085	0.0057	0.0501	0.0000
1.7692	0.0085	0.0058	0.0545	0.0000
1.8077	0.0085	0.0060	0.0573	0.0000
1.8462	0.0085	0.0061	0.0573	0.0000
1.8846	0.0085	0.0062	0.0573	0.0000
1.9231	0.0085	0.0064	0.0573	0.0000
1.9615	0.0085	0.0065	0.0573	0.0000
2.0000	0.0085	0.0066	0.0573	0.0000
2.0385	0.0085	0.0068	0.0573	0.0000
2.0769	0.0085	0.0069	0.0573	0.0000
2.1154	0.0085	0.0070	0.0573	0.0000
2.1538	0.0085	0.0072	0.0573	0.0000
2.1923	0.0085	0.0073	0.0573	0.0000
2.2308	0.0085	0.0074	0.0573	0.0000
2.2692	0.0085	0.0076	0.0573	0.0000
2.3077	0.0085	0.0077	0.0573	0.0000
2.3462	0.0085	0.0079	0.0573	0.0000
2.3846	0.0085	0.0080	0.0573	0.0000
2.4231	0.0085	0.0081	0.0573	0.0000
2.4615	0.0085	0.0083	0.0573	0.0000
2.5000	0.0085	0.0084	0.0573	0.0000
2.5000	0.0085	0.0084	0.0573	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0085	0.0084	0.0000	0.0429	0.0000
2.5385	0.0088	0.0087	0.0000	0.0429	0.0000
2.5769	0.0090	0.0091	0.0000	0.0451	0.0000
2.6154	0.0093	0.0094	0.0000	0.0462	0.0000
2.6538	0.0095	0.0098	0.0000	0.0473	0.0000
2.6923	0.0098	0.0102	0.0000	0.0484	0.0000
2.7308	0.0101	0.0105	0.0000	0.0495	0.0000
2.7692	0.0103	0.0109	0.0000	0.0506	0.0000
2.8077	0.0106	0.0113	0.0000	0.0517	0.0000
2.8462	0.0109	0.0117	0.0000	0.0528	0.0000
2.8846	0.0111	0.0122	0.0000	0.0540	0.0000
2.9231	0.0114	0.0126	0.0000	0.0551	0.0000
2.9615	0.0117	0.0130	0.0000	0.0562	0.0000
3.0000	0.0120	0.0135	0.0000	0.0573	0.0000
3.0385	0.0122	0.0140	0.0800	0.0584	0.0000
3.0769	0.0125	0.0144	0.2257	0.0595	0.0000
3.1154	0.0128	0.0149	0.4122	0.0606	0.0000
3.1538	0.0131	0.0154	0.6273	0.0617	0.0000

3.1923	0.0134	0.0159	0.8600	0.0628	0.0000
3.2308	0.0137	0.0165	1.0991	0.0639	0.0000
3.2692	0.0140	0.0170	1.3333	0.0650	0.0000
3.3077	0.0143	0.0175	1.5516	0.0661	0.0000
3.3462	0.0146	0.0181	1.7445	0.0672	0.0000
3.3846	0.0149	0.0187	1.9054	0.0683	0.0000
3.4231	0.0152	0.0192	2.0318	0.0694	0.0000
3.4615	0.0155	0.0198	2.1274	0.0705	0.0000
3.5000	0.0158	0.0204	2.2033	0.0716	0.0000

BR B9

Bottom Length:	34.60 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	25.053
Total Outflow (ac-ft.):	27.774
Percent Through Underdrain:	90.2
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0079	0.0000	0.0000	0.0000
0.0385	0.0079	0.0001	0.0000	0.0000
0.0769	0.0079	0.0002	0.0000	0.0000
0.1154	0.0079	0.0003	0.0000	0.0000
0.1538	0.0079	0.0005	0.0000	0.0000
0.1923	0.0079	0.0006	0.0000	0.0000
0.2308	0.0079	0.0007	0.0000	0.0000
0.2692	0.0079	0.0008	0.0000	0.0000
0.3077	0.0079	0.0009	0.0000	0.0000
0.3462	0.0079	0.0010	0.0000	0.0000
0.3846	0.0079	0.0012	0.0000	0.0000
0.4231	0.0079	0.0013	0.0018	0.0000
0.4615	0.0079	0.0014	0.0021	0.0000
0.5000	0.0079	0.0015	0.0025	0.0000
0.5385	0.0079	0.0016	0.0029	0.0000
0.5769	0.0079	0.0017	0.0033	0.0000
0.6154	0.0079	0.0019	0.0039	0.0000
0.6538	0.0079	0.0020	0.0044	0.0000
0.6923	0.0079	0.0021	0.0051	0.0000
0.7308	0.0079	0.0022	0.0058	0.0000
0.7692	0.0079	0.0023	0.0065	0.0000
0.8077	0.0079	0.0024	0.0074	0.0000
0.8462	0.0079	0.0026	0.0083	0.0000
0.8846	0.0079	0.0027	0.0092	0.0000
0.9231	0.0079	0.0028	0.0102	0.0000
0.9615	0.0079	0.0029	0.0103	0.0000
1.0000	0.0079	0.0030	0.0114	0.0000
1.0385	0.0079	0.0031	0.0126	0.0000
1.0769	0.0079	0.0033	0.0138	0.0000
1.1154	0.0079	0.0034	0.0152	0.0000

1.1538	0.0079	0.0035	0.0166	0.0000
1.1923	0.0079	0.0036	0.0181	0.0000
1.2308	0.0079	0.0037	0.0197	0.0000
1.2692	0.0079	0.0038	0.0213	0.0000
1.3077	0.0079	0.0039	0.0231	0.0000
1.3462	0.0079	0.0041	0.0244	0.0000
1.3846	0.0079	0.0042	0.0249	0.0000
1.4231	0.0079	0.0043	0.0268	0.0000
1.4615	0.0079	0.0044	0.0288	0.0000
1.5000	0.0079	0.0045	0.0309	0.0000
1.5385	0.0079	0.0047	0.0331	0.0000
1.5769	0.0079	0.0048	0.0354	0.0000
1.6154	0.0079	0.0049	0.0366	0.0000
1.6538	0.0079	0.0050	0.0397	0.0000
1.6923	0.0079	0.0052	0.0452	0.0000
1.7308	0.0079	0.0053	0.0501	0.0000
1.7692	0.0079	0.0054	0.0534	0.0000
1.8077	0.0079	0.0056	0.0534	0.0000
1.8462	0.0079	0.0057	0.0534	0.0000
1.8846	0.0079	0.0058	0.0534	0.0000
1.9231	0.0079	0.0059	0.0534	0.0000
1.9615	0.0079	0.0061	0.0534	0.0000
2.0000	0.0079	0.0062	0.0534	0.0000
2.0385	0.0079	0.0063	0.0534	0.0000
2.0769	0.0079	0.0064	0.0534	0.0000
2.1154	0.0079	0.0066	0.0534	0.0000
2.1538	0.0079	0.0067	0.0534	0.0000
2.1923	0.0079	0.0068	0.0534	0.0000
2.2308	0.0079	0.0069	0.0534	0.0000
2.2692	0.0079	0.0071	0.0534	0.0000
2.3077	0.0079	0.0072	0.0534	0.0000
2.3462	0.0079	0.0073	0.0534	0.0000
2.3846	0.0079	0.0075	0.0534	0.0000
2.4231	0.0079	0.0076	0.0534	0.0000
2.4615	0.0079	0.0077	0.0534	0.0000
2.5000	0.0079	0.0078	0.0534	0.0000
2.5000	0.0079	0.0078	0.0534	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0079	0.0078	0.0000	0.0400	0.0000
2.5385	0.0082	0.0081	0.0000	0.0400	0.0000
2.5769	0.0084	0.0085	0.0000	0.0421	0.0000
2.6154	0.0087	0.0088	0.0000	0.0431	0.0000
2.6538	0.0089	0.0091	0.0000	0.0442	0.0000
2.6923	0.0092	0.0095	0.0000	0.0452	0.0000
2.7308	0.0094	0.0098	0.0000	0.0462	0.0000
2.7692	0.0097	0.0102	0.0000	0.0472	0.0000
2.8077	0.0099	0.0106	0.0000	0.0483	0.0000
2.8462	0.0102	0.0110	0.0000	0.0493	0.0000
2.8846	0.0104	0.0114	0.0000	0.0503	0.0000
2.9231	0.0107	0.0118	0.0000	0.0513	0.0000
2.9615	0.0110	0.0122	0.0000	0.0524	0.0000
3.0000	0.0112	0.0126	0.0000	0.0534	0.0000
3.0385	0.0115	0.0130	0.0800	0.0544	0.0000
3.0769	0.0118	0.0135	0.2257	0.0554	0.0000
3.1154	0.0120	0.0140	0.4122	0.0565	0.0000
3.1538	0.0123	0.0144	0.6273	0.0575	0.0000

3.1923	0.0126	0.0149	0.8600	0.0585	0.0000
3.2308	0.0129	0.0154	1.0991	0.0596	0.0000
3.2692	0.0132	0.0159	1.3333	0.0606	0.0000
3.3077	0.0134	0.0164	1.5516	0.0616	0.0000
3.3462	0.0137	0.0169	1.7445	0.0626	0.0000
3.3846	0.0140	0.0175	1.9054	0.0637	0.0000
3.4231	0.0143	0.0180	2.0318	0.0647	0.0000
3.4615	0.0146	0.0186	2.1274	0.0657	0.0000
3.5000	0.0149	0.0191	2.2033	0.0667	0.0000

BR B10

Bottom Length:	36.30 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	27.995
Total Outflow (ac-ft.):	31.519
Percent Through Underdrain:	88.82
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0083	0.0000	0.0000	0.0000
0.0385	0.0083	0.0001	0.0000	0.0000
0.0769	0.0083	0.0002	0.0000	0.0000
0.1154	0.0083	0.0004	0.0000	0.0000
0.1538	0.0083	0.0005	0.0000	0.0000
0.1923	0.0083	0.0006	0.0000	0.0000
0.2308	0.0083	0.0007	0.0000	0.0000
0.2692	0.0083	0.0009	0.0000	0.0000
0.3077	0.0083	0.0010	0.0000	0.0000
0.3462	0.0083	0.0011	0.0000	0.0000
0.3846	0.0083	0.0012	0.0000	0.0000
0.4231	0.0083	0.0013	0.0019	0.0000
0.4615	0.0083	0.0015	0.0022	0.0000
0.5000	0.0083	0.0016	0.0026	0.0000
0.5385	0.0083	0.0017	0.0030	0.0000
0.5769	0.0083	0.0018	0.0035	0.0000
0.6154	0.0083	0.0019	0.0041	0.0000
0.6538	0.0083	0.0021	0.0047	0.0000
0.6923	0.0083	0.0022	0.0053	0.0000
0.7308	0.0083	0.0023	0.0061	0.0000
0.7692	0.0083	0.0024	0.0069	0.0000
0.8077	0.0083	0.0026	0.0077	0.0000
0.8462	0.0083	0.0027	0.0087	0.0000
0.8846	0.0083	0.0028	0.0097	0.0000
0.9231	0.0083	0.0029	0.0107	0.0000
0.9615	0.0083	0.0030	0.0108	0.0000
1.0000	0.0083	0.0032	0.0120	0.0000
1.0385	0.0083	0.0033	0.0132	0.0000
1.0769	0.0083	0.0034	0.0145	0.0000
1.1154	0.0083	0.0035	0.0159	0.0000

1.1538	0.0083	0.0037	0.0174	0.0000
1.1923	0.0083	0.0038	0.0190	0.0000
1.2308	0.0083	0.0039	0.0206	0.0000
1.2692	0.0083	0.0040	0.0224	0.0000
1.3077	0.0083	0.0041	0.0242	0.0000
1.3462	0.0083	0.0043	0.0256	0.0000
1.3846	0.0083	0.0044	0.0261	0.0000
1.4231	0.0083	0.0045	0.0281	0.0000
1.4615	0.0083	0.0046	0.0302	0.0000
1.5000	0.0083	0.0048	0.0324	0.0000
1.5385	0.0083	0.0049	0.0347	0.0000
1.5769	0.0083	0.0050	0.0366	0.0000
1.6154	0.0083	0.0052	0.0395	0.0000
1.6538	0.0083	0.0053	0.0397	0.0000
1.6923	0.0083	0.0054	0.0452	0.0000
1.7308	0.0083	0.0056	0.0501	0.0000
1.7692	0.0083	0.0057	0.0545	0.0000
1.8077	0.0083	0.0058	0.0560	0.0000
1.8462	0.0083	0.0060	0.0560	0.0000
1.8846	0.0083	0.0061	0.0560	0.0000
1.9231	0.0083	0.0062	0.0560	0.0000
1.9615	0.0083	0.0064	0.0560	0.0000
2.0000	0.0083	0.0065	0.0560	0.0000
2.0385	0.0083	0.0066	0.0560	0.0000
2.0769	0.0083	0.0068	0.0560	0.0000
2.1154	0.0083	0.0069	0.0560	0.0000
2.1538	0.0083	0.0070	0.0560	0.0000
2.1923	0.0083	0.0072	0.0560	0.0000
2.2308	0.0083	0.0073	0.0560	0.0000
2.2692	0.0083	0.0074	0.0560	0.0000
2.3077	0.0083	0.0076	0.0560	0.0000
2.3462	0.0083	0.0077	0.0560	0.0000
2.3846	0.0083	0.0078	0.0560	0.0000
2.4231	0.0083	0.0080	0.0560	0.0000
2.4615	0.0083	0.0081	0.0560	0.0000
2.5000	0.0083	0.0082	0.0560	0.0000
2.5000	0.0083	0.0082	0.0560	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0083	0.0082	0.0000	0.0420	0.0000
2.5385	0.0086	0.0085	0.0000	0.0420	0.0000
2.5769	0.0088	0.0089	0.0000	0.0442	0.0000
2.6154	0.0091	0.0092	0.0000	0.0452	0.0000
2.6538	0.0093	0.0096	0.0000	0.0463	0.0000
2.6923	0.0096	0.0099	0.0000	0.0474	0.0000
2.7308	0.0098	0.0103	0.0000	0.0485	0.0000
2.7692	0.0101	0.0107	0.0000	0.0496	0.0000
2.8077	0.0104	0.0111	0.0000	0.0506	0.0000
2.8462	0.0106	0.0115	0.0000	0.0517	0.0000
2.8846	0.0109	0.0119	0.0000	0.0528	0.0000
2.9231	0.0112	0.0123	0.0000	0.0539	0.0000
2.9615	0.0115	0.0128	0.0000	0.0549	0.0000
3.0000	0.0117	0.0132	0.0000	0.0560	0.0000
3.0385	0.0120	0.0137	0.0800	0.0571	0.0000
3.0769	0.0123	0.0141	0.2257	0.0582	0.0000
3.1154	0.0126	0.0146	0.4122	0.0593	0.0000
3.1538	0.0129	0.0151	0.6273	0.0603	0.0000

3.1923	0.0131	0.0156	0.8600	0.0614	0.0000
3.2308	0.0134	0.0161	1.0991	0.0625	0.0000
3.2692	0.0137	0.0166	1.3333	0.0636	0.0000
3.3077	0.0140	0.0172	1.5516	0.0646	0.0000
3.3462	0.0143	0.0177	1.7445	0.0657	0.0000
3.3846	0.0146	0.0183	1.9054	0.0668	0.0000
3.4231	0.0149	0.0188	2.0318	0.0679	0.0000
3.4615	0.0152	0.0194	2.1274	0.0689	0.0000
3.5000	0.0155	0.0200	2.2033	0.0700	0.0000

BR B11

Bottom Length:	23.80 ft.
Bottom Width:	10.00 ft.
Material thickness of first layer:	1.5
Material type for first layer:	BAHM 5
Material thickness of second layer:	1
Material type for second layer:	GRAVEL
Material thickness of third layer:	0
Material type for third layer:	GRAVEL
Underdrain used	
Underdrain Diameter (feet):	0.333333333333333
Orifice Diameter (in.):	2
Offset (in.):	0
Flow Through Underdrain (ac-ft.):	16.253
Total Outflow (ac-ft.):	17.799
Percent Through Underdrain:	91.31
Discharge Structure	
Riser Height:	0.5 ft.
Riser Diameter:	12 in.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Bioretention Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.0055	0.0000	0.0000	0.0000
0.0385	0.0055	0.0001	0.0000	0.0000
0.0769	0.0055	0.0002	0.0000	0.0000
0.1154	0.0055	0.0002	0.0000	0.0000
0.1538	0.0055	0.0003	0.0000	0.0000
0.1923	0.0055	0.0004	0.0000	0.0000
0.2308	0.0055	0.0005	0.0000	0.0000
0.2692	0.0055	0.0006	0.0000	0.0000
0.3077	0.0055	0.0006	0.0000	0.0000
0.3462	0.0055	0.0007	0.0000	0.0000
0.3846	0.0055	0.0008	0.0000	0.0000
0.4231	0.0055	0.0009	0.0012	0.0000
0.4615	0.0055	0.0010	0.0015	0.0000
0.5000	0.0055	0.0010	0.0017	0.0000
0.5385	0.0055	0.0011	0.0020	0.0000
0.5769	0.0055	0.0012	0.0023	0.0000
0.6154	0.0055	0.0013	0.0027	0.0000
0.6538	0.0055	0.0014	0.0031	0.0000
0.6923	0.0055	0.0014	0.0035	0.0000
0.7308	0.0055	0.0015	0.0040	0.0000
0.7692	0.0055	0.0016	0.0045	0.0000
0.8077	0.0055	0.0017	0.0051	0.0000
0.8462	0.0055	0.0018	0.0057	0.0000
0.8846	0.0055	0.0018	0.0064	0.0000
0.9231	0.0055	0.0019	0.0070	0.0000
0.9615	0.0055	0.0020	0.0071	0.0000
1.0000	0.0055	0.0021	0.0078	0.0000
1.0385	0.0055	0.0022	0.0087	0.0000
1.0769	0.0055	0.0022	0.0095	0.0000
1.1154	0.0055	0.0023	0.0104	0.0000

1.1538	0.0055	0.0024	0.0114	0.0000
1.1923	0.0055	0.0025	0.0124	0.0000
1.2308	0.0055	0.0026	0.0135	0.0000
1.2692	0.0055	0.0026	0.0147	0.0000
1.3077	0.0055	0.0027	0.0159	0.0000
1.3462	0.0055	0.0028	0.0168	0.0000
1.3846	0.0055	0.0029	0.0171	0.0000
1.4231	0.0055	0.0030	0.0185	0.0000
1.4615	0.0055	0.0030	0.0198	0.0000
1.5000	0.0055	0.0031	0.0213	0.0000
1.5385	0.0055	0.0032	0.0228	0.0000
1.5769	0.0055	0.0033	0.0243	0.0000
1.6154	0.0055	0.0034	0.0259	0.0000
1.6538	0.0055	0.0035	0.0366	0.0000
1.6923	0.0055	0.0036	0.0367	0.0000
1.7308	0.0055	0.0036	0.0367	0.0000
1.7692	0.0055	0.0037	0.0367	0.0000
1.8077	0.0055	0.0038	0.0367	0.0000
1.8462	0.0055	0.0039	0.0367	0.0000
1.8846	0.0055	0.0040	0.0367	0.0000
1.9231	0.0055	0.0041	0.0367	0.0000
1.9615	0.0055	0.0042	0.0367	0.0000
2.0000	0.0055	0.0043	0.0367	0.0000
2.0385	0.0055	0.0043	0.0367	0.0000
2.0769	0.0055	0.0044	0.0367	0.0000
2.1154	0.0055	0.0045	0.0367	0.0000
2.1538	0.0055	0.0046	0.0367	0.0000
2.1923	0.0055	0.0047	0.0367	0.0000
2.2308	0.0055	0.0048	0.0367	0.0000
2.2692	0.0055	0.0049	0.0367	0.0000
2.3077	0.0055	0.0050	0.0367	0.0000
2.3462	0.0055	0.0050	0.0367	0.0000
2.3846	0.0055	0.0051	0.0367	0.0000
2.4231	0.0055	0.0052	0.0367	0.0000
2.4615	0.0055	0.0053	0.0367	0.0000
2.5000	0.0055	0.0054	0.0367	0.0000
2.5000	0.0055	0.0054	0.0367	0.0000

Bioretention Surface Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	To Amended(cfs)	Infilt(cfs)
2.5000	0.0055	0.0054	0.0000	0.0275	0.0000
2.5385	0.0056	0.0056	0.0000	0.0275	0.0000
2.5769	0.0058	0.0058	0.0000	0.0290	0.0000
2.6154	0.0060	0.0061	0.0000	0.0297	0.0000
2.6538	0.0062	0.0063	0.0000	0.0304	0.0000
2.6923	0.0064	0.0065	0.0000	0.0311	0.0000
2.7308	0.0066	0.0068	0.0000	0.0318	0.0000
2.7692	0.0068	0.0070	0.0000	0.0325	0.0000
2.8077	0.0070	0.0073	0.0000	0.0332	0.0000
2.8462	0.0072	0.0076	0.0000	0.0339	0.0000
2.8846	0.0074	0.0079	0.0000	0.0346	0.0000
2.9231	0.0076	0.0081	0.0000	0.0353	0.0000
2.9615	0.0078	0.0084	0.0000	0.0360	0.0000
3.0000	0.0080	0.0087	0.0000	0.0367	0.0000
3.0385	0.0082	0.0090	0.0800	0.0374	0.0000
3.0769	0.0084	0.0094	0.2257	0.0381	0.0000
3.1154	0.0086	0.0097	0.4122	0.0388	0.0000
3.1538	0.0089	0.0100	0.6273	0.0396	0.0000

3.1923	0.0091	0.0104	0.8600	0.0403	0.0000
3.2308	0.0093	0.0107	1.0991	0.0410	0.0000
3.2692	0.0095	0.0111	1.3333	0.0417	0.0000
3.3077	0.0098	0.0115	1.5516	0.0424	0.0000
3.3462	0.0100	0.0118	1.7445	0.0431	0.0000
3.3846	0.0102	0.0122	1.9054	0.0438	0.0000
3.4231	0.0105	0.0126	2.0318	0.0445	0.0000
3.4615	0.0107	0.0130	2.1274	0.0452	0.0000
3.5000	0.0109	0.0135	2.2033	0.0459	0.0000

DMA A PP

Pavement Area:0.2086 acre.Pavement Length:413.00 ft.

Pavement Width:	22.00 ft.
	Pavement slope 1:0 To 1
Pavement thickness:	0.333
Pour Space of Pavement:	0.2
Material thickness of second layer:	0.75
Pour Space of material for second layer:	0.4
Material thickness of third layer:	0
Pour Space of material for third layer:	0
Infiltration On	
Infiltration rate:	0.3
Infiltration reduction factor:	0.5
Total Volume Infiltrated (ac-ft.):	52.742
Total Volume Through Riser (ac-ft.):	0.812
Total Volume Through Facility (ac-ft.):	53.554
Percent Infiltrated:	98.48
Total Precip Applied to Facility:	0
Total Evap From Facility:	1.558
Discharge Structure	
Riser Height:	2.08 ft.
Riser Diameter:	264 in.
Notch Type:	Rectangular
Notch Width:	5.000 ft.
Notch Height:	0.497 ft.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Permeable Pavement Hydraulic Table

Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.208	0.000	0.000	0.000
0.0231	0.208	0.001	0.000	0.031
0.0462	0.208	0.003	0.000	0.031
0.0693	0.208	0.005	0.000	0.031
0.0924	0.208	0.007	0.000	0.031
0.1156	0.208	0.009	0.000	0.031
0.1387	0.208	0.011	0.000	0.031
0.1618	0.208	0.013	0.000	0.031
0.1849	0.208	0.015	0.000	0.031
0.2080	0.208	0.017	0.000	0.031
0.2311	0.208	0.019	0.000	0.031
0.2542	0.208	0.021	0.000	0.031
0.2773	0.208	0.023	0.000	0.031
0.3004	0.208	0.025	0.000	0.031
0.3236	0.208	0.027	0.000	0.031
0.3467	0.208	0.028	0.000	0.031
0.3698	0.208	0.030	0.000	0.031
0.3929	0.208	0.032	0.000	0.031
0.4160	0.208	0.034	0.000	0.031
0.4391	0.208	0.036	0.000	0.031
0.4622	0.208	0.038	0.000	0.031
0.4853	0.208	0.040	0.000	0.031
0.5084	0.208	0.042	0.000	0.031
0.5316	0.208	0.044	0.000	0.031

0.5547	0.208	0.046	0.000	0.031
0.5778	0.208	0.048	0.000	0.031
0.6009	0.208	0.050	0.000	0.031
0.6240	0.208	0.052	0.000	0.031
0.6471	0.208	0.054	0.000	0.031
0.6702	0.208	0.055	0.000	0.031
0.6933	0.208	0.057	0.000	0.031
0.7164	0.208	0.059	0.000	0.031
0.7396	0.208	0.061	0.000	0.031
0.7627	0.208	0.062	0.000	0.031
0.7858	0.208	0.063	0.000	0.031
0.8089	0.208	0.064	0.000	0.031
0.8320	0.208	0.065	0.000	0.031
0.8551	0.208	0.066	0.000	0.031
0.8782	0.208	0.067	0.000	0.031
0.9013	0.208	0.068	0.000	0.031
0.9244	0.208	0.069	0.000	0.031
0.9476	0.208	0.070	0.000	0.031
0.9707	0.208	0.071	0.000	0.031
0.9938	0.208	0.072	0.000	0.031
1.0169	0.208	0.073	0.000	0.031
1.0400	0.208	0.074	0.000	0.031
1.0631	0.208	0.075	0.000	0.031
1.0862	0.208	0.080	0.000	0.031
1.1093	0.208	0.084	0.000	0.031
1.1324	0.208	0.089	0.000	0.031
1.1556	0.208	0.094	0.000	0.031
1.1787	0.208	0.099	0.000	0.031
1.2018	0.208	0.104	0.000	0.031
1.2249	0.208	0.108	0.000	0.031
1.2480	0.208	0.113	0.000	0.031
1.2711	0.208	0.118	0.000	0.031
1.2942	0.208	0.123	0.000	0.031
1.3173	0.208	0.128	0.000	0.031
1.3404	0.208	0.133	0.000	0.031
1.3636	0.208	0.137	0.000	0.031
1.3867	0.208	0.142	0.000	0.031
1.4098	0.208	0.147	0.000	0.031
1.4329	0.208	0.152	0.000	0.031
1.4560	0.208	0.157	0.000	0.031
1.4791	0.208	0.162	0.000	0.031
1.5022	0.208	0.166	0.000	0.031
1.5253	0.208	0.171	0.000	0.031
1.5484	0.208	0.176	0.000	0.031
1.5716	0.208	0.181	0.000	0.031
1.5947	0.208	0.186	0.021	0.031
1.6178	0.208	0.190	0.108	0.031
1.6409	0.208	0.195	0.231	0.031
1.6640	0.208	0.200	0.383	0.031
1.6871	0.208	0.205	0.559	0.031
1.7102	0.208	0.210	0.755	0.031
1.7333	0.208	0.215	0.970	0.031
1.7564	0.208	0.219	1.202	0.031
1.7796	0.208	0.224	1.450	0.031
1.8027	0.208	0.229	1.714	0.031
1.8258	0.208	0.234	1.991	0.031
1.8489	0.208	0.239	2.282	0.031
1.8720	0.208	0.243	2.586	0.031

1.8951	0.208	0.248	2.903	0.031
1.9182	0.208	0.253	3.231	0.031
1.9413	0.208	0.258	3.571	0.031
1.9644	0.208	0.263	3.922	0.031
1.9876	0.208	0.268	4.284	0.031
2.0107	0.208	0.272	4.656	0.031
2.0338	0.208	0.277	5.039	0.031
2.0569	0.208	0.282	5.431	0.031
2.0800	0.208	0.287	5.833	0.031

DMA B1 PP

Pavement Area:0.0752 acre.Pavement Length:156.00 ft.

Pavement Width:	21.00 ft.
	Pavement slope 1:0 To 1
Pavement thickness:	0.333
Pour Space of Pavement:	0.2
Material thickness of second layer:	0.75
Pour Space of material for second layer:	0.4
Material thickness of third layer:	0
Pour Space of material for third layer:	0
Infiltration On	
Infiltration rate:	0.3
Infiltration reduction factor:	0.5
Total Volume Infiltrated (ac-ft.):	21.995
Total Volume Through Riser (ac-ft.):	0.224
Total Volume Through Facility (ac-ft.):	22.219
Percent Infiltrated:	98.99
Total Precip Applied to Facility:	0
Total Evap From Facility:	0.549
Discharge Structure	
Riser Height:	2.08 ft.
Riser Diameter:	252 in.
Notch Type:	Rectangular
Notch Width:	5.000 ft.
Notch Height:	0.497 ft.
Element Outlets:	
Outlet 1	Outlet 2
Outlet Flows To:	

Permeable Pavement Hydraulic Table

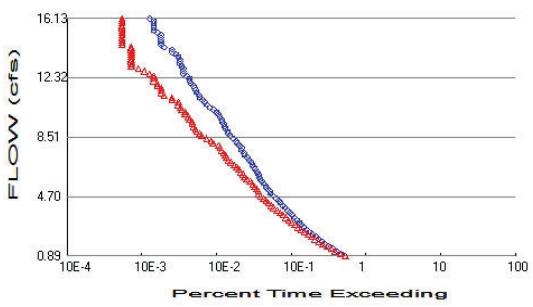
Stage(feet)	Area(ac.)	Volume(ac-ft.)	Discharge(cfs)	Infilt(cfs)
0.0000	0.075	0.000	0.000	0.000
0.0231	0.075	0.000	0.000	0.011
0.0462	0.075	0.001	0.000	0.011
0.0693	0.075	0.002	0.000	0.011
0.0924	0.075	0.002	0.000	0.011
0.1156	0.075	0.003	0.000	0.011
0.1387	0.075	0.004	0.000	0.011
0.1618	0.075	0.004	0.000	0.011
0.1849	0.075	0.005	0.000	0.011
0.2080	0.075	0.006	0.000	0.011
0.2311	0.075	0.007	0.000	0.011
0.2542	0.075	0.007	0.000	0.011
0.2773	0.075	0.008	0.000	0.011
0.3004	0.075	0.009	0.000	0.011
0.3236	0.075	0.009	0.000	0.011
0.3467	0.075	0.010	0.000	0.011
0.3698	0.075	0.011	0.000	0.011
0.3929	0.075	0.011	0.000	0.011
0.4160	0.075	0.012	0.000	0.011
0.4391	0.075	0.013	0.000	0.011
0.4622	0.075	0.013	0.000	0.011
0.4853	0.075	0.014	0.000	0.011
0.5084	0.075	0.015	0.000	0.011
0.5316	0.075	0.016	0.000	0.011

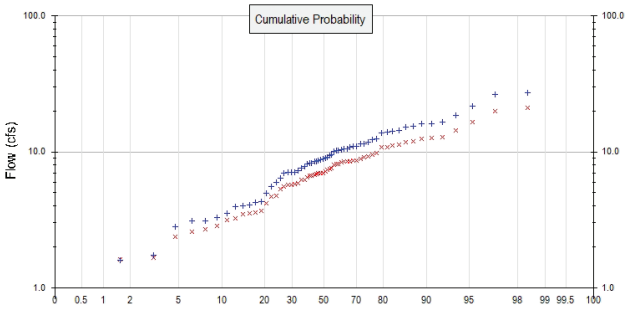
0.5547	0.075	0.016	0.000	0.011
0.5778	0.075	0.017	0.000	0.011
0.6009	0.075	0.018	0.000	0.011
0.6240	0.075	0.018	0.000	0.011
0.6471	0.075	0.019	0.000	0.011
0.6702	0.075	0.020	0.000	0.011
0.6933	0.075	0.020	0.000	0.011
0.7164	0.075	0.021	0.000	0.011
0.7396	0.075	0.022	0.000	0.011
0.7627	0.075	0.022	0.000	0.011
0.7858	0.075	0.022	0.000	0.011
0.8089	0.075	0.023	0.000	0.011
0.8320	0.075	0.023	0.000	0.011
0.8551	0.075	0.024	0.000	0.011
0.8782	0.075	0.024	0.000	0.011
0.9013	0.075	0.024	0.000	0.011
0.9244	0.075	0.025	0.000	0.011
0.9476	0.075	0.025	0.000	0.011
0.9707	0.075	0.025	0.000	0.011
0.9938	0.075	0.026	0.000	0.011
1.0169	0.075	0.026	0.000	0.011
1.0400	0.075	0.026	0.000	0.011
1.0631	0.075	0.027	0.000	0.011
1.0862	0.075	0.028	0.000	0.011
1.1093	0.075	0.030	0.000	0.011
1.1324	0.075	0.032	0.000	0.011
1.1556	0.075	0.034	0.000	0.011
1.1787	0.075	0.035	0.000	0.011
1.2018	0.075	0.037	0.000	0.011
1.2249	0.075	0.039	0.000	0.011
1.2480	0.075	0.041	0.000	0.011
1.2711	0.075	0.042	0.000	0.011
1.2942	0.075	0.044	0.000	0.011
1.3173	0.075	0.046	0.000	0.011
1.3404	0.075	0.048	0.000	0.011
1.3636	0.075	0.049	0.000	0.011
1.3867	0.075	0.051	0.000	0.011
1.4098	0.075	0.053	0.000	0.011
1.4329	0.075	0.054	0.000	0.011
1.4560	0.075	0.056	0.000	0.011
1.4791	0.075	0.058	0.000	0.011
1.5022	0.075	0.060	0.000	0.011
1.5253	0.075	0.061	0.000	0.011
1.5484	0.075	0.063	0.000	0.011
1.5716	0.075	0.065	0.000	0.011
1.5947	0.075	0.067	0.021	0.011
1.6178	0.075	0.068	0.108	0.011
1.6409	0.075	0.070	0.231	0.011
1.6640	0.075	0.072	0.383	0.011
1.6871	0.075	0.074	0.559	0.011
1.7102	0.075	0.075	0.755	0.011
1.7333	0.075	0.077	0.970	0.011
1.7564	0.075	0.079	1.202	0.011
1.7796	0.075	0.081	1.450	0.011
1.8027	0.075	0.082	1.714	0.011
1.8258	0.075	0.084	1.991	0.011
1.8489	0.075	0.086	2.282	0.011
1.8720	0.075	0.087	2.586	0.011

1.8951	0.075	0.089	2.903	0.011
1.9182	0.075	0.091	3.231	0.011
1.9413	0.075	0.093	3.571	0.011
1.9644	0.075	0.094	3.922	0.011
1.9876	0.075	0.096	4.284	0.011
2.0107	0.075	0.098	4.656	0.011
2.0338	0.075	0.100	5.039	0.011
2.0569	0.075	0.101	5.431	0.011
2.0800	0.075	0.103	5.833	0.011

Analysis Results

POC 1





+ Pre-Project x Mitigated

Pre-Project Landuse Totals for POC #1
Total Pervious Area: 14.8751
Total Impervious Area: 0.0046

Mitigated Landuse Totals for POC #1
Total Pervious Area: 12.3867
Total Impervious Area: 2.508093

Flow Frequency Method: Weibull

Flow Frequency Return Periods for Pre-Project. POC #1

Return Period	**Flow(cfs)**
2 year	8.86219
5 year	13.810125
10 year	16.1301
25 year	23.351553

Flow Frequency Return Periods for Mitigated. POC #1

Return Period	**Flow(cfs)**
2 year	6.99226
5 year	10.835944
10 year	12.610544
25 year	17.774469

Annual Peaks

Annual Peaks for Pre-Project and Mitigated. POC #1

Year	**Pre-Project**	**Mitigated**
1960	4.930	4.191
1961	3.098	2.690
1962	9.369	7.527
1963	10.306	8.534
1964	13.785	10.854
1965	6.373	5.299
1966	3.503	3.132
1967	10.273	8.184
1968	14.284	11.272
1969	8.311	6.708
1970	9.537	7.632
1971	8.467	6.788
1972	3.295	2.857
1973	10.927	8.607

1974	7.829	6.259
1975	8.737	6.916
1976	0.145	0.382
1977	1.593	1.607
1978	7.266	5.892
1979	9.009	7.181
1980	11.521	9.103
1981	4.309	3.678
1982	13.919	10.832
1983	10.557	8.450
1984	5.977	4.759
1985	12.417	9.833
1986	10.507	8.354
1987	4.043	3.509
1988	7.001	5.737
1989	3.093	2.563
1990	5.548	4.697
1991	7.111	5.786
1992	10.105	8.058
1993	10.238	8.119
1994	7.039	5.721
1995	8.457	6.821
1996	16.653	12.825
1997	8.220	6.632
1998	8.862	6.992
1999	3.926	3.248
2000	8.100	6.509
2001	2.814	2.358
2002	1.740	1.655
2003	15.130	11.708
2004	26.274	19.963
2005	10.965	8.485
2006	7.023	5.586
2007	4.244	3.589
2008	9.163	7.377
2009	14.200	11.129
2010	18.664	14.288
2011	11.409	8.839
2012	10.868	8.558
2013	27.364	20.977
2014	16.208	12.697
2015	16.030	12.499
2016	15.331	11.982
2017	21.821	16.628
2018	3.994	3.485
2019	8.565	6.918
2020	12.321	9.561
2021	7.547	6.178
2022	11.853	9.277

Ranked Annual Peaks

Ranked Annual Peaks for Pre-Project and Mitigated. POC #1

Rank	Pre-Project	Mitigated
1	27.3640	20.9769
2	26.2739	19.9628
3	21.8208	16.6282
4	18.6638	14.2881
5	16.6533	12.8250

6	16.2078	12.6973
7	16.0302	12.4990
8	15.3306	11.9817
9	15.1303	11.7076
10	14.2843	11.2715
11	14.2000	11.1291
12	13.9190	10.8539
13	13.7850	10.8318
14	12.4169	9.8326
15	12.3208	9.5607
16	11.8533	9.2766
17	11.5212	9.1034
18	11.4093	8.8394
19	10.9651	8.6074
20	10.9270	8.5584
21	10.8680	8.5344
22	10.5568	8.4850
23	10.5065	8.4499
24	10.3055	8.3542
25	10.2729	8.1842
26	10.2378	8.1188
27	10.1050	8.0582
28	9.5371	7.6317
29	9.3694	7.5267
30	9.1625	7.3768
31	9.0094	7.1805
32	8.8622	6.9923
33	8.7367	6.9183
34	8.5647	6.9165
35	8.4674	6.8211
36	8.4568	6.7876
37	8.3107	6.7081
38	8.2201	6.6319
39	8.0997	6.5086
40	7.8295	6.2590
41	7.5470	6.1776
42	7.2661	5.8915
43	7.1112	5.7858
44	7.0387	5.7374
45	7.0228	5.7209
46	7.0013	5.5859
47	6.3727	5.2989
48	5.9773	4.7592
49	5.5479	4.6967
50	4.9300	4.1907
51	4.3089	3.6778
52	4.2444	3.5888
53	4.0433	3.5089
54	3.9935	3.4846
55	3.9260	3.2481
56	3.5027	3.1316
57	3.2951	2.8570
58	3.0984	2.6898
59	3.0929	2.5634
60	2.8145	2.3576
61	1.7395	1.6549
62	1.5933	1.6075
63	0.1447	0.3825

Duration Flows

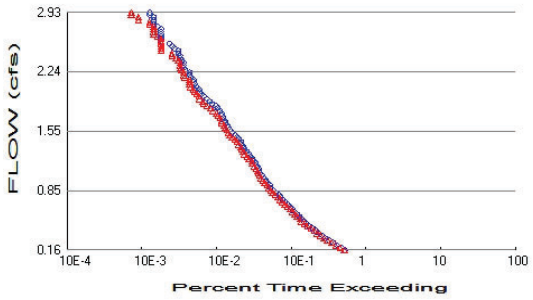
The Facility PASSED

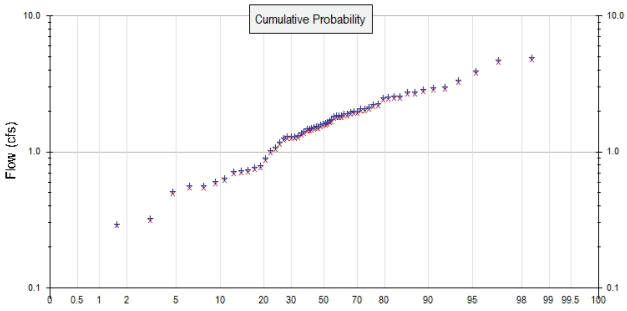
Flow(cfs)	Predev	Mit	Percentage	Pass/Fail
0.8862	2875	2936	102	Pass
1.0402	2560	2514	98	Pass
1.1942	2253	2146	95	Pass
1.3482	1985	1891	95	Pass
1.5021	1747	1661	95	Pass
1.6561	1563	1448	92	Pass
1.8101	1426	1290	90	Pass
1.9641	1285	1143	88	Pass
2.1180	1177	1039	88	Pass
2.2720	1065	925	86	Pass
2.4260	973	823	84	Pass
2.5800	881	747	84	Pass
2.7340	815	683	83	Pass
2.8879	749	622	83	Pass
3.0419	712	559	78	Pass
3.1959	661	512	77	Pass
3.3499	613	468	76	Pass
3.5039	573	428	74	Pass
3.6578	529	389	73	Pass
3.8118	494	357	72	Pass
3.9658	458	320	69	Pass
4.1198	422	295	69	Pass
4.2737	394	273	69	Pass
4.4277	374	255	68	Pass
4.5817	347	236	68	Pass
4.7357	318	215	67	Pass
4.8897	297	205	69	Pass
5.0436	285	201	70	Pass
5.1976	265	189	71	Pass
5.3516	253	177	69	Pass
5.5056	237	169	71	Pass
5.6596	222	156	70	Pass
5.8135	213	141	66	Pass
5.9675	205	129	62	Pass
6.1215	200	127	63	Pass
6.2755	193	116	60	Pass
6.4294	183	110	60	Pass
6.5834	176	103	58	Pass
6.7374	167	95	56	Pass
6.8914	162	86	53	Pass
7.0454	150	79	52	Pass
7.1993	142	75	52	Pass
7.3533	131	73	55	Pass
7.5073	128	69	53	Pass
7.6613	119	64	53	Pass
7.8153	119	62	52	Pass
7.9692	112	59	52	Pass
8.1232	104	50	48	Pass
8.2772	100	47	47	Pass
8.4312	93	41	44	Pass
8.5851	84	35	41	Pass
8.7391	80	33	41	Pass
8.8931	78	30	38	Pass

9.0471	73	29	39	Pass
9.2011	72	27	37	Pass
9.3550	69	26	37	Pass
9.5090	66	26	39	Pass
9.6630	64	24	37	Pass
9.8170	61	23	37	Pass
9.9710	58	21	36	Pass
10.1249	55	21	38	Pass
10.2789	51	19	37	Pass
10.4329	45	18	40	Pass
10.5869	41	17	41	Pass
10.7408	38	17	44	Pass
10.8948	36	14	38	Pass
11.0488	33	14	42	Pass
11.2028	32	11	34	Pass
11.3568	30	10	33	Pass
11.5107	29	10	34	Pass
11.6647	28	10	35	Pass
11.8187	27	9	33	Pass
11.9727	25	9	36	Pass
12.1267	24	8	33	Pass
12.2806	24	8	33	Pass
12.4346	22	8	36	Pass
12.5886	20	7	35	Pass
12.7426	20	6	30	Pass
12.8965	20	5	25	Pass
13.0505	19	4	21	Pass
13.2045	18	4	22	Pass
13.3585	18	4	22	Pass
13.5125	18	4	22	Pass
13.6664	17	4	23	Pass
13.8204	16	4	25	Pass
13.9744	14	4	28	Pass
14.1284	14	4	28	Pass
14.2824	11	4	36	Pass
14.4363	10	3	30	Pass
14.5903	10	3	30	Pass
14.7443	10	3	30	Pass
14.8983	10	3	30	Pass
15.0522	10	3	30	Pass
15.2062	9	3	33	Pass
15.3602	8	3	37	Pass
15.5142	8	3	37	Pass
15.6682	8	3	37	Pass
15.8221	8	3	37	Pass
15.9761	8	3	37	Pass
16.1301	7	3	42	Pass

Water Quality

POC 2





\+ Pre-Project x Mitigated

Pre-Project Landuse Totals for POC #2
Total Pervious Area: 2.6829
Total Impervious Area: 0

Mitigated Landuse Totals for POC #2
Total Pervious Area: 2.5729
Total Impervious Area: 0

Flow Frequency Method: Weibull

Flow Frequency Return Periods for Pre-Project. POC #2

Return Period	**Flow(cfs)**
2 year	1.60657
5 year	2.502204
10 year	2.932572
25 year	4.227573

Flow Frequency Return Periods for Mitigated. POC #2

Return Period	**Flow(cfs)**
2 year	1.5407
5 year	2.399613
10 year	2.812342
25 year	4.054243

Annual Peaks

Annual Peaks for Pre-Project and Mitigated. POC #2

Year	**Pre-Project**	**Mitigated**
1960	0.895	0.858
1961	0.564	0.540
1962	1.697	1.627
1963	1.862	1.786
1964	2.499	2.396
1965	1.173	1.125
1966	0.639	0.613
1967	1.857	1.781
1968	2.583	2.477
1969	1.501	1.440
1970	1.726	1.655
1971	1.548	1.484
1972	0.600	0.576
1973	1.979	1.898
1974	1.417	1.359

1975	1.583	1.518
1976	0.027	0.026
1977	0.295	0.283
1978	1.315	1.261
1979	1.634	1.567
1980	2.080	1.995
1981	0.791	0.758
1982	2.517	2.414
1983	1.906	1.828
1984	1.088	1.043
1985	2.260	2.167
1986	1.898	1.820
1987	0.738	0.707
1988	1.270	1.218
1989	0.563	0.540
1990	1.023	0.981
1991	1.304	1.250
1992	1.826	1.751
1993	1.855	1.779
1994	1.294	1.241
1995	1.526	1.464
1996	3.012	2.889
1997	1.485	1.424
1998	1.607	1.541
1999	0.712	0.683
2000	1.469	1.409
2001	0.513	0.492
2002	0.323	0.310
2003	2.742	2.630
2004	4.755	4.560
2005	1.987	1.905
2006	1.294	1.241
2007	0.773	0.741
2008	1.660	1.592
2009	2.567	2.462
2010	3.378	3.240
2011	2.067	1.982
2012	1.970	1.889
2013	4.954	4.751
2014	2.960	2.839
2015	2.897	2.779
2016	2.770	2.656
2017	3.951	3.789
2018	0.728	0.698
2019	1.552	1.488
2020	2.241	2.149
2021	1.374	1.317
2022	2.150	2.062

Ranked Annual Peaks

Ranked Annual Peaks for Pre-Project and Mitigated. POC #2

Rank	Pre-Project	Mitigated
1	4.9543	4.7512
2	4.7547	4.5597
3	3.9515	3.7895
4	3.3783	3.2398
5	3.0121	2.8886
6	2.9599	2.8385

7	2.8975	2.7787
8	2.7696	2.6561
9	2.7423	2.6299
10	2.5827	2.4768
11	2.5670	2.4617
12	2.5169	2.4137
13	2.4988	2.3964
14	2.2598	2.1672
15	2.2413	2.1494
16	2.1502	2.0620
17	2.0798	1.9945
18	2.0672	1.9824
19	1.9867	1.9053
20	1.9794	1.8983
21	1.9698	1.8890
22	1.9060	1.8278
23	1.8977	1.8199
24	1.8624	1.7860
25	1.8571	1.7810
26	1.8551	1.7790
27	1.8261	1.7513
28	1.7258	1.6551
29	1.6966	1.6271
30	1.6601	1.5920
31	1.6341	1.5671
32	1.6066	1.5407
33	1.5826	1.5177
34	1.5518	1.4882
35	1.5477	1.4842
36	1.5262	1.4636
37	1.5014	1.4398
38	1.4847	1.4238
39	1.4694	1.4092
40	1.4170	1.3589
41	1.3737	1.3174
42	1.3149	1.2610
43	1.3036	1.2502
44	1.2940	1.2409
45	1.2939	1.2409
46	1.2696	1.2175
47	1.1728	1.1247
48	1.0881	1.0435
49	1.0226	0.9807
50	0.8952	0.8585
51	0.7908	0.7583
52	0.7730	0.7413
53	0.7377	0.7075
54	0.7275	0.6977
55	0.7121	0.6829
56	0.6389	0.6127
57	0.6004	0.5758
58	0.5636	0.5405
59	0.5634	0.5403
60	0.5131	0.4921
61	0.3234	0.3102
62	0.2952	0.2831
63	0.0274	0.0262

Duration Flows

The Facility PASSED

Flow(cfs)	Predev	Mit	Percentage	Pass/Fail
0.1607	2902	2833	97	Pass
0.1887	2586	2494	96	Pass
0.2167	2272	2168	95	Pass
0.2447	2005	1911	95	Pass
0.2727	1759	1682	95	Pass
0.3007	1572	1504	95	Pass
0.3287	1435	1365	95	Pass
0.3567	1298	1220	93	Pass
0.3847	1179	1125	95	Pass
0.4126	1071	1015	94	Pass
0.4406	974	914	93	Pass
0.4686	880	836	95	Pass
0.4966	816	765	93	Pass
0.5246	752	724	96	Pass
0.5526	713	667	93	Pass
0.5806	661	621	93	Pass
0.6086	614	577	93	Pass
0.6366	574	532	92	Pass
0.6646	531	492	92	Pass
0.6926	492	455	92	Pass
0.7206	458	423	92	Pass
0.7486	425	391	92	Pass
0.7766	394	367	93	Pass
0.8046	374	336	89	Pass
0.8326	344	310	90	Pass
0.8606	316	292	92	Pass
0.8886	297	273	91	Pass
0.9166	285	263	92	Pass
0.9446	266	245	92	Pass
0.9726	253	231	91	Pass
1.0006	237	217	91	Pass
1.0286	223	207	92	Pass
1.0566	210	201	95	Pass
1.0846	205	197	96	Pass
1.1126	200	187	93	Pass
1.1406	193	177	91	Pass
1.1686	185	167	90	Pass
1.1966	174	164	94	Pass
1.2246	166	151	90	Pass
1.2526	160	142	88	Pass
1.2806	151	131	86	Pass
1.3086	140	126	90	Pass
1.3366	131	119	90	Pass
1.3646	126	117	92	Pass
1.3926	119	110	92	Pass
1.4206	118	104	88	Pass
1.4486	110	97	88	Pass
1.4766	104	90	86	Pass
1.5046	98	83	84	Pass
1.5326	92	79	85	Pass
1.5606	83	76	91	Pass
1.5886	79	73	92	Pass
1.6166	77	70	90	Pass

1.6446	73	66	90	Pass
1.6726	71	64	90	Pass
1.7006	68	62	91	Pass
1.7286	65	58	89	Pass
1.7566	64	55	85	Pass
1.7846	61	50	81	Pass
1.8126	57	46	80	Pass
1.8406	54	41	75	Pass
1.8686	48	37	77	Pass
1.8966	45	36	80	Pass
1.9246	41	33	80	Pass
1.9526	37	32	86	Pass
1.9806	35	30	85	Pass
2.0086	33	28	84	Pass
2.0366	32	27	84	Pass
2.0646	30	25	83	Pass
2.0926	28	24	85	Pass
2.1206	27	24	88	Pass
2.1486	27	24	88	Pass
2.1766	25	21	84	Pass
2.2046	24	20	83	Pass
2.2326	24	20	83	Pass
2.2606	21	19	90	Pass
2.2886	20	18	90	Pass
2.3166	20	18	90	Pass
2.3446	20	18	90	Pass
2.3726	19	17	89	Pass
2.4006	18	16	88	Pass
2.4286	18	14	77	Pass
2.4566	17	14	82	Pass
2.4846	17	10	58	Pass
2.5126	15	10	66	Pass
2.5406	14	10	71	Pass
2.5686	13	10	76	Pass
2.5966	10	10	100	Pass
2.6246	10	10	100	Pass
2.6526	10	9	90	Pass
2.6806	10	8	80	Pass
2.7086	10	8	80	Pass
2.7366	10	8	80	Pass
2.7646	9	8	88	Pass
2.7926	8	7	87	Pass
2.8206	8	7	87	Pass
2.8486	8	5	62	Pass
2.8766	8	5	62	Pass
2.9046	7	4	57	Pass
2.9326	7	4	57	Pass

Water Quality

Model Default Modifications

Total of 0 changes have been made.

PERLND Changes

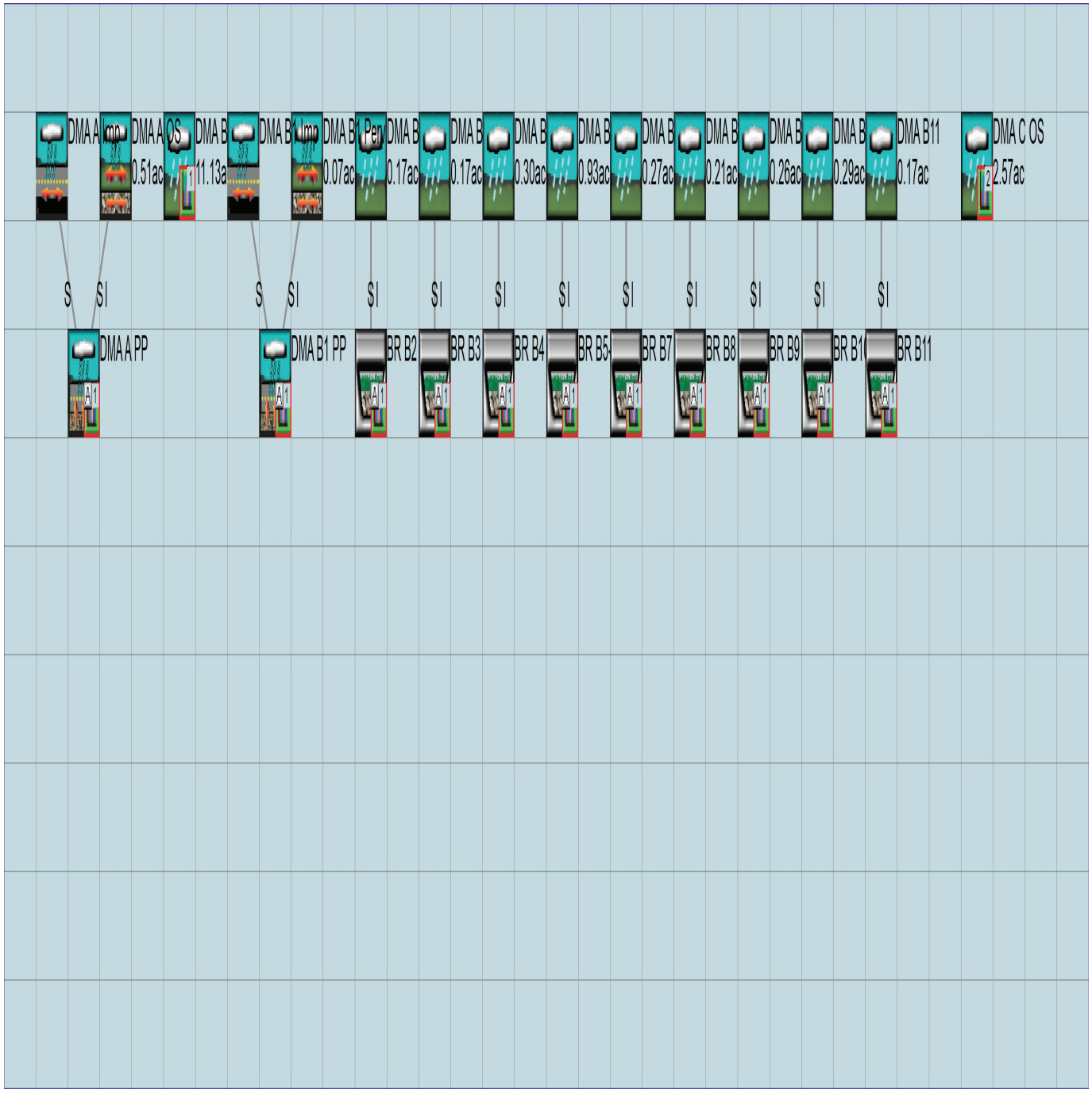
No PERLND changes have been made.

IMPLND Changes

No IMPLND changes have been made.

Appendix
Pre-Project Schematic

Mitigated Schematic



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(Attached to email)