

**PLANNING COMMISSION – December 17, 2025**  
**REVISED REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**178 Twin Oaks Drive**

**Architecture and Site Applications S-24-023 through -032 and S-24-059**  
**Vesting Tentative Map Application M-24-013**  
**Mitigated Negative Declaration ND-25-001**

**Consider a Request for Approval for the Subdivision of One Lot into Twelve Lots with a Vesting Tentative Map, Construction of a New Single-Family Residence on Each Lot, Site Work Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on a Vacant Property Zoned RC. APN 532-16-006. A Recirculated Initial Study and Mitigated Negative Declaration Have Been Prepared.**

**Property Owner/Applicant: Larry Dodge**  
**Project Planner: Erin Walters**

**FINDINGS**

**Required finding for CEQA:**

- A Recirculated Initial Study and Mitigated Negative Declaration have been prepared for this project. It has been determined that this project will not have a significant impact on the environment with adoption of the Recirculated Mitigated Negative Declaration and Recirculated Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level.

**Required finding for consistency with the Town's General Plan:**

- That the proposed project is consistent with the General Plan with the incentives, and waivers requested pursuant to State Density Bonus Law and granting of the requested exceptions to the maximum allowed density pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

**Required findings to deny a Subdivision application:**

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).**

Instead, the Town Council makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan with granting of

the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat with implementation of the Mitigation Monitoring and Reporting Program and the Conditions of Approval.
- f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

#### **Required Subdivision Map Findings for the Board of Forestry and Fire Protection:**

- For tentative or parcel maps approved in state responsibility areas (SRA) or very high fire hazard severity zones (VH), the following findings are required to be made to the State Board of Forestry and Fire Protection (14 CCR Section 1266.02):
  1. A finding supported by substantial evidence in the record that the subdivision is consistent with:
    - a. Regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, or
    - b. Consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.
  2. A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:
    - a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.
    - b. The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

#### **Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code

§ 65589.5 (d).

**Required compliance with the Town of Los Gatos Hillside Development Standards and Guidelines:**

- The project meets the Town of Los Gatos Hillside Development Standards and Guidelines with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

**Required compliance with the Town of Los Gatos Hillside Specific Plan:**

- The project meets the Town of Los Gatos Hillside Specific Plan with the incentives and waivers requested pursuant to State Density Bonus Law (CA Gov. Code § 65915) and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, CA Gov. Code § 65589.5 (d).

**Required for granting concession and waivers pursuant through State Density Bonus Law:**

**Concession(s) or incentive(s)**

- CA Government Code § 65915:
  - (d) The Town shall grant concession(s) or incentive(s) requested by the applicant unless the Town makes a written finding, based upon substantial evidence, of any of the following:
    - (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
    - (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
    - (C) The concession or incentive would be contrary to state or federal law.

**Waivers**

- CA Government Code § 65915 (a)(2):

The Town shall grant waivers to the Town's development standards requested by the applicant unless the Town makes a written finding, based upon substantial evidence, that the development standard for which the waiver is requested would not physically preclude the construction of the development at the densities and with the concession permitted through Density Bonus Law.

### **Required findings to deny a project under State Builder's Remedy Law:**

As required by CA Government Code § 65589.5 (d) of the California Housing Accountability Act, a qualifying housing development project invoking Builder's Remedy shall not be denied by the Town, or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, unless it makes written findings, based on the preponderance of the evidence in the record, as to one of the following: **None of the findings could be made to deny the application.**

1. The Town did not have a certified sixth cycle Housing Element by January 31, 2023.
2. The housing development project would not have a specific, adverse impact on the public health or safety.
3. The denial of the housing development project or imposition of conditions is not required in order to comply with specific state or federal law.
4. The housing development project is not proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. On the date the application for the housing development project was deemed complete, the Town had not adopted a revised housing element that was in substantial compliance with California Government Code Section 65589.5(d) of the California Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use Designation.

### **CONSIDERATIONS**

#### **Required considerations in review of Architecture and Site applications:**

- As required by Section 29.20.150 of the Town Code, the applicable considerations in review of an Architecture and Site application were all made in reviewing this project.