



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/11/2026

ITEM NO: 1

ADDENDUM

DATE: August 7, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Consider a Recommendation by the Planning Commission to Approve 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 (SB330) 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, Subdivision Application M-24-013, and Mitigated Negative Declaration Application ND-25-001. An Initial Study and Recirculated Mitigated Negative Declaration Have Been Prepared. Property Owner/Applicant: Larry Dodge. Project Planner: Erin Walters.**

REMARKS:

Public comments received between 3:01 p.m., Thursday, August 6, 2026, and 3:00 p.m., Friday, August 7, 2026, are included as Attachment 14.

ATTACHMENTS:

Previously Received with the August 11, 2026, Staff Report:

1. Draft Resolution making the required findings and approving the applications subject to the Conditions of Approval (included as Exhibit A)
2. December 17, 2025, Planning Commission Staff Report, with Exhibits 1-27
3. December 15, 2025, Planning Commission Addendum, with Exhibit 28
4. December 16, 2025, Planning Commission Addendum 2 Report, with Exhibits 29 and 30
5. December 17, 2025, Planning Commission Desk Item, with Exhibit 31
6. December 17, 2025, Planning Commission Verbatim Minutes
7. June 11, 2026, Planning Commission Staff Report, with Exhibits 32 through 43
8. June 9, 2026, Planning Commission Addendum, with Exhibits 44 and 45

PREPARED BY: Erin M. Walters
Senior Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

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SUBJECT: 178 Twin Oaks Drive

DATE: August 7, 2026

9. June 11, 2026, Planning Commission Desk Item, with Exhibit 46
10. June 11, 2026, Planning Commission Verbatim Minutes
11. Revised Recirculated Mitigation Monitoring and Reporting Program, July 2026
12. Modified Conditions of Approval – Redlined
13. Public Comments received between 11:01 a.m., Thursday, June 11, 2026, and 3:00 pm, Thursday, August 6, 2026

Received with this Addendum Report:

14. Public Comments received between 3:01 p.m., Thursday, August 6, 2026, and 3:00 pm, Friday, August 7, 2026

From: William Meleyco [REDACTED]
Sent: Thursday, August 6, 2026 4:23 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Fwd: 178 Twin Oaks city council letter

[EXTERNAL SENDER]

> Erin.

> Attached is my letter to the City Council regarding the Special Meeting on 8/11.

> Thank you

> William Meleyco

> [REDACTED] Longmeadow Drive

> Los Gatos Ca

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> Wm Meleyco

> [REDACTED]

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August 5, 2026

Town Council
Town of Los Gatos

Re: 178 Twin Oaks Drive — Architecture and Site Applications S-24-023 through S-24-033 and S-24-059; Subdivision Application M-24-013; Mitigated Negative Declaration ND-25-001

Request: Decline to adopt the Recirculated Mitigated Negative Declaration and direct preparation of an Environmental Impact Report.

Honorable Mayor and Members of the Town Council:

We write as the immediately downstream property owners at 189 [REDACTED] Our property is the direct drainage endpoint for this site. We ask the Council to decline to adopt the Recirculated Mitigated Negative Declaration and to direct preparation of an Environmental Impact Report before taking any action on the entitlements.

In plain terms: the Town is being asked to approve this project based on an environmental study concluding its effects are minor. We do not believe that study holds up. It leans on an older study prepared for a smaller project that the Council rejected in 2018. It missed a stream on the property until a storm revealed it this past February. Two state agencies have not signed off. No one has settled who will maintain the private road and the drainage system. And the applicant is asking to skip more than 150 Town requirements without showing why it qualifies to. Under California law, when there is real evidence a project may cause significant environmental harm, the Town must prepare a full Environmental Impact Report — even if other evidence points the other way. We believe that evidence is here, and we ask Council to require the fuller study before deciding anything else.

We make this request on the record, not on preference. Under Public Resources Code § 21080(d) and CEQA Guidelines § 15064(f)(1), an EIR is required whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment — even where other evidence points the other way. Community Development Director Paulson confirmed this standard on the record on December 17, 2025, calling it "a far lower bar to overturn a Mitigated Negative Declaration than it is an EIR." Planning Commissioner Burnett applied it and voted no on June 11, 2026, telling his fellow commissioners the added record gave him "more emphasis, or I feel more strongly to require a full EIR, which should have been done in the first place."

We also want to address something Council may hear: that state housing law ties its hands here. It does not tie them on environmental review. The Housing Accountability Act says three separate times that it does not excuse the Town from following CEQA, that requiring environmental mitigation is not a denial of a housing project, and that the Town may apply newer standards where needed to reduce an environmental impact. (Gov. Code § 65589.5(e), (h)(6)(E)(vi), (o)(2)(C), (o)(6).) Requiring a full Environmental Impact Report is not a denial and is not a condition of approval. It carries no risk to the Town under state housing law.

I. The environmental analysis rests on an uncertified EIR prepared for a smaller, different project — a project this Council's predecessors formally denied.

The applicant has repeatedly confirmed reliance on an uncertified prior analysis. Jim Foley, the applicant's representative, told the Planning Commission on December 17, 2025: "So yes, there was an EIR done in 2018." The Town's own written response to a public comment is more precise: "a Draft EIR was prepared for the project site in 2015, followed by a Partial Recirculated Draft EIR in 2017," for "a residential project of the same name." Either way, the document was never certified.

The record shows something more important than the missing certification. On May 1, 2018, the Town Council voted unanimously to deny the Williamson Act contract cancellation, General Plan Amendment, and rezoning that the 2015/2017 project required. This was not a process that stalled. This Council's predecessors considered the smaller project and unanimously turned down the approvals it needed. The current, larger project's environmental analysis still incorporates and updates data from that same rejected effort.

That analysis was prepared for a materially smaller and differently configured project:

	2015 Draft EIR / 2017 Partial Recirculated Draft EIR (uncertified, denied)	Current project (2026)
Lots / residences	10 — capped by the Town's own slope-based density formula ("average slope of the lot of 23.92%... maximum number of houses... would be 10")	12 — a 20% increase, achieved only via Builder's Remedy override of that same formula
Density	0.57 DU/acre (10 ÷ 17.55 ac)	0.68 DU/acre (12 ÷ 17.55 ac)
Land outside residential lots (dedicated open space + private roads)	4.88 acres (27.8% of site): 3.62 ac open space + 1.26 ac private roads, held separately from the 10 lots	0 acres — the 12 lots span the entire 17.55-acre site; no dedicated open-space parcel
Homes on the upper hillside	4	1
Site disturbance (construction/grading footprint)	Approximately 3 acres	5.38 acres — a 79% increase
Trees removed	70 of 599 on-site trees (11.7%)	244 of 673 (36.3%) — tree-removal intensity roughly tripled
Daily vehicle trips	95 (10 units × 9.52 ITE rate)	113
Construction NOx emissions	43.2 lbs/day — under the 54 lbs/day BAAQMD threshold	64.40 lbs/day — exceeds the same 54 lbs/day threshold

Earthwork	11,000 CY cut / 7,050 CY fill (net 3,950 CY export) — 18,050 CY total	10,878 CY export / 21,082 CY import — 31,960 CY total, a 77% increase
Compliance with 25-ft hillside height standard	—	7 of 12 residences exceed it
Access configuration	Different circulation	Single private road from Twin Oaks Drive; 20-ft EVA to Brooke Acres Drive
Outcome	Denied unanimously by Town Council, May 1, 2018	Pending before this Council
CEQA status	Never certified	Recirculated IS/MND (April 2026), incorporating data from the never-certified, denied 2015/2017 analysis

We ask Council to require staff to identify, specifically, which conclusions of the uncertified 2015/2017 analysis are still being relied upon, and why each still holds for a project with 20% more lots, roughly three times the tree removal, and no dedicated open space at all.

II. The old uncertified EIR's conclusions were conditional. This Project is deliberately avoiding those conditions which were required.

CEQA Guidelines § 15126.2(b) required the 2015 EIR to state plainly whether any impacts would remain significant after mitigation. Its answer, in the EIR's own words, is not a clean "no" — it is an acknowledgment that the finding depends on something that had not yet happened:

"Although the precise impacts related to specific home designs on individual lots... cannot be determined at this time, all such individual homes would be subject to Architecture and Site (A&S) review as well as all mitigation measures specifically applicable to home construction. During A&S review, any potential for such adverse effects from individual homes would be assessed and reviewed by the Town, and each home design would be required to comply with relevant mitigation measures and the Town's codes and ordinances. Consistency with the Town's General Plan policies and the HDSG would also need to be demonstrated at that time..."

That is the EIR's most authoritative statement, covering every resource area at once, and it says the "no significant unavoidable impact" conclusion never stood on its own. It was a promise that future Town review — A&S review, HDSG consistency, General Plan consistency — would catch and correct whatever the EIR itself could not fully evaluate at the project-wide level. The current applicant is invoking Builder's Remedy for the specific purpose of avoiding that same review.

This pattern recurs by resource area, not just in the summary chapter. The EIR's land use finding of "less than significant" impact (Impact 4.1-2) depends on the applicant obtaining a General Plan Amendment, a rezone, and a Planned Development overlay — described in the EIR's own

words as the mechanism that "designates the zoning regulations for the accompanying project, sets specific development standards, and ensures that zoning and the General Plan are consistent." Impact 4.1-3 states outright: "If the Town approves these proposed actions, project implementation would be allowed." Council did not approve those actions. Separately, the EIR's "less than significant" visual-impact findings for Lots 5, 6, and 7 are conditioned on future A&S review specifically requiring "the installation of story poles and netting to demonstrate to what extent the future residence could affect the visual character of adjacent areas." The current applicant's Letter of Justification formally elects "not to erect story poles as required by the Town's Story Pole and Netting Policy" as one of its Builder's Remedy incentives — removing, by its own choice, the exact safeguard the EIR relied on to reach its conclusion.

In each instance, the 2015/2017 EIR's conclusion was not "this impact is insignificant." It was "this impact is insignificant if the applicant does X." The current applicant has told the Town, in writing, that it will not do X, because Builder's Remedy means it does not have to. Using the EIR's conclusions while dropping the conditions they depended on is not building on an earlier study. It is keeping the answers and throwing away the reasons they were true.

III. The record contains substantial evidence supporting a fair argument that a New EIR should be required. — including comments from planning commissioners who voted to approve it.

The Town has already identified one significant impact it previously missed entirely. On February 12, 2026, after a storm event, Live Oak Associates determined that the on-site ephemeral stream extends into the proposed internal driveway and the Lot 5 development footprint. The Recirculated IS/MND states, on page 53, that construction "would require fill of the northern extent of the ephemeral stream, which is presumed to be a water of the State" — directly above a paragraph, struck through in the document itself, that had previously concluded "the ephemeral drainage with swales would not be directly impacted by the proposed project." The prior no-impact finding was not merely revised; it was crossed out.

This is not a new problem. The Town has reached for the same unresolved fix twice, eight years apart. The 2015 EIR found that the smaller project "would result in the filling of the section of the ephemeral swale that traverses proposed Street A" — a significant impact, quantified there at approximately 5,400 square feet (0.12 acres) of ephemeral stream and riparian vegetation, requiring mitigation even for a 10-lot design. Its mitigation measure began: "Because full avoidance is not possible, actions shall be taken to minimize impacts on the ephemeral stream area," specifying construction fencing around the areas to be preserved. The current Mitigation Measure IV-10 opens with nearly identical language: "Because full avoidance is not possible, actions shall be taken to minimize impacts to the ephemeral stream," again specifying construction fencing. Two designs, two consulting firms, eight years apart — the same admission, the same boilerplate response, and the underlying impact still unresolved. The 2017 recirculation also confirms the same swale as a water of the State, in the Town's own words responding to a 2015 commenter: "The proposed project identifies the ephemeral drainage as Waters of the State." The San Francisco Bay Regional Water Quality Control Board has now commented on four separate rounds of environmental review for this exact site across a decade

— the 2015 Draft EIR, the 2017 Recirculated Draft EIR, the 2025 IS/MND, and the 2026 Recirculated IS/MND — and has not signed off on any of them.

The EIR's own alternatives discussion shows this problem was recognized and set aside on a technicality rather than resolved. The 2017 recirculation considered eliminating Lot 9 — the predecessor to today's Lot 5, on the same drainage feature — as a way to avoid the swale impact, but declined to analyze it further, reasoning that CEQA Guidelines § 15092(c) bars an agency from requiring a reduction in housing units as a mitigation measure when other mitigation is available. The same fix has been on the table since 2017. It has never been the subject of a full alternatives analysis, then or now: the current Responses to Comments confirms "CEQA does not require the evaluation of project alternatives in an IS/MND" and none was prepared.

Planning Commissioners who ultimately voted to approve the project questioned the survey too, not just the one who voted no. Questioning the project biologist about the February 2026 re-survey, Commissioner Sordi stated on the record: "We have this broad-brush overview biological report from Live Oak that really seems to be flying at a pretty high level, and I don't see any lab reports, I don't see testing, I don't see anything like that." The biologist confirmed the entire re-delineation rested on a single data sheet from a single soil pit. Commissioner Thomas separately confirmed that multiple commissioners had walked the site during wet months and found conditions "very, very wet in an area that is much larger than just the very small ephemeral stream that exists."

On deferred mitigation, Commissioner Burnett told the applicant's own environmental consultant directly: "My readings, actually, that mitigation to be determined at a future date is impermissible, deferral of mitigation in terms of CEQA." His concern is corroborated by the Regional Water Quality Control Board's own reviewer, Brian Wines, whose comments were read into the record on June 11, 2026: "It's likely that the recirculated IS/MND will not be adequate to support the issuance of State permits for impacts to the ephemeral creek channel." Independent third parties reach the same conclusion: the Santa Clara Valley Bird Alliance and Sierra Club Loma Prieta Chapter jointly requested withdrawal of the MND and preparation of an EIR, and a third-party biological peer review identified multiple survey deficiencies, including reliance on floristic surveys conducted in 2012 and 2013. This concern does not come from one commenter. It comes from a state agency's own reviewer, across four consecutive rounds of review; from two conservation organizations; from an independent biologist; and from several sitting commissioners — each questioning the same analysis on their own.

We also note that the Town's own Hillside Development Standards and Guidelines are mandatory, not discretionary — the word "shall" "denotes a standard or mandatory regulation" — and directly provide that "upslope drainage shall not negatively impact downslope development." We are that downslope development, and the Recirculated IS/MND does not analyze this conflict.

IV. Two required state agencies have not approved this project. These approvals should be before NOT after your vote.

Mitigation Measures IV-10 and IV-11 now require Clean Water Act § 401 certification from the SFRWQCB and Fish and Game Code § 1602 notification to CDFW — approvals the Recirculated IS/MND lists where the original document said "None." Staff confirmed on June 11 that these permits would be sought only "prior to any ground disturbance," after Council has already acted, and explained why: Sean Mullin, representing the Town, stated, "we've written the Condition of Approval to be a little bit broad to allow... If you paint them too close into a box, then they have to come back if there are some significant changes from the Regional Water Quality Board." In other words, the condition was drafted specifically so the applicant would not have to return to Council if the state agencies require a different project. We ask that Council require both agencies' reviews to be complete before, not after, any vote on the entitlements.

V. Long-term maintenance of the private road and drainage infrastructure remains unresolved — and the Town once required exactly this.

This is a hillside subdivision in a Very High Fire Hazard Severity Zone, served by a single private road, with no proposed homeowners association. The 2015 EIR made this a mandatory mitigation measure for the smaller project: "Proper operation and maintenance of stormwater management facilities shall be the responsibility of the Homeowners' Association (HOA) in perpetuity. The applicant shall prepare and submit, for the Town's review, an acceptable Stormwater Control Operations and Maintenance Plan prior to the issuance of any occupancy permits and shall execute a Stormwater Management Operations and Maintenance Agreement with the Town before sale, transfer, or permanent occupancy of the site." The Final EIR confirms detention basins "would be maintained by the Homeowners Association or other maintenance district through an Operation and Maintenance Agreement with the Town of Los Gatos."

The current, larger project has none of this. Parks and Public Works Director James Watson told the Commission on June 11, 2026: "This one doesn't really have an HOA being proposed, so the maintenance solution is kind of in flux right now; I'm not exactly sure how we'll end up doing it... I don't know that we've had a chance to really work out the solution that we're going to go with here." Chair Burch's response, on the record: "Candid, I'm just seeing a maintenance nightmare here." Town Attorney Whelan confirmed that absent an enforceable agreement, Civil Code § 845 governs by default — a standard enforceable only privately, not by the Town — and that for the comparable Los Gatos Lodge project, the Town required formation of an HOA and a recorded Maintenance Agreement that would "run with the land" and "bind the future Homeowners Association." This is not an unprecedented ask. It is the standard this same site was already held to once, for a smaller project, eight years ago.

The Commission attempted to patch this during deliberations with amended conditions and a new private-road Maintenance Agreement requirement. We appreciate the effort, but the department responsible told the Commission the solution was still unresolved on the night of the recommendation vote. We ask Council to require a fully executed, Town-enforceable maintenance structure — covering the private road, culverts, bioswales, drainage, and the emergency vehicle access route — before approval, not as something to be worked out afterward.

VI. The public may not have had access to the correct technical reports

We compared the technical appendices posted for the Recirculated IS/MND against those posted for the original September 2025 IS/MND. With one exception, the appendices posted for both circulations appear to be identical. The exception is the arborist report: the version attached to the Recirculated IS/MND is dated December 15, 2024, with no revision number — a version that predates even the original September 2025 IS/MND's own citation to a July 23, 2025 revision, and predates the October 16, 2025 revision that was presented to the Planning Commission in December 2025 and that contains the tree-removal and replacement figures actually relied upon in the Recirculated IS/MND's own text. That October 16, 2025 version does exist on the Town's website, but in a separate folder that is not identified as an exhibit to the IS/MND — meaning a member of the public reviewing the posted environmental document during the comment period would not have found it there. We are not questioning anyone's intent. This reads as a filing mistake, not something deliberate. But it does raise a fair question about what the public could actually see, and find, during the comment period. We ask that Council direct staff to confirm, before the hearing, that the appendices currently posted with the IS/MND match the analysis it actually relies on, and that all technical documents the analysis depends on are clearly identified and accessible within the IS/MND's own posted exhibits — not scattered across unrelated, unlabeled folders on the Town's site.

VII. The site's history as an orchard, and the metals found in its soil, appear to have been overlooked

The current Recirculated IS/MND, responding to a comment from the Department of Toxic Substances Control, states that "the site has not been subject to past development or agricultural use" and that hazardous materials are therefore "unlikely to be present on-site." This conflicts with the Town's own prior environmental record. The 2015 EIR found that "the proposed project site was used for orchards in 1939" — confirmed independently in both its Hazards and Cultural Resources chapters — and commissioned a site-specific soil investigation for that reason, testing 33 locations across the property. That investigation found arsenic, cobalt, and nickel concentrations above residential screening levels (arsenic at 7.0 mg/kg against a 0.39 mg/kg Environmental Screening Level; cobalt at 40 mg/kg against 23 mg/kg; nickel at 330 mg/kg against 150 mg/kg), though none exceeded hazardous waste classification thresholds. The current study does not address this history or these results at all. We ask that Council direct staff to reconcile the current hazardous materials analysis with the Town's own prior findings, and to confirm whether updated soil testing is warranted before the project proceeds. This would be addressed in a new EIR.

VIII. The below-market-rate units do not appear to satisfy the Town's own distribution and comparability requirements

The project provides three below-market-rate units of twelve, exceeding the Town's numeric minimum. The applicant's own August 14, 2025 development program table shows a stark disparity in size and siting, however. The average market-rate home in the project has 5,821 square feet of floor area and 5 to 6 bedrooms; the average BMR home has 1,614 square feet and 3 bedrooms — market-rate homes average 3.6 times larger. Two of the three BMR lots, Lots 11 and 12, are also the two smallest lots in the entire twelve-lot subdivision by a wide margin: 4,785 and 4,959 square feet, against a next-smallest lot of 21,659 square feet. Using gross lot area

alone — before the slope-based reduction the Town's Hillside Development Standards and Guidelines actually require, which would only increase the ratio — Lots 11 and 12 already reach floor-area ratios of approximately 35%, at or above the 34.5% maximum the Guidelines allow for lots of that size.

This is not a minor gap. The Town's own Below Market Price Housing Program Guidelines, Section III, "Characteristics of BMP Units," require that affordable units be reasonably dispersed throughout a project and comparable to market-rate units in size and quality; concentration of affordable units in one location is generally not permitted. The project meets one of the three measures the Guidelines set out and falls short on the other two. On number, it exceeds the Town's minimum. On size and quality, it does not: the applicant's own plan set assigns the BMR units to Plan Types D1 and D2, architectural products that do not appear on a single market-rate lot anywhere in the subdivision — the BMR units are not smaller versions of the market-rate homes, they are a separate, unshared design. On dispersal, two of the three BMR lots are also the two smallest lots in the entire subdivision, as detailed above. The applicant's own Letter of Justification concedes deviations from development standards across all twelve lots but never addresses the dispersal requirement at all. Town staff has raised this same omission since November 2024, across four rounds of review, and has never received an answer. The applicant's fallback position is a waiver under the state Density Bonus Law, Government Code § 65915(e)(1), premised on *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, which allows a waiver where a standard would "physically preclude" a project as designed. That theory is weaker than it looks. The standards at issue in *Bankers Hill* — were physical ones like setbacks and height. Dispersal is not a physical standard — it is part of what makes a unit count as affordable housing in the first place. And in four rounds of review, the applicant has never shown, with an actual site plan, what would physically not fit.

Commissioner Burch attempted during deliberations to shield BMR owners from disproportionate private-road maintenance costs, stating, "I just do not think it is right to put that much road maintenance on a BMR owner." Sean Mullin explained why the concern was well-founded: "When you look at the shape of Lot 1, which is one of the BM[R] units, it peninsulas all the way out to Twin Oaks" — meaning the BMR lot, as configured, would bear the longest private-road frontage and maintenance obligation of any lot in the subdivision. Director Paulson acknowledged the arrangement is atypical: "This is not typical from a BMP perspective. This is exactly one of the reasons why we don't do BMPs in the hillsides typically." We ask that Council confirm the project's below-market-rate units satisfy the Town's Below Market Price Program Guidelines as to size, quality, and distribution before approving the project as configured.

IX. The Planning Commission's request for cost figures justifying the trail and open space waiver was never answered — including when asked again at the hearing

This is a distinct issue from the CEQA arguments above — it concerns the adequacy of the waiver findings under state Density Bonus Law, not the environmental review — but it belongs in the record before Council acts. On December 17, 2025, the Planning Commission asked the applicant to supply actual cost figures if infeasibility was to be the basis for waiving the trail and open space requirements the project elects not to provide. On June 11, 2026, Commissioner Thomas asked directly: "Did you happen to look at all into how much it would cost to add the

trail?" Jim Foley's answer: "I don't have like a rough order of magnitude or dollar figure associated with it... are we in the millions of dollars yet to do that." He also confirmed no entity exists to maintain a trail, since "there is no common area association created in the HOA." Commissioner Thomas stated the test at the June 11 hearing — "part of our job is to make sure for any of the waivers that if we required it, it would render the project infeasible essentially" — and then voted to approve regardless. No cost analysis appears anywhere in the Recirculated IS/MND, which addresses recreation only by noting the Town already exceeds its parkland-per-resident goal and conceding "the proposed project does not currently include the dedication of any parkland on-site." Six months after the Commission first asked, and asked again directly at the podium, the applicant has produced nothing.

State law offers two different tools here, and they carry two different tests. The applicant has satisfied neither.

An incentive must reduce the cost of building the affordable units. That is the statutory test: "identifiable and actual cost reductions, to provide for affordable housing costs" (Gov. Code § 65915(d)(1)(A)). The applicant's Letter of Justification says something different — that these items "would drastically exceed the project budget." Nothing in the record connects the trail, the open space, the sidewalks, or the story poles to the cost of the three below-market-rate units.

A waiver must show that a standard would physically preclude building at the proposed density. That is a question of what fits on the site, not what it costs. The applicant has requested 153 waivers across the twelve lots and has provided site-plan analysis for none of them.

We are not asking Council to demand a pro forma; state law does not permit that. But it does permit the Town to require "reasonable documentation to establish eligibility" for each incentive and waiver requested (Gov. Code § 65915(a)(2)). None has been provided. The standard Commissioner Thomas described — whether a requirement would render the project infeasible — is not the test the statute sets for a waiver, and the Commission voted on a record that satisfies neither test.

The record already answers the affordability question. The smaller 2015/2017 project on this same site, under the same ownership, volunteered these very improvements as community benefits: 3.6 to 4 acres of dedicated open space, a trail extension from Cerro Vista Court to Brooke Acres Drive, emergency access, and a water pump station site. No one required them. The larger project now calls the same items unaffordable. We make no claim about the applicant's finances. We note only that both statements come from the applicant's own submissions.

Council should also know that the Density Bonus Law premise underlying these requests is disputed within the Town's own record. On February 5, 2025, the Planning Division directed the applicant in writing to remove all references to the State Density Bonus Law, finding that the project's proposed density is too high to qualify for it. The applicant refused through counsel on April 16, 2025 and has asserted those rights in every submission since. That disagreement has never been resolved. We ask that the Town Attorney resolve it before Council grants anything under that statute.

Request

We respectfully ask the Council to:

1. Decline to adopt Mitigated Negative Declaration ND-25-001, and require a full Environmental Impact Report instead. The law requires an EIR when the record holds substantial evidence that a project may cause significant environmental harm. That evidence is here.
2. Ask staff to list which findings from the old 2015/2017 study are still being used, and to explain why they still hold for a project that is twenty percent larger and is skipping the Town review those findings counted on.
3. Require the Regional Water Quality Control Board and the Department of Fish and Wildlife to finish their reviews before Council votes, not after.
4. Require a signed maintenance agreement the Town can enforce, covering the private road, the drainage system, and the emergency access route, before any approval — the same thing the Town required of the smaller version of this project.
5. Ask staff to confirm that the technical reports posted with the environmental study are the ones the study actually relies on, and that a member of the public could have found them during the comment period.
6. The current study says this site was never farmed. The Town's own 2015 study says it was an orchard, and found arsenic, cobalt, and nickel in the soil above the levels considered safe for homes. Ask staff to explain the difference, and to say whether new soil testing is needed. This should be explored in a new EIR.
7. Confirm that the three below-market-rate homes meet the Town's own rules on size, quality, and where they sit within the subdivision.
8. Before granting any of the applicant's Density Bonus Law requests, require it to explain in writing why each one qualifies. For the four items it calls "incentives," that means showing how skipping each one lowers the cost of building the three affordable homes. For the 153 it calls "waivers," that means showing what would physically not fit on the site. The Town is allowed to ask for this.
9. Have the Town Attorney confirm whether this project qualifies for the Density Bonus Law at all. The Planning Division determined in February 2025 that it does not, and that question has never been settled.

Thank you for your consideration.

William And Kathryn Meleyco
 Longmeadow Drive
 Los Gatos, CA 95032

From: David Greenfield [REDACTED]
Sent: Thursday, August 6, 2026 4:45 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: feedback on 178 Twin Oaks Drive

[EXTERNAL SENDER]

Hi Town Council,

My wife and I live at [REDACTED] Longmeadow Drive, just down from Twin Oaks and have been following the saga of 178 Twin Oaks Drive for many years. I'd like to amplify a few points that I've made at multiple planning and council meetings over the years.

The environmental impact report is no longer accurate or valid and needs to be redone. Multiple variables have changed since the initial report including an extensive additional pavement "project" dramatically increasing the hardscape square footage (on the road to the homes) which will clearly change the storm run-off calculations and the observation of a previously undocumented creek which showed up during storm run-off earlier this year. It is not surprising that added "creeks" were noted subsequent to the filing of the existing impact report since the "environment" was not reviewed during a storm.

The 2nd item is a request by the existing neighbors for a trail around the new development. The latest proposal creates 2 disjointed and un-connected easements which were offered for use in some future trail. They effectively would enable 2 very short trails to no-where, that could not be connected. During the last planning meeting, the builder highlighted that the margins were just so exceptionally tight that the economics of the entire project would be unstable if the builder funded a proper trail. The builder was unwilling to highlight what a trail would cost. If the builder considered throwing this small bone to the existing home-owners, the builder might create a bit of positive good-will that would go a long way during this extensive development.

Finally, as a resident of Longmeadow, I find it repulsive that the home-owners along Longmeadow and a few home-owners at the end of Twin Oaks would have to bear the entire brunt of all noise, trucks, debris, and vehicular manslaughter of this project because there is only a single entrance (for construction) for the entire project. And I don't count the

single new home off Cerro Vista as added access. The single access (along with a presumably locked gate to Brooke Acres to be unlocked in the event of emergency) is problematic in many areas. Let the builder figure out how to create another proper entrance so that the pain of this development is shared more equitably among the neighbors.

While none of the neighbors want to see the hill developed, we are resigned that due to "builders remedy", development is clearly coming. Sticking the entire burden on a Longmeadow is onerous and creates significant fire risk due to egress issues. I've seen how the illusion of a second exit can be a problem when homeowners don't know how to unlock the gate.

Thanks for considering this input.

Regards,

Dave Greenfield