

RESPONSES TO PLANNING COMMISSION COMMENTS

INTRODUCTION

The Surrey Farms Estates Subdivision Project Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town of Los Gatos on September 19, 2025, for public review and comment until October 8, 2025. Following the public review period, the Town prepared responses to public comments pertaining to the environmental analysis and the project was considered by Planning Commission on December 17, 2025. During the Planning Commission meeting on December 17, 2025, comments related to environmental concerns associated with the proposed project were received from the Planning Commission and were summarized by Town staff. The summary of Planning Commission comments prepared by Town staff are provided below, and responses to each are provided within this Responses to Planning Commission Comments document.

Subsequent to the Planning Commission meeting on December 17, 2025, a Recirculated IS/MND was circulated for public review from April 17, 2026 to May 18, 2026. As such, the responses herein refer to the most current IS/MND, which is the Recirculated IS/MND.

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during 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. While written responses to the Planning Commission comments are not required, at the Town's request, Raney has prepared the following written responses to the Planning Commission comments for the record.

The comments have been bracketed and given a number to indicate how the comments have been divided. The response to each comment will reference the comment number.



SURREY FARMS ESTATES SUBDIVISION PROJECT PLANNING COMMISSION COMMENT SUMMARY

General Comments from the Planning Commission:

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| 1 | <ul style="list-style-type: none">• Commissioner observed specific plants in special conditions in the field. |
| 2 | <ul style="list-style-type: none">• Did the biologists map the vegetation and when?• Where are the areas of soil saturation?• Where is standing or seasonal water present?• Where is the edge/boundary of these areas? |
| 3 | <ul style="list-style-type: none">• Explain the origin and rationale for the proposed 10-foot buffer at the ephemeral swale.• Identify and justify any areas where the buffer is less than 10 feet, including the criteria used and any supporting analysis. |
| 4 | <ul style="list-style-type: none">• Explain the baseline used for the noise analysis. |
| 5 | <ul style="list-style-type: none">• Describe how noise impacts will be mitigated if required. |



RESPONSES TO THE PLANNING COMMISSION COMMENT SUMMARY

Response to Comment 1

It is unclear which specific plants and special conditions are being referred to in the comment. The project site contains many species of common plants, which are not protected, nor required to be analyzed pursuant to CEQA; only special-status plants require review under CEQA (page 42 of the IS/MND defines special-status plants). Potential impacts of the proposed project on special-status species, including special-status plant species, are addressed in Section IV, Biological Resources, of the Recirculated IS/MND. As noted on page 45 of the Recirculated IS/MND, the site only provides marginally suitable habitat for Santa Clara red ribbons and bent-flowered fiddleneck. Full rare plant surveys in 2012 and 2013 during the various blooming periods, along with the ongoing disturbance associated with annual mowing for fire abatement, confirms that the site lacks suitable habitat for special-status plants. Thus, the proposed project is not anticipated to result in adverse effects to special-status species and the conclusions of the Recirculated IS/MND remain adequate.

Response to Comment 2

A field survey of the project site was conducted by Live Oak Associates (LOA) 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 feature. Further, as stated on page 7 of the Recirculated IS/MND, in response to public comments and input at the Planning Commission hearing, LOA conducted additional on-site field investigation of the ephemeral feature located on the project site on February 12, 2026, after a storm event when water was flowing in the on-site ephemeral feature. LOA's follow-on assessment resulted in the determination that the northerly limits of the ephemeral feature extend into the proposed internal driveway and Lot 5 development footprint. Please also see Responses to Comments 3 below. Figures 15 and 16 of the Recirculated IS/MND show the on-site habitats, including on-site aquatic resources, as well as the 15-foot buffer, as mentioned in Response to Comment 3 below, respectively.

Page 52 of the Recirculated IS/MND states that the USACE jurisdiction only extends to the 342-square-foot (sf) concrete-lined drainage considered a seasonal wetland in the northwestern corner of the project site, and that the ephemeral stream is considered a water of the State under the jurisdiction of the RWQCB. The "ephemeral" classification indicates that the stream flows with water during or shortly after a rain event. The lack of a clear incised channel along the entire length of the ephemeral stream is a clear indication of the limited water flow most of the year.

Response to Comment 3

The 10-foot buffer shown on the project plans is proposed by the applicant and assumed to be based on Mitigation Measure 4.3-8 identified in the Draft EIR previously prepared for the project site, but was never certified by the Town. Mitigation Measure 4.3-8 in the uncertified Draft EIR required 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. The buffer is inaccurate and unrelated to the updated analysis of biological resources, as presented in the Biological Evaluation prepared for the project by LOA and Recirculated IS/MND.

As discussed on page 52 of the Recirculated IS/MND:



The on-site ephemeral feature historically supports water only during and shortly after storm events. The Town of Los Gatos follows the Guidelines and Standards for Land Use By Streams document (“Guidelines and Standards”). The Town Council adopted a resolution implementing the Guidelines and Standards at its meeting on February 20, 2007. What had previously been identified in this IS/MND as an “ephemeral drainage” has portions with an incised channel and portions without. According to the definition of a stream in the Guidelines and Standards (Chapter 2, subsection E), only the portions of the feature having a channel meet the definition of a stream, and therefore, only those portions need a buffer. Notwithstanding, for purposes of this recirculated environmental document, the entire on-site feature will be referred to as an ephemeral stream.

Given that there is no riparian habitat associated with this ephemeral stream, the buffer is from the “top of bank” of the sections of the ephemeral stream where it has an incised channel. The Guidelines and Standards does not identify a stream or riparian setback per se; the only setback identified is a “Slope Stability Protection Area”, which is 10-15 feet for ephemeral streams with the addition of 5 feet for properties over 10,000 square feet. Although the Guidelines and Standards do not identify a stream or riparian setback, it is reasonable to use the Slope Stability Protection Area as a proxy. The habitat value of the ephemeral stream is low, as it only flows during and just after storms and does not support any wetlands; therefore, Live Oak has determined that a buffer of 15 feet would be reasonable to reduce the potential for impacts to this feature.

As further stated on page 53 of the Recirculated IS/MND and shown on Figure 16 therein, the majority of the proposed project would be designed to avoid the ephemeral stream and comply with the required 15-foot buffer from the “top of bank” of the incised channel sections of the ephemeral stream. The exception to this consists of the northerly extent of the ephemeral stream, which would be impacted by proposed construction activities associated with the internal roadway and the residential development on Lot 5. Such construction activities would require fill of the northern extent of the ephemeral stream, which is presumed to be a water of the State. Therefore, the Recirculated IS/MND includes Mitigation Measures IV-10 and -11 to reduce the associated impact to a less-than-significant level.

Response to Comment 4

Under CEQA, the baseline is generally defined as the physical environmental conditions as they exist at that the time the Notice of Preparation for an EIR is published, or when the environmental analysis begins. Although the lead agency has the discretion to use a different baseline for a CEQA analysis, such as a defined historical condition of the site or where the existing conditions at a site are unrepresentative or tend to fluctuate, use of the physical conditions occurring at the time the environmental analysis begins is common practice. Thus, the baseline condition used throughout the analysis within the Recirculated IS/MND, including for the noise analysis, is the existing physical environmental conditions at the site.

Response to Comment 5

Project impacts related to noise are addressed under Section XIII, Noise, of the Recirculated IS/MND. As discussed therein, the proposed project would not result in any significant impacts related to project operational noise. However, noise levels associated with project construction at the nearest existing single-family residences could exceed the applicable noise level standards. Thus, Mitigation Measure XIII-1 requires the implementation of 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.



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