



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/11/2026

ITEM NO: 1

DATE: June 5, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: 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 Vacant Property Zoned RC. **Located at 178 Twin Oaks Drive.** APN 532-16-006. Architecture and Site Applications S-24-023 through -032 and S-24-059, Vesting Tentative Map Application M-24-013, and Mitigated Negative Declaration Application ND-25-001. A Recirculated Initial Study and Mitigated Negative Declaration Have Been Prepared. Property Owner/Applicant: Larry Dodge. Project Planner: Erin Walters.

BACKGROUND:

On December 17, 2025, the Planning Commission considered the project, received public testimony, and continued the item to a date uncertain to allow the applicant and staff additional time to respond to questions raised at the meeting which are discussed in the following sections of this report (Exhibit 32).

DISCUSSION:

A. Applicant's Responses to Planning Commission Questions

The applicant provided written responses to the following Planning Commission questions (Exhibit 33). The questions from the Planning Commission are provided on the following page, followed by the applicant's response in *italics*.

PREPARED BY: Erin M. Walters
Senior Planner

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

- **Is the applicant willing to stake the site and delineate the roadway and/or property corners prior to a site visit?**

Applicant's Response: "Yes, the applicant is currently scheduling a survey crew in the beginning of January 2026 to provide construction staking for locations of pertinent relevance for the proposed project."

Staff's Note: The applicant's team staked the site on February 6, 2026. Stakes denote the proposed property line's at the edge of the proposed road, proposed edge of the road, and proposed front building corners for Lots 1, 2, 3, 4, 5, 6, 8, 9, and 11.

- **Plans indicate stormwater discharge into Ross Creek. What are the anticipated impacts to the creek, and how are they being mitigated?**

Applicant's Response: "The existing conditions of the site are currently draining to Ross Creek. The proposed site design measures do not delineate from draining to Ross Creek. With that said, the proposed site design measure improves the drainage pattern with a series of C3-mandated stormwater treatment measures (i.e. biotreatment basins, underground storm drain system and pervious pavers – with check dams) and hydromodification measures that capture, treat, detain, and release stormwater at post-development levels no greater than pre-development levels. In summary, the proposed improvements do not impact Ross Creek more than the existing condition. There will be no negative impacts to Ross Creek because of the proposed design. As previously noted, the existing site drains to Ross Creek. Proposed site design measures will not increase the stormwater drainage to Ross Creek from pre-development levels. The proposed C3 and hydromodification measures for the project will have a positive impact to Ross Creek."

- **Provide experience with pervious concrete.**

Applicant's Response: "The design team has incorporated pervious pavers/concrete into numerous successful projects, including in the City of San Jose, City of Santa Clara, and Town of Los Gatos as it is an acceptable common practice to achieve C3 compliance (stormwater treatment) per SCVURPPP standards. Additionally, pervious paver/concrete is widely accepted by local fire agencies including the City of San Jose, City of Santa Clara, and Town of Los Gatos. Santa Clara County Fire Department has provided approval for pervious paver use for this project."

- **Demonstrate the pervious concrete's ability to support weight loads, including emergency vehicles.**

Applicant's Response: "As noted on our Fire Access Plan sheet in all our submittals, all Fire Department access roadways including the private street, driveways and emergency

access shall be an all-weather surface designed to support the imposed load of 75,000 pounds. This weight is widely acceptable to local Fire Department agencies, including Santa Clara County Fire Department. A manufacturer specification sheet is included as a product sample that meets the weight load requirements. A pervious paver detail – with check dams - is also included in our plan sets. A supplemental spec showing pervious pavers compliant to the required loading is has been provided to the Town staff.” See Exhibit 34.

- **Address long-term maintenance requirements for pervious concrete.**

Applicant’s Response: “Per the SCVURPPP C3 Guidelines, a Routine Maintenance Activity Schedule is to be followed for the pervious pavers/pavement. This schedule is included in our plan set (Stormwater Control Hydromodification Details sheet). The specific maintenance action items will be done by the owners of the individual lots for not only their lots but also the private street where pervious pavers are being proposed. Enforcement of said activities will be conveyed through project CC&R documents as well as the Operations and Maintenance Agreement with the Town.”

- **Provide additional information on existing flooding of neighboring properties.**

Applicant’s Response: “It is our understanding from the project topography that the existing site surface drains down the hill ultimately into the ephemeral creek or will continues downhill to an existing earth swale that directs storm drain runoff to existing storm drain inlets.”

- **Explain how the proposed drainage design addresses the flooding issues, particularly along Lots 4 and 5.**

Applicant’s Response: “The proposed drainage design introduces multiple measures strategically located throughout the project site. Bioretention basins are located on each Lot and pervious pavers/concrete is being proposed for some Lot driveways and a portion of the private street. These proposed design measures capture the downhill surface drainage, detain it, provide water quality treatment, and provide flow-duration control (as described in the BAHM report prepared by Balance Hydrologics) which addresses the hydromodification management for the project site. Overall, these proposed measures drastically reduce the amount of surface drainage for the site which will greatly benefit the downhill adjacent property owners by capturing the stormwater runoff sooner and directing it to and underground storm drain system. A series of proposed terraced retaining walls along the west side of Lots 4 & 5 will provide additional remediation measures for the said property owners. The small area of landscape between the western-most retaining wall and the property line will be hydroseeded per guidelines to provide a binding measure of the soil to reduce runoff.

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Due to Fire Department requirements pertaining to tree density, adding more trees in this area is not allowable."

- **Applicant to clarify whether open space easements and/or trails or trail easements can be implemented in the proposed project. If the applicant's position is that open space easements and/or trails or trail easements are cost-prohibitive, provide detailed cost estimates so the Planning Commission can evaluate that position.**

Applicant's Response: "Please see new exhibit depicting proposed open space and trail easements." See Exhibit 35.

Staff's Note: The applicant is no longer seeking the incentives to waive the requirement for private open space easements or requirement for trail easements. Instead, the applicant now proposes Private Open Space Easements and Trail Easements for Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12 as depicted in Exhibit 35. Conditions of Approval #8 and #9, Exhibit 42, have been revised to reflect this modification.

- **Address privacy concerns through tree placement and buffering with native species.**

Applicant's Response: "HMH (Applicant's Landscape Architecture Consultant) can add shrubs and propose trees to create a stronger vegetative buffer in the area discussed. Please reference updated Lots 5 and 6 planting plan." See Exhibit 36.

Staff's Note: The proposed tree planting plan provides additional privacy screening through the placement of oak trees between the neighboring rear properties and Lot 6; however, the plan provides minimal screening between the neighboring rear properties and Lot 5 (Exhibit 36).

- **Encourage the applicant to consider alternative trail options. The existing trail alignment may be challenging and costly due to lot crossings, slope, and the need for off-site easements. Consider alternatives such as: Routing through Brook Acres and/or adding a pedestrian easement over the EVA and providing a connection to Twin Oaks**

Applicant's Response: "Please see new exhibit depicting proposed open space and trail easements." See Exhibit 35. "There are two trail easement areas that overlap with open space easements as depicted in the exhibit. One goes from Cerro Vista to the EVA that ties to Brook Acres. The other goes from the new private road to Hillbrook School property line. The applicant will not build the trail, and the HOA will not maintain the public trails."

Staff's Note: Exhibit 35 identifies areas shaded in green on Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12 as public trail easements. Condition of Approval #9 in Exhibit 42 has been revised to reflect this change.

The subdivision proposes dedication of public trail easements, but does not include construction of the trails as required by the Hillside Development Standards and Guidelines (HDS&G) and the Hillside Specific Plan. The project site is also located within the County and Town of Los Gatos Trails Plan area.

The applicant is no longer requesting incentives to waive the requirement to provide trail easements. Instead, the applicant is requesting an incentive from the requirement to construct and maintain the trails.

The applicant has requested an incentive under State Density Bonus Law (Government Code Section 65915) to waive the requirement to construct and maintain public trails. Justification for this request is provided in the applicant's Project Description and Letter of Justification (Exhibit 5), and additional justification is provided in Section E of this report.

B. Town's Environmental Consultants Responses to Planning Commission Questions

The project's Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town of Los Gatos for public review from September 19, 2025, through October 8, 2025 (Exhibit 1). Following the public review period, the Town prepared responses to comments (Exhibit 13), and the project was considered by the Planning Commission on December 17, 2025.

During the Planning Commission meeting, environmental concerns were raised by Commissioners and summarized by Town staff. Those comments are addressed by the Town's environmental consultant, Raney, in the Responses to Planning Commission Comments document included as Exhibit 37. A Recirculated IS/MND was circulated for public review from April 17, 2026, through May 18, 2026. The responses in Exhibit 37 refer to the Recirculated IS/MND (Exhibit 38), which is the current version of the environmental document.

Under CEQA Guidelines Sections 15073 and 15074, the Town is required to consider all comments received on the IS/MND; however, written responses are not required for a Mitigated Negative Declaration. At the Town's request, Raney prepared written responses to the Planning Commission comments for the record.

Raney's responses to Planning Commission questions are included in Exhibit 37 and are provided on the following page, followed by responses in *italics*.

- **A Commissioner observed specific plants in special conditions in the field. No specific species were provided.**

Raney's Response: "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 (Exhibit 38), 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."

- **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?**

Raney's Response: "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 (Exhibit 38), 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." Also see responses to Comment 10 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 (Exhibit 38, Figures 15 and 16)," as mentioned in response to Comment 10 below. "Page 52 of the Recirculated IS/MND (Exhibit 38) 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."

- **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.**

Raney's Response: "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 (Exhibit 38):

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 does 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, LOA 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 (Exhibit 38) 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.”

- **Explain the baseline used for the noise analysis.**

Raney’s Response: “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.”

- **Describe how noise impacts will be mitigated if required.**

Raney’s Response: 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.”

- **Commissioners raised questions regarding the riparian habitat on-site.**

“According to LOA, riparian habitat is not present along the ephemeral stream based on the traditional definition from the U.S. Fish and Wildlife Service (USFWS), which is the standard definition for ecologists. The Regional Water Quality Board (RWQCB) uses an atypical and distinct, more inclusive definition of riparian vegetation. As noted on page

51, the Recirculated IS/MND relies on a more typical definition of riparian vegetation sourced from the USFWS. The full definition is as follows:

Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics:

- 1. Distinctly different vegetative species than adjacent areas.*
- 2. Species similar to adjacent areas but exhibiting more vigorous or robust growth forms.*

While a small area of the ephemeral stream (approximately 100 to 150 feet) at the terminus of the stream would be impacted by the project, no shrubs or trees along the length of the on-site ephemeral stream would be impacted. In other words, only upland herbaceous vegetation, away from the ephemeral stream, within the proposed development areas, would be impacted by the project. Therefore, even under the RWQCB's more inclusive riparian definition, the conclusions presented in the Recirculated IS/MND would not change, as all of the shrubs and trees (e.g., RWQCB riparian) along the ephemeral stream would be retained after project buildout.

The ephemeral stream has previously been disclaimed by the U.S. Army Corps of Engineers (USACE) and under the new Water Rule based on the Supreme Court's May 2023 Sackett Decision, will clearly disclaim it as a water of the U.S. in the future, as it lacks a continuous surface flow to a downstream navigable water. Accordingly, page 52 of the Recirculated IS/MND (Exhibit 38) 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 and, as such, discharge of fill into the ephemeral stream is regulated by the RWQCB.

The following describes the additional on-site field investigation of the ephemeral feature and the revisions made to the IS/MND as a result as provided by Raney:

"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. Nonetheless, as stated on page 7 of the Recirculated IS/MND (Exhibit 38), 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. This 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. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND was revised and recirculated to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and included new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11).

The “Compensation” portion of Mitigation Measure IV-10 requires that the project mitigate impacts through the creation, restoration, and/or enhancement of habitat at one or more appropriate locations near impacted areas at a 1:1 minimum replacement-to-loss ratio. Mitigation Measure IV-10 further notes that it is anticipated that all compensation measures can be accommodated on-site within the existing ephemeral stream, for which an important consideration is to remove the existing culvert in the upper area of the stream.”

- **Commissioners raised questions regarding the study methodology and number of field visits for the Biological Evaluation. Questions were raised on whether the report relied on prior reports done by others over 10 years ago and if the report relied on the partial recirculated DEIR by Kimley-Horn in 2017.**

“While the prior reports were considered as part of the preparation of the Biological Evaluation, contrary to the comment, LOA did in fact conduct their own, separate surveys of the site. A 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 feature, and in response to public comments and input at the Planning Commission hearing, including this comment, 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. Additional surveys are not needed; the objective of a biological survey for CEQA review is not to compile a comprehensive list of every wildlife or plant species that occurs or may occur on a site. Instead, the goal is to provide a description of existing biological resources (e.g., common and special-status plant and wildlife species, and waters of the U.S./State) and to identify potentially suitable habitats that may be impacted, and, thus, lead to impacts that could affect sensitive biological resources as a result of the proposed project, which is what was done in the IS/MND and is appropriate for the purpose of CEQA.”

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C. Requested Incentives, Waivers, and Exceptions

The applicant was originally seeking the following four incentives under SDBL, as described below:

Requested Incentives	
Not Installing Story Poles and Netting per the Visibility Analysis requirements of the Hillside Development Standards and Guidelines	Project wide
Not Providing Sidewalks	Project wide
Not Providing Trail Easement and Constructing Trail	Project wide
Not Providing Open Space Easements	Project wide

The applicant is no longer seeking the incentives to waive the requirement to provide a private open space easement or to waive providing a trail easement. Instead, the applicant now proposes open space and public trail easements for Lots 1, 4, 5, 6, 8, 9, 10, 11, and 12, as depicted in Exhibit 35.

The applicant continues to request an incentive from constructing the trails. The applicant provides, "The project is overbudget already. So any dollar impact beyond where we stand today could prevent the project from being developed at the density proposed and the subsequent loss of three affordable units that are a part of the project. The design and construction of trails were never contemplated in the budget therefore under state housing law we are protected from this requirement being imposed. Because the Planning Commission asked us to look at it again and stated they would be satisfied with reserving area for future trails to be funded and built by other agencies, we undertook the effort and cost to design the trail easements per the exhibit."

The applicant is now requesting three incentives under SDBL, where state law would allow up to five.

The legal framework for Senate Bill 330, Housing Accountability Act (HAA), SDBL, Builder's Remedy and applicant's requests for incentives, waivers, and exceptions are described in December 17, 2025, Planning Commission staff report.

The applicant submitted a Project Description Letter and Letter of Justification (Exhibit 5) describing the project and requested entitlements. Proposed development plans are included in Exhibits 15 through 27, as well as new Exhibits 35 (Open Space Easements and Future Trail Easements) and 36 (Lots 5 and 6 Vegetation Buffer).

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D. CEQA Determination

The project's Initial Study/Mitigated Negative Declaration (IS/MND) was circulated by the Town for public review from September 19, 2025, through October 8, 2025.

Following the public review period, the Town prepared responses to comments, and the project was considered by the Planning Commission on December 17, 2025.

In response to public comments and input at the Planning Commission hearing, LOA conducted an 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. This 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. As a result, consistent with CEQA Guidelines Section 15073.5, the IS/MND was revised and recirculated to identify a new potentially significant impact related to having a substantial adverse effect on aquatic features, and included new mitigation measures under question IV-b,c to reduce the newly identified impact to a less-than-significant level (Mitigation Measures IV-10 and -11).

A Recirculated IS/MND was circulated for a 30-day public review from April 17, 2026, through May 18, 2026 (Exhibit 38).

Under CEQA Guidelines Sections 15073 and 15074, the Town is required to consider all comments received on the IS/MND; however, written responses are not required for a Mitigated Negative Declaration. At the Town's request, Raney prepared written responses to comments received during the public review period as found in Exhibit 40.

The Recirculated Initial Study and Mitigated Negative Declaration concluded that the project will not have a significant impact on the environment with adoption of the Recirculated MND and Revised MMRP to mitigate potential impacts to a less-than-significant level.

Each of the 21 mitigation measures identified in the Recirculated MND (III-1, IV-1, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-8, IV-9, IV-10, IV-11, IV-12, V-1, V-2, V11-1, X-1, X111-1, X111-2, XVII-1, and XVIII-1) are included in the Revised MMRP (Exhibit 39) and Revised Conditions of Approval (Exhibit 42).

PUBLIC COMMENTS:

Project identification signage was installed on the Twin Oaks Drive, Brooke Acres Drive, and Cerro Vista Court frontages by September 17, 2024, consistent with Town policy. Visual simulations were completed by the Town's consultant and posted to the Town's website by September 1, 2025 (Exhibit 10). Written notice was sent to property owners and tenants within

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1,000 feet of the subject property and notice of public hearing signage was installed on the street frontages by May 29, 2026, in anticipation of the June 11, 2026, Planning Commission hearing.

Staff conducted outreach through the following media and social media resources, for the availability of the visual simulations; public review of the Recirculated Initial Study and MND; and notice of the public hearing:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

Public comments received between 11:01 a.m., Wednesday, December 17, 2025, and 3:00 p.m., Friday, June 5, 2026, are included as Exhibit 43.

As part of the public comments, staff received a question regarding vector control review of the project's proposed bio-retention ponds (Exhibit 43). Public Works staff provided the following response:

"The Town does not coordinate with Vector Control during review of bio-treatment basins, as they are designed to fully drain within 72 hours and therefore should not pose a significant mosquito risk. However, once constructed, the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) will coordinate with Vector Control as part of the annual reporting process to notify them of these new facilities. The Town of Los Gatos will include all newly installed bio-treatment areas in its Annual Stormwater Report, and SCVURPPP will share that information with Vector Control."

CONCLUSION:

A. Summary

The applicant is requesting approval for the subdivision of one lot into 12 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 SB 330 on a vacant property zoned RC, located at 178 Twin Oaks Drive.

As detailed above, the application was submitted and is being processed under SB 330. The applicant seeks approval for the proposed residential project utilizing both SDBL (CA Gov. Code § 65915) and the Builder's Remedy provisions under the HAA [CA Gov. Code § 65589.5

(d)(5)]. The project qualifies for five incentives and unlimited waivers under SDBL. The application meets the definition of a Builder's Remedy project and the applicant has requested a number of exceptions to Town standards pursuant to Builder's Remedy. The deviations from the Town's standards included in the project are requested through both SDBL and Builder's Remedy for which the applicant has provided justification summarized in the body of this report and in Exhibit 5.

B. Recommendation

With the revisions described in the staff report, Staff recommends that the Planning Commission consider the request and, if merit is found with the proposed project, forward a recommendation that the Town Council approve the Architecture and Site applications, Subdivision application, and Mitigated Negative Declaration application by taking the following actions:

1. Adopt the Recirculated Mitigated Negative Declaration (ND-25-001) and Recirculated Mitigation Monitoring and Reporting Program (Exhibits 38 and 39) and make the finding that the project, with adoption of the Recirculated Mitigated Negative Declaration and Recirculated Mitigation Monitoring and Reporting Program, will not have a significant effect on the environment per CEQA;
2. Make the finding that the project is consistent with the General Plan with the 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 (Exhibit 41);
3. Make the finding that the proposed project complies with Section 66474 of the State Subdivision Map Act with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act and make affirmative findings to approve the subdivision (Exhibit 41);
4. As required for tentative or parcel maps approved in state responsibility areas (SRA) or very high fire hazard severity zones (VH), findings are required to be made to the State Board of Forestry and Fire Protection (Board) pursuant to 14 CCR Section 1266.02 (Exhibit 41);
5. Make the finding that 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 and granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);
6. Make the finding that the project complies with the Hillside Development Standards and Guidelines with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);
7. Make the finding that the project complies with the Hillside Specific Plan with the incentives and waivers requested pursuant to State Density Bonus Law and granting of

the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act (Exhibit 41);

8. Make the affirmative findings as required by State Density Bonus Law for granting an incentive pursuant to California Government Code Section 65915 (d) and for granting waivers pursuant to California Government Code Section 65915 (a)(2) (Exhibit 41);
9. Make the finding that, as required by California Government Code Section 65589.5 (d) of the California Housing Accountability Act, none of the findings for denial of a Builder's Remedy project can be made (Exhibit 41);
10. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 41); and
11. Approve Architecture and Site Applications S-24-023 through S-24-033 and S-24-059, Subdivision Application M-24-023, and Recirculated Mitigated Negative Declaration Application ND-25-001 with the recommended revised conditions contained in Exhibit 42 and the development plans in Exhibits 15 through 27, Exhibit 35, and Exhibit 36.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the applications with additional and/or modified conditions; or
3. Deny the applications.

EXHIBITS:

Previously Received with the December 12, 2025, Staff Report:

1. Initial Study and Mitigated Negative Declaration with Appendices A through E (available online at <https://www.losgatosca.gov/178TwinOaksDr>)
2. Required Findings and Considerations
3. Recommended Conditions of Approval – M-24-013, S-24-023 to -033 and S-24-059
4. Location Map
5. Project Description and Letter of Justification
6. Consulting Architect's Report
7. Applicant's Response to Consulting Architect's Report
8. Final Arborist Report
9. Consulting Arborist's Peer Review
10. Visual Renderings
11. Public comments received by 11:00 a.m., Friday, December 12, 2025
12. Mitigation Monitoring and Reporting Program
13. Public Comments and Responses Regarding the Mitigated Negative Declaration
14. Initial Study/ Mitigated Negative Declaration Errata Sheet

SUBJECT: 178 Twin Oaks Drive, Lots 1-12/S-24-023 to 033, S-24-059, M-24-013, and ND-24-001

DATE: June 5, 2026

15. Development Plans – Subdivision
16. Development Plans – Lot 1
17. Development Plans – Lot 2
18. Development Plans – Lot 3
19. Development Plans – Lot 4
20. Development Plans – Lot 5
21. Development Plans – Lot 6
22. Development Plans – Lot 7
23. Development Plans – Lot 8
24. Development Plans – Lot 9
25. Development Plans – Lot 10
26. Development Plans – Lot 11
27. Development Plans – Lot 12

Previously Received with the December 15, 2025, Addendum Report:

28. Public comments received between 11:01 a.m., Friday, December 12, 2025, and 11:00 a.m., Monday, December 15, 2025

Previously Received with the December 16, 2025, Addendum 2 Report:

29. Responses to the Santa Clara Valley Bird Alliance and Sierra Club Loma Prieta Chapter Letter
30. Public comments received between 11:01 a.m., Monday, December 15, 2025, and 11:00 a.m., Tuesday, December 16, 2025

Previously Received with the December 17, 2025, Desk Item Report:

31. Public comments received between 11:01 a.m., Tuesday, December 16, 2025, and 11:00 a.m., Wednesday, December 17, 2025

Received with the June 11, 2026, Staff Report:

32. Planning Commission Meeting Minutes, December 17, 2025
33. Applicant's Response to December 17, 2026, Planning Commission Comments
34. Technical Note, Belgard Pavers Fire Truck Loading
35. Open Space Easements and Future Trial Easements
36. Lots 5 and 6 Vegetation Buffer
37. Raney's Response to December 17, 2026, Planning Commission Comments
38. Recirculated Initial Study and Mitigated Negative Declaration with Appendices A through F (available online at <https://www.losgatosca.gov/178TwinOaksDr>)
39. Recirculated Mitigation Monitoring and Reporting Program
40. Public Comments and Responses Regarding the Recirculated Mitigated Negative Declaration
41. Revised Required Findings and Considerations
42. Revised Recommended Conditions of Approval – M-24-013, S-24-023 to -033 and S-24-059
43. Public comments received between 11:01 a.m., Wednesday, December 17, 2025, and 3:00 p.m., Friday, June 5, 2026