



2040 General Plan

Draft Findings of Fact and Statement of Overriding Considerations

prepared by

Town of Los Gatos

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EXHIBIT 5

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1 Introduction

A Draft Environmental Impact Report (Draft EIR) was prepared for the 2040 General Plan (project), was made available for public review on July 30, 2021, and was distributed to local and State agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups, and public agencies. The Draft EIR and an announcement of its availability were posted electronically on the Town's website, and a paper copy was available for public review at the Los Gatos Public Library. The Notice of Availability of the Draft EIR was also posted at the office of the Santa Clara County Clerk.

After the close of the first comment period on the Draft EIR, the Town became aware of a procedural error in the original Notice of Completion and Availability and noted that Appendix C erroneously included a draft rather than a final Transportation Analysis. The Town reopened the public comment period on the Draft EIR for an additional 45-day period and provided an updated Notice of Availability with the statutory language required under California Environmental Quality Act (CEQA) Guidelines section 15087. As part of this reopened comment period, Chapter 4.15, *Transportation*, of the Draft EIR was revised to elaborate on transit impacts and cumulative Vehicle Miles Traveled (VMT) impacts. The Town recirculated the revised Transportation section and its Appendix, as well as the Executive Summary which includes a summary of transportation impacts. No other sections of the Draft EIR were revised. This second comment period extended from November 15, 2021, to January 7, 2022.

After close of the Recirculated Draft EIR public review and comment period, a Final EIR consisting of responses to comments and changes to the Draft EIR was completed, which was released to the public on March [REDACTED], 2022. The Planning Commission held a public hearing on [REDACTED], 2022, and prepared a recommendation to the Town Council regarding certification of the Final EIR and action on the project, and the Town Council held a public hearing on [REDACTED] and determined to certify the Final EIR and to approve the project.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the project that are described and analyzed within the Final EIR, reflecting the Council's determinations about feasible mitigation measures, the adequacy of the Final EIR, and about the project. These Findings have been made pursuant to CEQA (California Public Resources Code Section 21000 et seq.), specifically Public Resources code Section 21081 and 21081.6, as well as the CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the Town of Los Gatos (Town) as the Lead Agency for this project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under CEQA Guidelines Section 15091(a) are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Further, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the Town as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable,” in which case the Lead Agency must adopt a formal SOC.

The Final EIR identified potentially significant environmental effects that could result from the project, but could be reduced to a less-than-significant level through implementation of mitigation measures. Those effects were related to air quality (impacts related to construction air pollutants and odors), cultural and tribal cultural resources (potential for impacts on previously unidentified historical and archaeological resources), geology and soils (potential for a paleontological impacts), and noise (impacts related to project construction noise and vibration). A significant and unavoidable (unmitigable) cumulative impact associated with greenhouse gas emissions and transportation (impacts related to transit and VMT) were identified due to lack of feasible mitigation measures, and thus a SOC is required.

2 Project Description

The 2040 General Plan is a comprehensive update of the Town’s 2020 General Plan and establishes the community’s vision for future development of the Town over the next 20 years. As part of the General Plan update process, the 2040 General Plan has been reorganized and reformatted, with updated goals and policies that reflect the community’s vision of Los Gatos. The Town’s General Plan Land Use Map has also been updated to reflect the community’s vision and three themes that thread through the 2040 General Plan: growth management; sustainability and resiliency; and community health and well-being.

State law (Government Code Sections 65300 through 65303.4) sets forth the requirement for each municipality to adopt and periodically update its General Plan and sets the requirement that a General Plan include the following eight mandatory subject areas, or “elements”: Land Use; Circulation; Housing; Open Space; Conservation; Noise; Safety; and Environmental Justice. State law also allows for optional elements that can be organized or combined at the Town’s discretion. As described below, the 2040 General Plan has been organized into the following eight updated elements: Community Design; Environment and Sustainability; Hazards and Safety; Land Use; Mobility; Open Space, Parks, and Recreation; Public Facilities, Services, and Infrastructure; and Racial, Social, and Environmental Justice. Together, these elements, along with the 2015-2023 Housing Element, cover all topics required to be included in a General Plan under State law, as described above. Each element describes the existing conditions and context for its related topic areas, followed by goals, policies, and implementation programs to guide the Town’s management and development through 2040.

The 2040 General Plan would emphasize infill and reuse development within the Town limits with a focus on increasing opportunities for housing development in key areas of the Town through increased density and mixed-use projects where appropriate. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that would minimize the impact of development on existing infrastructure and services.

The 2040 General Plan also provides the policy framework to guide future development toward land uses that support walking and biking. The 2040 General Plan places a greater emphasis on reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance. Focus areas for growth in Los Gatos, called Community Place Districts, include Pollard Road,

Winchester Boulevard, Lark Avenue, Los Gatos Boulevard, Union Avenue, Harwood Road, North Santa Cruz Avenue, and Downtown.

3 Project Objectives

The 2040 General Plan presents a vision for the future of Los Gatos and a set of guiding principles for how the Town will achieve that vision. This vision and guiding principles capture the Town's key values and aspirations for the future. They reflect the collective ideas from community members and Town leaders that provided input to help shape the 2040 General Plan.

Among the central objectives of the 2040 General Plan are to achieve the Regional Housing Needs Allocation (RHNA) goal of approximately 2,000 dwelling units developed by the Association of Bay Area Governments additional. Accordingly, Los Gatos used the RHNA numbers as a predictor of the housing needed to meet future demands. This focused the Town to reevaluate and plan for a more diverse housing mix for a changing population. Proactively planning for the anticipated land use changes and ensuring growth is sustainable over the next 20 years is a priority of this General Plan and the community.

The 2040 General Plan vision for the future is as follows:

The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town is a sustainable community that takes pride in its small-town character and provides a range of housing opportunities, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. Los Gatos offers a choice of mobility options, superior public facilities and services, and an open and responsive local government that is fiscally sound. Los Gatos has a dynamic and thriving economy that includes a mix of businesses throughout Town that serves all residents, workers, and visitors.

The 2040 General Plan guiding principles are contained in the 2040 General Plan Introduction and listed below:

- **Community Vitality.** Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.
- **Diverse Neighborhoods.** Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.
- **Fiscal Stability / Responsibility.** Provide high quality municipal services to the Los Gatos community while sustaining the Town's long-term fiscal health.
- **Government Transparency.** Conduct governmental processes in an open manner and encourage public involvement in Town governance.
- **Inclusivity.** Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.
- **Mobility.** Provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

- **Promote Public Safety.** Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.
- **Protect Natural Resources.** Protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.
- **Sustainability.** Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify and provide opportunities to enhance the Town's sustainability policies and practices.

These objectives have been considered in preparing the findings and statement of overriding considerations contained herein.

4 Findings of Fact

Having received, reviewed, and considered the information in the Final EIR for this project, as well as the supporting administrative record, the Town of Los Gatos makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Final EIR, it was determined that the project would not result in potentially significant effects on the environment with respect to aesthetics, agricultural and forestry resources, energy, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. No further findings are required for these subject areas.

4.2 Findings for Significant but Mitigated Effects

The following findings are hereby made by the Town of Los Gatos Town Council for the significant environmental effects identified in the EIR related to air quality (impacts related to construction air pollutants and odors), cultural resources (potential for impacts on previously unidentified historical and archaeological resources), geology and soils (potential for a paleontological impacts), and noise (impacts related to project construction noise and vibration).

Air Quality

Impact AQ-2: Development facilitated by the 2040 General Plan would result in the temporary generation of air pollutants during construction, which may contribute to existing air quality violations in the Basin. Therefore, impacts would be less than significant with mitigation.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

AQ-1 Construction Emissions Reductions. New discretionary projects in the General Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District (BAAQMD) shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter (PM₁₀ and PM_{2.5}) by implementing the BAAQMD's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site-specific conditions.

Basic Construction Mitigation Measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). Impacts would be less than significant with implementation of Mitigation Measure AQ-1 to require the BAAQMD Basic Construction Measures for all projects.

Impact AQ-4: The light industrial development allowed in the 2040 General Plan may create objectionable odors that could affect a substantial number of people. Impacts related to odors would be less than significant with mitigation.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

AQ-2 **AQ-2 Odor Reduction.** Land Use Element Policy LU-11.5 Industrial Compatibility shall be updated in the 2040 General Plan to read:

Require that industrial projects be designed to limit the impact of truck traffic, air, odor, and noise pollution on adjacent sensitive land uses.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). Impacts would be less than significant with implementation of Mitigation Measure AQ-2 to update General Plan Policy LU-11.5 to include limitation of odors.

Cultural and Tribal Cultural Resources

Impact CUL-1: Development facilitated by the 2040 General Plan would have the potential to impact historical resources and unique archaeological resources. Impacts would be potentially significant but mitigable.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

CR-1 **Cultural Resources Study Implementation.** If a project requires activities that have the potential to impact cultural resources, the Town shall require the project applicant or proponent to retain a qualified archaeologist meeting the Secretary of the Interior's (SOI) Professional Qualification Standards (PQS) in archaeology and/or an architectural historian meeting the SOI PQS standards in architectural history to complete a Phase 1 cultural resources inventory of the project site (NPS 1983). A Phase 1 cultural resources inventory shall include a pedestrian survey of the project site and sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research shall include a records search conducted at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search conducted with the Native American Heritage Commission (NAHC). The technical report documenting the Phase 1 cultural resources inventory shall include recommendations to avoid or reduce impacts to cultural resources. These recommendations shall be implemented and incorporated in the project.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). The implementation of Mitigation Measure CR-1 would reduce impacts to historical and unique archeological resources to a less than significant level by requiring cultural resource studies for projects within the Town and SOI and implementation of further requirements to avoid or reduce impacts to such resources on a project-by-project basis.

Geology and Soils

Impact GEO-5: Development facilitated by the 2040 General Plan has the potential to result in impacts to paleontological resources. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

GEO-1 Paleontological Resource Studies. The Town shall require paleontological resource studies for projects that involve ground disturbance in project areas mapped as high paleontological sensitivity at the surface or subsurface determined through environmental review. Additionally, in the event that a paleontological resource is disclosed, construction activities in the area shall be suspended, a qualified paleontologist shall be retained to examine the site, and protective measures shall be implemented to protect the paleontological resource.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). Compliance with Mitigation Measure GEO-1 and the 2040 General Plan goals and policies would ensure that construction impacts related to paleontological resources and unique geologic features would be less than significant.

Noise

Impact N-1: Construction of individual projects facilitated by the 2040 General Plan would temporarily generate increased noise levels, potentially affecting nearby noise-sensitive land uses. Provisions in the Los Gatos Town Code and 2040 General Plan policies would limit noise disturbance to the extent feasible. Construction noise may still exceed noise standards temporarily, but exceedances would not be substantial and impacts would be less than significant with mitigation.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

N-1 Construction Noise Reduction. For projects involving construction equipment that are located within 25 feet of noise-sensitive receptors the following mitigation would be required:

- **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
- **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- **Additional Noise Attenuation Techniques.** During the clearing, earth moving, grading, and foundation/conditioning phases of construction, temporary sound barriers shall be installed and maintained between the construction site and the sensitive receptors. Temporary sound barriers shall consist of sound blankets affixed

to construction fencing or temporary solid walls along all sides of the construction site boundary facing potentially sensitive receptors.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). N-1 would reduce construction noise. Combined with Los Gatos Town Code requirements, which requires most construction noise to be below 85 dBA and occur during daytime, when most people are awake or away from residences at work, impacts would be reduced to less than significant.

Impact N-3: Construction of individual projects facilitated by the 2040 General Plan could temporarily generate groundborne vibration, potentially affecting nearby land uses. Compliance with the Los Gatos Town Code would limit vibration disturbance on residential receptors and hotels where sleeping receptors could be present. Impacts would be potentially significant but mitigable.

Mitigation Measure:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

N-2 Construction Vibration Reduction. The Town shall include the following measures as standard conditions of approval for applicable projects involving construction to minimize exposure to construction vibration:

1. Avoid the use of vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.
2. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).
3. Notify neighbors of scheduled construction activities that would generate vibration.

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. (*Section 15091(a)(1)*). Implementation of Mitigation Measure N-2 would reduce potential impacts to a less than significant level.

4.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and CEQA Guidelines Section 15093, require that the Town of Los Gatos balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining to approve a project. And if specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

A project’s environmental impacts are “cumulatively considerable” if the “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (CEQA Guidelines Section 15065[a][3]). Significant and unavoidable impacts associated with greenhouse gas emissions and

transportation (impacts related to transit and VMT) were identified for the project. The following findings and statement of overriding considerations outlines the specific reasons to support the Town of Los Gatos recommendation for approval of the project.

Greenhouse Gas Emissions

Significant and Unavoidable Cumulative Impact GHG-1: Implementation of 2040 General Plan would generate annual GHG emissions of approximately 323,446 MT of CO₂e per year, or 5.29 MT of CO₂e per service person per year, in 2040. This would exceed the 2040 efficiency threshold of 1.02 MT of CO₂e per service person per year. Even with implementation of mitigation, GHG emissions would not be reduced to below the efficiency threshold. Therefore, impacts would be significant and unavoidable.

Mitigation Measure:

GHG-1 **Implement Community GHG Emissions Reduction Measures.** Los Gatos shall implement the following GHG emissions reduction measures by sector:

ENERGY (EN)

- **Measure EN1: Adopt an ordinance requiring new commercial construction to be all-electric or otherwise operationally carbon neutral by 2025:** Adopt a new building ordinance which bans the installation of natural gas in new commercial construction by 2025 and requires new commercial buildings to install all-electric equipment or otherwise be operationally carbon neutral. Support this action by conducting outreach and education to local developers about the benefits and resources associated with building carbon neutral buildings.
- **Measure EN2: Identify and partner with stakeholders to conduct electrification outreach, promotion, and education:** Leverage partnerships with stakeholders to conduct outreach, promotion, and education around new and existing building electrification.
- **Measure EN3: Develop a Community-wide Existing Residential Building Electrification Plan (EBEP):** Support community-wide existing building electrification through the development of an EBEP that addresses the feasibility, timeline, equity concerns, local stakeholder involvement, costs, funding pathways, and implementation for electrifying existing residential buildings in Los Gatos.
- **Measure EN4: Electrify existing residential buildings beginning in 2023:** Adopt an electrification ordinance for existing residential buildings to transition natural gas to electric in two phases, to be implemented through the building permit process:
 - Phase I: Limit expansion of natural gas lines in existing buildings by 2023.
 - Phase II: Require HVAC system replacements and hot water heaters replacements to be all-electric by 2023.
- **Measure EN5: Identify and partner with stakeholders to develop resident-level funding pathways for implementing an electrification ordinance:** Leverage partnerships with stakeholders and establish funding pathways to ease community members' costs when complying with the electrification ordinance, including:
 - Pass a transfer tax ordinance and provide a rebate for electric panels and/or other upgrades; and
 - Partner with PG&E, SVCE, and/or other stakeholders to create or expand electrification/retrofit programs and incentives, especially for low-income residents. These could include the PACE program, PG&E's low-income weatherization program, tariffed on-bill financing, metered energy efficiency, or others.

- **Measure EN6: Decarbonize municipal buildings by 2040:** Adopt a municipal building energy decarbonization plan to decarbonize municipal building energy operations by 2040. This plan would include a new building electrification policy as well as an existing building natural gas phase-out policy.
- **Measure EN7: Coordinate with stakeholders to provide local energy generation support and incentives for the community:** Partner with PG&E, SVCE, and/or other stakeholders to support and incentivize local on-site energy generation and storage resources within the community.
- **Measure EN8: Develop an EV Readiness Plan to Support Installation of 794 Chargers by 2030:** Develop an EV Readiness Plan that supports the installation of 794 chargers (at least 160 of which would be public chargers) and a 30 percent EV share of registered passenger vehicles in Los Gatos by 2030. This plan should establish a path forward to increase EV infrastructure within the Town, promote equitable mode shift to EVs, and identify funding for implementation of public charging infrastructure in key locations. In conjunction with an EV Readiness Plan, conduct a community EV Feasibility Study to assess infrastructure needs and challenges, particularly in frontline communities.
- **Measure EN9: Increase privately owned EV charging infrastructure:** Amend the Town’s Building Code and Local Reach Code to require the following:
 - EV capable attached private garages for new single-family and duplex residential development;
 - 20 percent EV capable charging spaces and panel capacity for new multi-family residential development;
 - 20 percent EV capable charging spaces for new commercial development; and
 - At least 1 percent working chargers for all new development and major retrofits.
- **Measure EN10: Increase Town-owned and publicly accessible EV charging infrastructure:** Work with public and private partners to ensure there are sufficient publicly accessible DCFC and Level 2 EV chargers around the Town by 2030, with a focus on providing access to low-income households and affordable housing. Install new publicly accessible EV chargers at Town-owned facilities. Develop and implement a fee for use of Town-owned chargers to encourage efficient use and turnover, especially for those without home charging capability.
- **Measure EN11: Identify and partner with stakeholders to develop EV-related rebates:** Investigate partnerships with public and private partners for rebates on at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV purchases for low-income households in frontline communities.
- **Measure EN12: Encourage EV adoption and infrastructure improvements:** Conduct outreach, promotion, and education to encourage EV adoption and infrastructure improvements. This would include the following:
 - Providing education and outreach to the community on the benefits of ZEVs, availability of public charging, and relevant rebates and incentives available for businesses and residents; and
 - Working with major employers to provide EV charging for employees and encourage EV adoption among employees.

TRANSPORTATION (TR)

- **Measure TR1: Implement Full Recommended Buildout of the Bicycle and Pedestrian Master Plan (BPMP):** Fully implement the BPMP and add 23.2 new miles of bike network by 2035 to achieve 6 percent bicycle mode share by 2035.

- **Measure TR2: Identify and partner with stakeholders to conduct outreach, promotion, and education:** Leverage partnerships with stakeholders to conduct ongoing outreach, promotion, and education around active transportation in Los Gatos. This could include:
 - Establishing Town-wide events or programs that promote active transportation in the community;
 - Regularly updating the Town’s Bicycle and Pedestrian Network Map and sharing through Town and stakeholder partnership platforms;
 - Supporting local bike groups in hosting workshops and classes on bike riding, safety, and maintenance by certified instructors;
 - Instituting car-free days downtown, potentially coupled with other large and regular events; or
 - Consolidating a list of local employer-provided bicycle parking, lockers, showers, and incentives as a demonstration tool for other interested employers.
- **Measure TR3: Facilitate a bike share program:** Conduct a bike share pilot program and facilitate full implementation of a bike share program within the Town.
- **Measure TR4: Establish parking meter rates and invest in transportation improvements:** Establish parking meter rates, considering dynamic parking pricing in the downtown area. Allocate a designated portion of paid parking revenue to investing in TDM strategies that will ensure cost-effective downtown access by improving transit, bicycle facilities, and create incentives for people to avoid driving.
- **Measure TR5: Improve curbside management:** Improve curbside management, including updating the municipal code to require active loading only, prohibit double parking, define locations for additional loading zones, and design loading zone signage.
- **Measure TR6: Require transportation system management for new construction:** Draft and implement a Transportation System Management Plan (TSMP) ordinance for new construction to allow the Town to shift travel behavior away from single-occupancy vehicles. Ensure telecommuting is an optional trip reduction strategy.
- **Measure TR7: Eliminate parking minimums for developments:** Remove parking minimums and establish parking maximums.

WASTE (WS)

- **Measure WS1: Require residential and commercial organic waste collection consistent with SB 1383 requirements:** Work with local waste haulers and other community partners to expand organic waste collection capacity. Pass an ordinance by 2022 requiring residential and commercial organics generators to subscribe to organics collection programs or alternatively report organics self-hauling and/or backhauling. Allow limited waivers and exemptions to generators for de minimis volumes and physical space constraints and maintain records for waivers/exemptions.
- **Measure WS2: Require edible food recovery consistent with SB 1383 requirements:** Adopt an edible food recovery ordinance or similarly enforceable mechanism to ensure edible food generators, food recovery services, and food recovery organizations comply with requirements to increase recovery rates.

Finding:

Specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Facts in Support of Finding:

The goals, policies, and implementation measures in the 2040 General Plan are designed to reduce GHG in Los Gatos through infill development, higher-density and mixed-use development, and trip reduction measures. However, even with implementation of these GHG reduction measures would exceed the 2040 efficiency threshold of 1.02 MT of CO₂e per service person per year. There are no other feasible mitigation measures available and impacts would be significant and unavoidable.

Significant and Unavoidable Cumulative Impact GHG-2: The proposed 2040 General Plan emissions during construction and operation would exceed the State and Town-derived GHG emission targets. Therefore, the proposed 2040 General Plan would conflict with the goals of the CARB 2017 Scoping Plan, SB 32, and EO B-55-18. Therefore, impacts would be significant and unavoidable with mitigation.

Mitigation Measure:

See Mitigation Measure MM GHG-1 under Impact GHG-1.

Finding:

Specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Facts in Support of Finding:

The goals, policies, and implementation measures in the 2040 General Plan are designed to reduce GHG in Los Gatos through infill development, higher-density and mixed-use development, and trip reduction measures. However, the proposed 2040 General Plan would conflict with the goals of the CARB 2017 Scoping Plan, SB 32, and EO B-55-18. There are no other feasible mitigation measures available and. Impacts would be significant and unavoidable.

As mitigation would result in GHG emissions that exceed the 2030 and 2040 Los Gatos efficiency thresholds and, thus, State targets, the proposed 2040 General Plan would impede “substantial progress” toward meeting the CARB 2017 Scoping Plan, SB 32, and EO B-55-18 targets. Therefore, with implementation of the identified mitigation, impacts related to the proposed 2040 General Plan consistency with applicable GHG reduction plans would be significant and unavoidable with mitigation incorporated.

Transportation

Significant and Unavoidable Cumulative Impact T-1: Development and growth envisioned in the 2040 General Plan would increase use and demand of existing transit facilities in Los Gatos. The 2040 General Plan includes goals and policies that would encourage transit use and bicycling and walking while also encouraging development or expansion of existing facilities to accommodate increased use. However, transit ridership and operations would be affected from congestion and sharing lanes with other vehicles. Therefore, impacts of the 2040 General Plan would be significant and unavoidable.

Mitigation Measures:

There are no feasible mitigation measures to reduce potentially significant effects related to transit operations and ridership.

Finding:

Specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Facts in Support of Finding:

The goals, policies, and implementation measures in the 2040 General Plan are designed to reduce VMT in Los Gatos through infill development, higher-density and mixed-use development, and trip reduction measures. However, transit ridership and operations would be affected from congestion and sharing lanes with other vehicles. There are no other feasible mitigation measures available and impacts would be significant and unavoidable.

Significant and Unavoidable Cumulative Impact T-4: Development and population growth facilitated by the 2040 General Plan would increase VMT in Los Gatos. VMT per service population and population growth in 2040 would exceed applicable thresholds specific to the Town. Therefore, the 2040 General Plan would result in VMT-related impacts. Impacts would be significant and unavoidable.

Mitigation Measure:

T-1 VMT Reduction Strategies. For projects that would generate VMT, one or more VMT reduction strategies included in the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) document shall be required to reduce VMT of the project. Examples of VMT reduction strategies that shall be implemented are provided below. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level).

Individual Site Level

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town’s project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Provide Local Shuttles:** This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the “first/last mile” problems. Alternatively, a demand responsive service could be provided as subsidized trips by contracting to private transportation network companies (TNCs) or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee’s commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer’s purview.

Town-Wide Level

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely

be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan* and Connect Los Gatos.

- **Provide Traffic Calming Measures:** This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is that ebikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- **Limit Parking Supply:** When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- **Unbundle Parking Costs from Property Cost:** Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- **Implement Market Price Public Parking (On-Street):** This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts.

Regional Level

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation,

substantial changes to current transit practices, and would not likely be applicable for individual development projects.

- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

Finding:

The population and employment growth facilitated from development envisioned in the 2040 General Plan would generate new vehicle trips. Each of these trips would result in VMT. As described above on page 4.15-21, buildout of the 2040 General Plan would generate approximately 1,280 employment opportunities. The approximately 1,280 employment opportunities that would result from buildout of the 2040 General Plan would not exceed the 1,760 employment opportunities forecast for Los Gatos in Plan Bay Area 2040. However, as described in Section 2, *Project Description*, the projected household population would increase by 8,970 people compared to what is considered existing with buildout of the 2040 General Plan. Some of the population growth expected from buildout of the 2040 General Plan would occur regardless of its implementation, such as growth expected from dwelling units already planned or approved for construction in Los Gatos. Nonetheless, household population growth would exceed Plan Bay Area 2040 forecasts for household population. Therefore, in context with the Town's adopted VMT threshold of significance, this VMT impact, which is cumulative, would be potentially significant.

As described within Section 4.15, *Transportation*, implementation of the 2040 General Plan would result in VMT per service population that is approximately 19 percent greater than the applicable VMT threshold of 32.3. To reduce VMT per service population by 19 percent, VMT reduction strategies at the regional level would be required. However, implementation of regional strategies would require action on multiple agencies and municipalities in South San Francisco Bay and environs, such as cities of Campbell and San José or counties of Santa Clara and Santa Cruz. The Town is unable to ensure that other municipalities would participate in the regional VMT reduction strategies outlined in Mitigation Measure T-1. Therefore, it is not certain that a 19 percent reduction in VMT would be achievable. Accordingly, VMT impacts of the 2040 General Plan would be significant and unavoidable, even after implementation of mitigation.

4.4 Mitigation Monitoring and Reporting Program

As referenced above in the Findings, a MMRP has been prepared for the project and is to be adopted concurrently with these findings and statement of overriding considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP is provided as Appendix D to the Final EIR that will be used by the Town of Los Gatos to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

5 Project Alternatives

Finding

Specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Where the Town of Los Gatos has determined that, even after the adoption of all feasible mitigation measures the project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significance, the Town of Los Gatos must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR. Further, “feasibility” under CEQA encompasses the desirability of the project “based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar, supra*, 133 Cal.App.3d at page 417; see also *Sequoayah Hills, supra*, 23 Cal.Ap.4th at page 715).

Alternative 1: Low Growth

Alternative 1 is a low growth alternative. Under Alternative 1, the proposed 2040 General Plan would not include an increase in density ranges outside of Opportunity Areas, but would include a modest increase inside designated Opportunity Areas. Outside of Opportunity Areas, densities would remain within a range of four to 18 dwelling units per acre. Inside Opportunity Areas, density ranges would increase to 10 to 18 dwelling units per acre. Overall development and growth would be reduced compared to the 2040 General Plan. Alternative 1 would result in approximately 1,245,000 total daily VMT and a total VMT per service population of 22.65.

Alternative 1, Low Growth, would result in fewer impacts in comparison to the 2040 General Plan. Under this alternative there would be no increase in density ranges outside Opportunity Areas and modest increases inside Opportunity Areas. Overall, Alternative 1 performs similar to the 2040 General Plan in a majority of the resource areas. However, this alternative performs better than the 2040 General Plan in the following key areas:

- Air Quality
- Greenhouse Gases

Alternative 2: Medium Growth

Alternative 2 is a medium growth alternative. Under Alternative 2, the proposed 2040 General Plan would result in a modest increase in density ranges outside of Opportunity Areas but would include additional increases inside designated Opportunity Areas. Outside of Opportunity Areas, densities would increase to be within a range of 10 to 26 dwelling units per acre. Inside Opportunity Areas, density ranges would increase to 14 to 26 dwelling units per acre. Overall development and growth would be reduced compared to the 2040 General Plan. Alternative 2 would result in approximately 1,259,000 total daily VMT and a total VMT per service population of 22.205.

Alternative 2, Medium Growth would result in fewer impacts compared to the 2040 General Plan for many of the environmental resource impact areas. Under this alternative there would be modest increases in density ranges outside Opportunity Areas and additional increases inside Opportunity Areas. Overall, Alternative 2 performs better than the 2040 General Plan, in the following key areas:

- Air Quality
- Energy
- Greenhouse Gases
- Hydrology and Water Quality
- Population and Housing
- Public Services

Alternative 3: High Growth

Alternative 3 is a high-growth alternative that includes increased density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Typical densities are assumed to vary from 10 to 36 du/ac outside Opportunity Areas and 16 to 36 du/ac inside Opportunity Areas. Intensity varies from 0.75 FAR in LDR to 1.5 FAR in HDR and MU. When compared to Alternative 1, Alternative 3 would result in a three percent (600 to 750) increase in peak hour vehicle trips. Alternative 3 would generate the most traffic, primarily due to the addition of 3,170 new housing units. However, from a VMT efficiency perspective, Alternative 3 performs the best with an estimated 21.48 VMT per service population as compared with an estimated 22.65 VMT per service population in Alternative 1. While all four land use alternatives are actually very similar to one another, Alternative 3 would have the highest potential for internal trip making to occur and would see the highest shifts to non-vehicle transportation modes, like walking, biking, or taking transit.

Alternative 3, High Growth, would generally result in similar impacts to the proposed 2040 General Plan for several issue areas impacts. This alternative would involve substantially denser growth and development overall, and therefore less impacts to resources such as GHG and traffic. This alternative performs similarly to the 2040 General Plan in most of the resource areas. However, Alternative 3 performs better than the 2040 General Plan, in the following key areas:

- Greenhouse Gases
- Energy
- Population and Housing

Alternative 4: No Project

Section 15126.6(e) of the *CEQA Guidelines* requires a specific alternative of “no project” be evaluated in an EIR in order to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project. *CEQA Guidelines* Section 15126.6(e)(3) describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is not a land use/regulatory plan, such as a specific development on an identifiable property, the no project alternative is the circumstance under which that project is not processed (i.e., no development occurs). Alternative 4 represents the former alternative type of no project and assumes the continued implementation of the current 2020 General Plan.

Alternative 4 is comprised of a land use pattern that reflects the land use identified in the existing 2020 General Plan. Under this alternative, the proposed 2040 General Plan would not be adopted and the existing General Plan, including the land use map and all of the General Plan goals and policies, would remain in place through the horizon year of 2040. Thus, any new development in Los Gatos would occur consistent with the existing land use designations and the allowed uses within each designation. Similarly, any new infrastructure in Los Gatos would occur as envisioned in the 2020 General Plan. Development under this alternative is anticipated to be less intensive and result in greater low-density residential development within the Town limits than under the 2040 General Plan. However, because this alternative would not include the higher density, higher height limits, and higher Floor Area Ratios (FAR) overall development and anticipated growth would be reduced compared to the 2040 General Plan. Overall, growth would be similar to that anticipated under the 2020 General Plan with approximately 13,730 dwelling units and a population of approximately 32,600 in the year 2040 (Town of Los Gatos, General Plan EIR 2020). This would be a reduction in overall development and growth compared to the 2040

General Plan which anticipates the addition of approximately 3,738 dwelling units, for a total population of approximately 39,221 and a total of 17,468 dwelling units in 2040.

Alternative 4, No Project Alternative, would not be considered environmentally superior overall because while it would involve less development and growth, it would result in a more dispersed ground disturbance than the 2040 General Plan. Further, this alternative does not place an emphasis on mixed-use and smart growth planning principles and the majority of growth and development under this alternative would occur outside of Opportunity Areas, resulting in less compact development. Although Alternative 4 would entail continued growth as dictated by the existing General Plan, new policies included in the 2040 General Plan, such as those in the Community Development Element, would not be adopted. Additionally, under Alternative 4, transportation improvements and GHG reduction strategies as part of the 2040 General Plan would not be implemented. Thus, daily VMT is anticipated to be greater under this alternative. Consequently, air contaminant and GHG emissions impacts and traffic impacts would be greater than for the proposed 2040 General Plan. Overall, Alternative 4 performs very similar to the 2040 General Plan and improves only in the following area:

- Aesthetics

Facts in Support of Finding

Alternative 1 and 3 perform slightly better than the 2040 General Plan in several impact areas. However, Alternative 2 was found to be superior to the 2040 General Plan in a reduction of impacts including air quality, energy, greenhouse gas emissions, hydrology and water quality, population and housing, and public services. Nevertheless, Alternative 2 would not fully meet the objectives/guiding principles of the 2040 General Plan. This alternative would not be as effective in achieving some of the land use goals and objectives of the 2040 General Plan because it would not contribute substantially to a pattern of compact future development or allow for the 2,000 new dwelling unit target of Town Council. The slower growth model is less consistent with the goals and vision of the 2040 General Plan that promote the development of a smart growth model that favors a mix of land uses and encourages active living through the development of mixed-use and connected neighborhoods.

For these reasons, none of the alternatives are more desirable than the 2040 General Plan in terms of meeting the Town's guiding principles and objectives for the project, as outlined above under the Chapter 2, *Project Description*, of the Draft EIR. For this reason and because none of the proposed alternatives would completely avoid the project's significant impacts, none of the proposed alternatives are considered feasible.

6 Statement of Overriding Considerations

Where there are significant and unavoidable impacts from a project, pursuant to Section 15093 of the California Code of Regulations, the Town of Los Gatos must "balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project." The record of those considerations shall include a written statement of overriding considerations that is supported by substantial evidence within the administrative record. A finding consistent with Section 15091(a)(3), that specific economic, legal, social, technological, or other

consideration, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance.

The Town finds and determines that, as proposed, the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of mitigation measures recommended in these findings. However, the Town further finds that a cumulative impact to greenhouse gas emissions as well as impacts to transit and VMT, from the project that is significant and unavoidable even with the implementation of mitigation (Section 4.8, *Greenhouse Gas Emissions*, and Section 4.15, *Transportation*, of the Draft EIR). Collectively, reasonably foreseeable future development and growth in the Town of Los Gatos would generate greenhouse gas emissions and VMT, and affect transit ridership and operations beyond the capacity of the Town of Los Gatos. The proposed project would contribute to total greenhouse gas emissions, transit use and operation, and total VMT within the service area. The Town further finds that there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level these environmental effects.

After due consideration, and in light of the environmental, social, economic, and other considerations identified in the findings, General Plan 2040, and the record as a whole related to this project, the Town chooses to approve the project because, in its independent judgement, the benefits to the project as outlined below substantially outweigh the project's significant and unavoidable adverse environmental impacts.

Benefits of the Project: The Town finds that the project, as approved, will have the following economic, social, technological, and environmental benefits:

- The 2040 General Plan updates outdated policies in a manner that meets current legal requirements for General Plans.
- The 2040 General Plan provides a more user-friendly document that will make use of the General Plan easier for decision makers, staff, and the public.
- The 2040 General Plan reflects current community goals and preferences as identified during the public outreach process.
- The project would emphasize infill and reuse development within the Town limits with a focus on increasing opportunities for housing development in key areas of the Town through increased density and mixed-use projects where appropriate.
- The project would provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.
- The project would protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.
- The project would manage, conserve, and preserve Los Gatos' natural environment for present and future generations and promotes sustainable uses of its resources.
- The project would recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.
- The project would invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors.
- The project would provide high quality municipal services to the Los Gatos community while sustaining the Town's long term fiscal health.

- The project would place a greater emphasis on reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance.
- The project meets the objectives of the State of California in promoting affordable housing.
- The project sets forth the values and objectives of the Town in providing a sense of community and inclusiveness of all residents while protecting the existing community assets and uniqueness that sets Los Gatos apart from other municipalities.

In order to achieve these objectives, the 2040 General Plan focuses on improving how residents get around, meeting community needs with available services, providing a greater sense of identity, adding housing options by promoting higher-density development and infill, and preserving established residential neighborhoods. For most of the Town, the 2040 General Plan preserves the existing pattern of uses and establishes policies for protection and long-term maintenance of established neighborhoods. Generally, new development in accordance with the 2040 General Plan would result in re-use of properties, conversion of properties to different uses in response to market demand, and more intense use of land in defined areas.

With limited opportunities for new development in Los Gatos, the 2040 General Plan emphasizes infill and reuse development within the Town limits, encourages higher-density and mixed-use projects where appropriate, and supports development that compliments the existing natural and built environment. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that minimizes the impact of development on existing infrastructure and services.

Findings:

For each and all of these reasons, the Town of Los Gatos finds that the benefits of the project outweigh the significant and unavoidable environmental effect related to greenhouse gas emissions, transit, and VMT. Therefore, the adverse significant and unavoidable effect is considered to be acceptable by the Town of Los Gatos Town Council, which is the decision-making body for the project, given the importance of this project to the Town of Los Gatos.

7 Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) and Section 15091(e) of the California Code of Regulation requires that the Town of Los Gatos, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

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

The Town of Los Gatos has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.