

Negative Declaration

16212 Los Gatos Boulevard Commercial

May 2019



ATTACHMENT - 1 PART 1



Prepared by
EMC Planning Group

NEGATIVE DECLARATION

**16212 LOS GATOS BOULEVARD
COMMERCIAL**

PREPARED FOR

Town of Los Gatos

Community Development Department

Ryan Safty, Associate Planner

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110 E Main Street

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PREPARED BY

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May 15, 2019

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PROPOSED NEGATIVE DECLARATION
In Compliance with the
California Environmental Quality Act (CEQA)

Project Name	16212 Los Gatos Boulevard Commercial
Lead Agency	Town of Los Gatos
Project Proponent	Scott Plautz
Project Location	16212 Los Gatos Boulevard, Los Gatos
Project Description	<p>The proposed project includes the construction of an 11,317 square-foot commercial building with 7,047 square feet on the ground floor, which would be occupied by retail uses, and 4,270 square feet on the second floor, which would be occupied by office uses. The existing 2,312 square-foot commercial building would be remodeled and remain in place.</p>
Public Review Period	May 17, 2019 - June 6, 2019
Written Comments To	Ryan Safty, Associate Planner
Proposed Findings	<p>The Town of Los Gatos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.</p> <p>The initial study indicates that the proposed project does not have the potential to result in significant adverse environmental impacts. There is no substantial evidence, in light of the whole record before the lead agency, the Town of Los Gatos, that the project may have a significant effect on the environment.</p>

INITIAL STUDY

**16212 LOS GATOS BOULEVARD
COMMERCIAL**

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Town of Los Gatos

Community Development Department

Ryan Safty, Associate Planner

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TABLE OF CONTENTS

A.	BACKGROUND	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED	13
C.	DETERMINATION	14
D.	EVALUATION OF ENVIRONMENTAL IMPACTS	15
1.	Aesthetics	17
2.	Agriculture and Forest Resources	19
3.	Air Quality	21
4.	Biological Resources	24
5.	Cultural Resources	28
6.	Energy	30
7.	Geology and Soils	31
8.	Greenhouse Gas Emissions	34
9.	Hazards and Hazardous Materials	36
10.	Hydrology and Water Quality	40
11.	Land Use and Planning	44
12.	Mineral Resources	45
13.	Noise	46
14.	Population and Housing	49
15.	Public Services	50
16.	Recreation	51
17.	Transportation/Traffic	52
18.	Tribal Cultural Resources	56
19.	Utilities and Service Systems	57
20.	Mandatory Findings of Significance	60
E.	SOURCES	61

Appendices (on CD Inside Back Cover)

Appendix A Proposed Development Plans
Appendix B Design Review Letter
Appendix C Arborist Report
Appendix D Geologic and Geotechnical Investigation and Peer Review
Appendix E Traffic Analysis

Figures

Figure 1 Location Map5
Figure 2 Aerial Photograph7
Figure 3 Site Photographs9
Figure 4 Site Plan..... 11

Tables

Table 1 Hazardous Materials in Project Vicinity38

A. BACKGROUND

Project Title	16212 Los Gatos Boulevard Commercial
Lead Agency Contact Person and Phone Number	Town of Los Gatos Community Development Dept. Ryan Safty, Associate Planner 408-354-6874
Date Prepared	May 15, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Rachel Hawkins, Associate Planner
Project Location	16212 Los Gatos Boulevard Town of Los Gatos, Santa Clara County
Project Sponsor Name and Address	Scott Plautz Stem Sustainable Development dba 16212 Los Gatos Boulevard, LLC. 17066 Melody Lane, Los Gatos CA 95033
General Plan Designation	Mixed Use Commercial
Zoning	Restricted Commercial Highway

Project Site Location

The 0.94-acre project site is located at 16212 Los Gatos Boulevard on the northeast corner of Los Gatos Boulevard and Shannon Road in the town of Los Gatos. The project site is bound by Los Gatos Boulevard to the west, Shannon Road to the south, residential uses to the east, and commercial development to the north.

Figure 1, [Location Map](#), illustrates the location of the project site in local and regional context. Figure 2, [Aerial Photograph](#), is an aerial photograph of the project site and project site boundaries.

Existing Project Site Conditions

The project site includes two parcels (Assessor's Parcels 523-06-010 and 523-06-011). The topography of the site is generally flat. The site contains a single-story commercial building and a

large parking lot, with small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs, and turf grass. [Figure 3, Site Photographs](#), includes representative photographs of the project site.

The project site is designated in the *Town of Los Gatos 2020 General Plan* (general plan) as Mixed Use Commercial and has a zoning classification of Restricted Commercial Highway (CH).

Project Vicinity Existing Conditions

Like the project site, the other three corners of the intersection of Los Gatos Boulevard and Shannon Road/Roberts Road are also designated Mixed Use Commercial in the general plan. Land to the east and north of the project site is designated Office Professional, Medium Density Residential, and Low Density Residential. Like the project site, parcels at the corner of the intersection and located across Los Gatos Boulevard are zoned Restricted Commercial Highway (CH). The remaining corner, south of Shannon Road across from the project site, is zoned Neighborhood Commercial (C-1). Adjacent parcels to the north of the project site are zoned Office (O) and Single-Family Residential (R-1), and parcels to the east are zoned Single-Family Residential (R-1).

A small office building and a single-family home are located immediately adjacent to the northern boundary of the project site. Single-family residences are located to the east of the project site. A small shopping center and single-family house are located to the south of the project site across Shannon Road. The recently constructed Laurel Mews housing development (on the site of the former Honda new car dealership) and a remaining car dealership are located across Los Gatos Boulevard to the west.

Background

A residential subdivision was previously proposed for the project site which included the construction of 11 single-family homes. Many of the technical reports were prepared based on this iteration of the project and some of the information contained therein remains applicable and useful to the initial study analysis of the current commercial proposal.

Description of Project

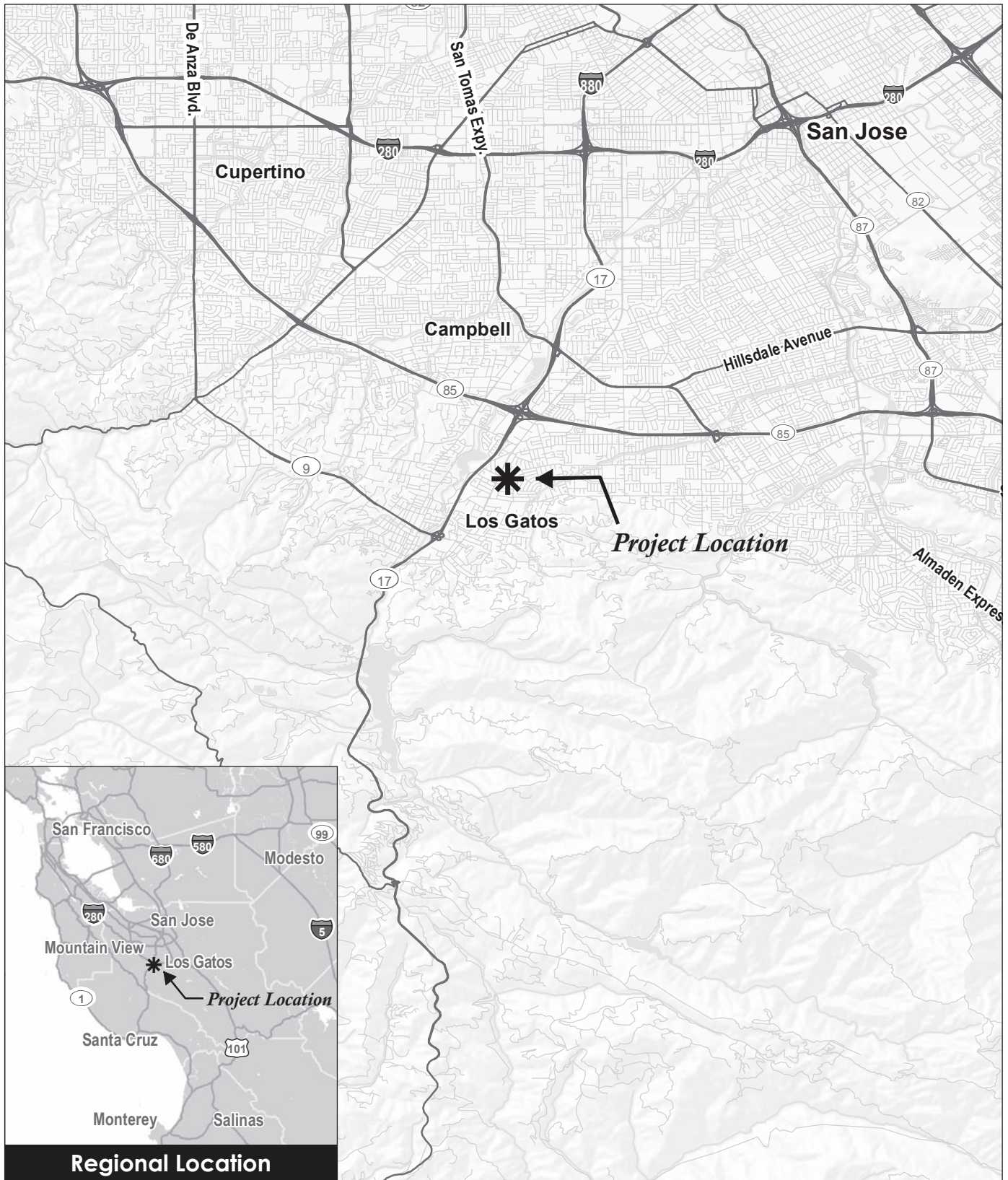
The proposed project includes the construction of an 11,317 square-foot commercial building with 7,047 square feet on the ground floor, which would be occupied by retail uses, and 4,270 square feet on the second floor, which would be occupied by office uses. The existing 2,312

square-foot commercial building would be remodeled and remain in place. The proposed site plan is shown in [Figure 4](#), Site Plan. The proposed development plans are included as [Appendix A](#). The proposed project would include on-site storm water bioretention basins including a landscaped bioswale area. It is anticipated that approximately 23 new employees will be employed on site (two employees per 1000 square feet).

Other Public Agencies Whose Approval may be Required

None.

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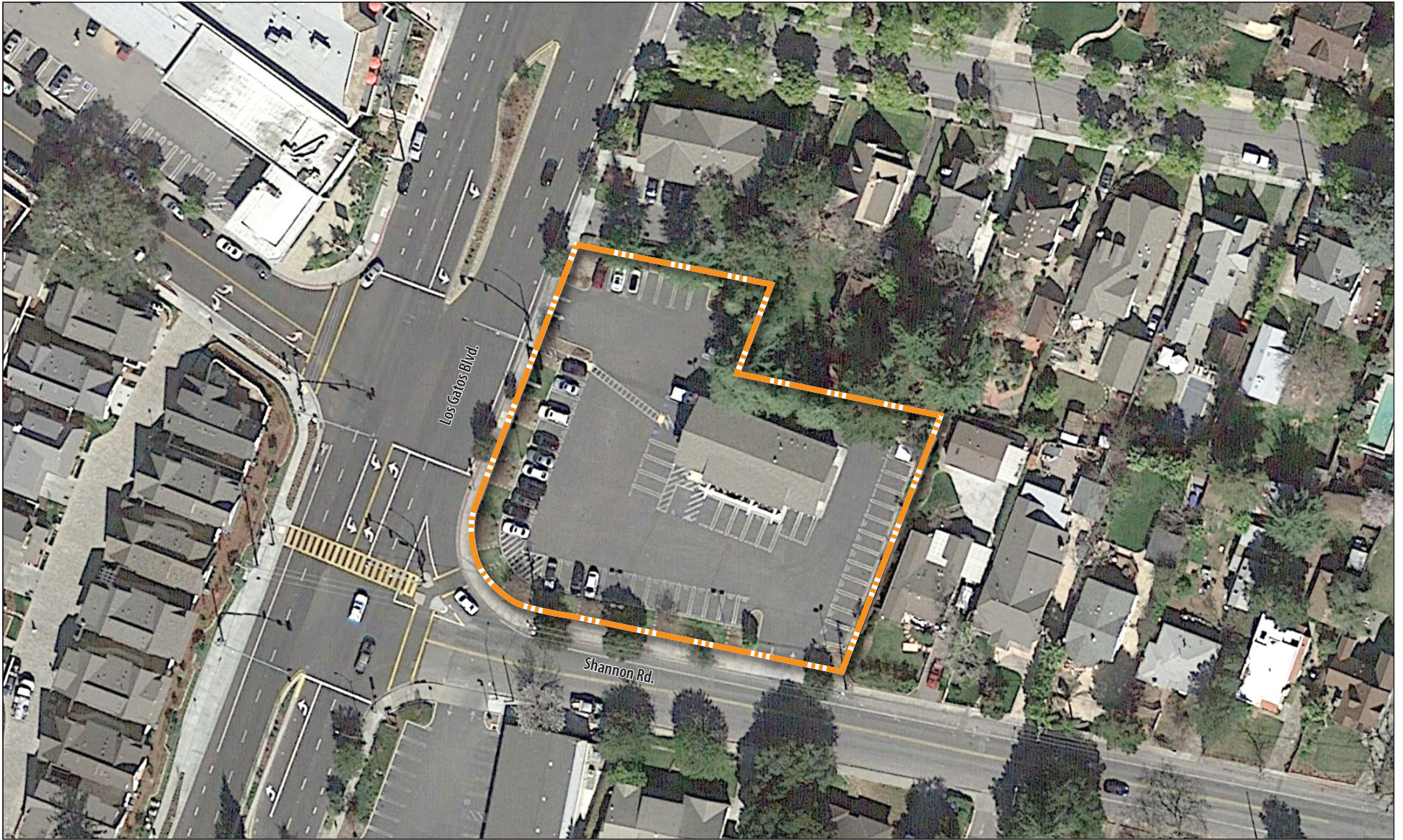


Source: ESRI 2009

Figure 1
 Location Map



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0 90 feet



Project Boundary

Source: Google Earth 2014, Studio S Squared 2014



Figure 2
Aerial Photograph

16212 Los Gatos Boulevard Commercial Initial Study

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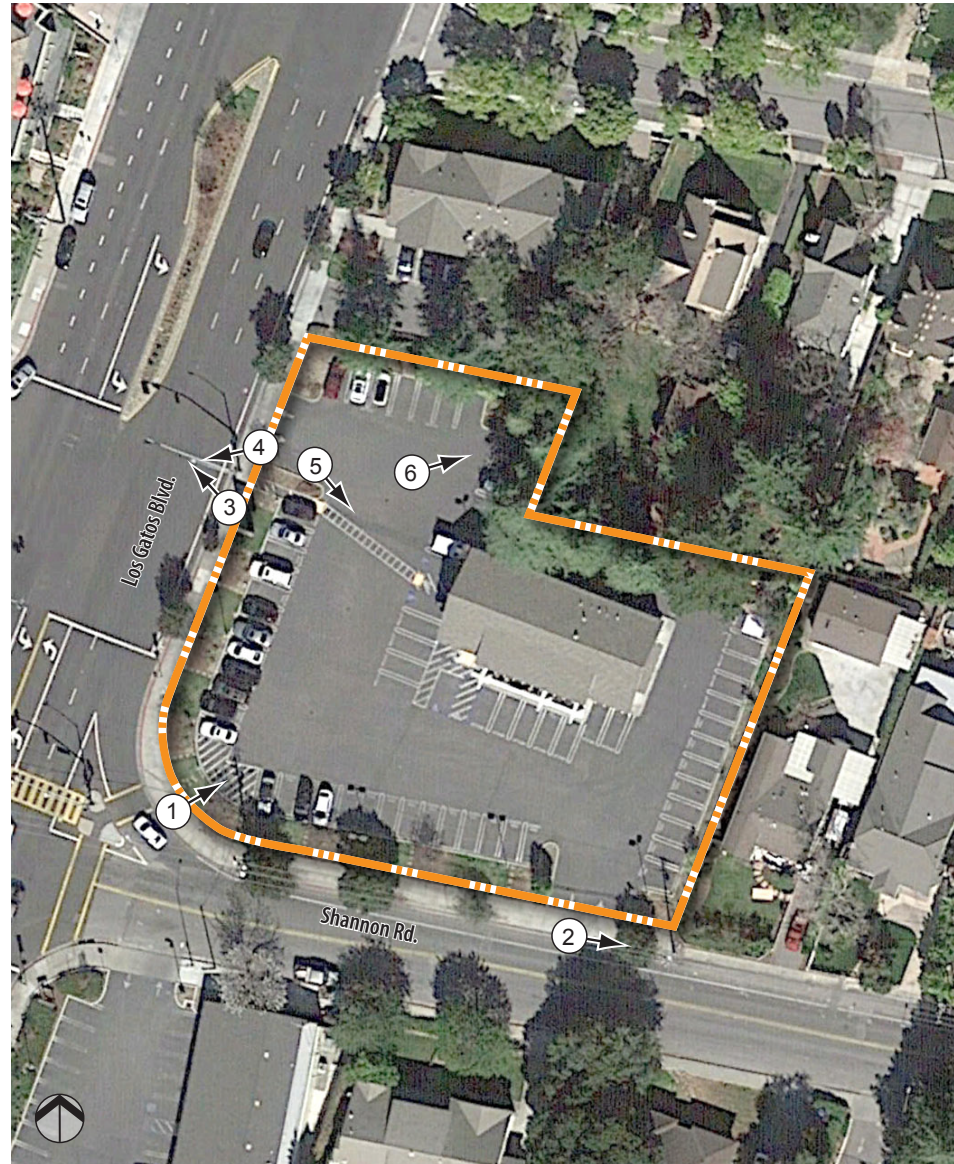
① View of project site and adjacent residential property, looking northeast from Shannon Rd.



② View east along Shannon Rd.



③ View of Roberts Rd./Los Gatos Blvd. intersection, looking northwest from project site driveway



 Project Boundary



④ View looking southwest from project site driveway on Los Gatos Blvd.



⑤ View looking southeast across project site from driveway on Los Gatos Blvd.



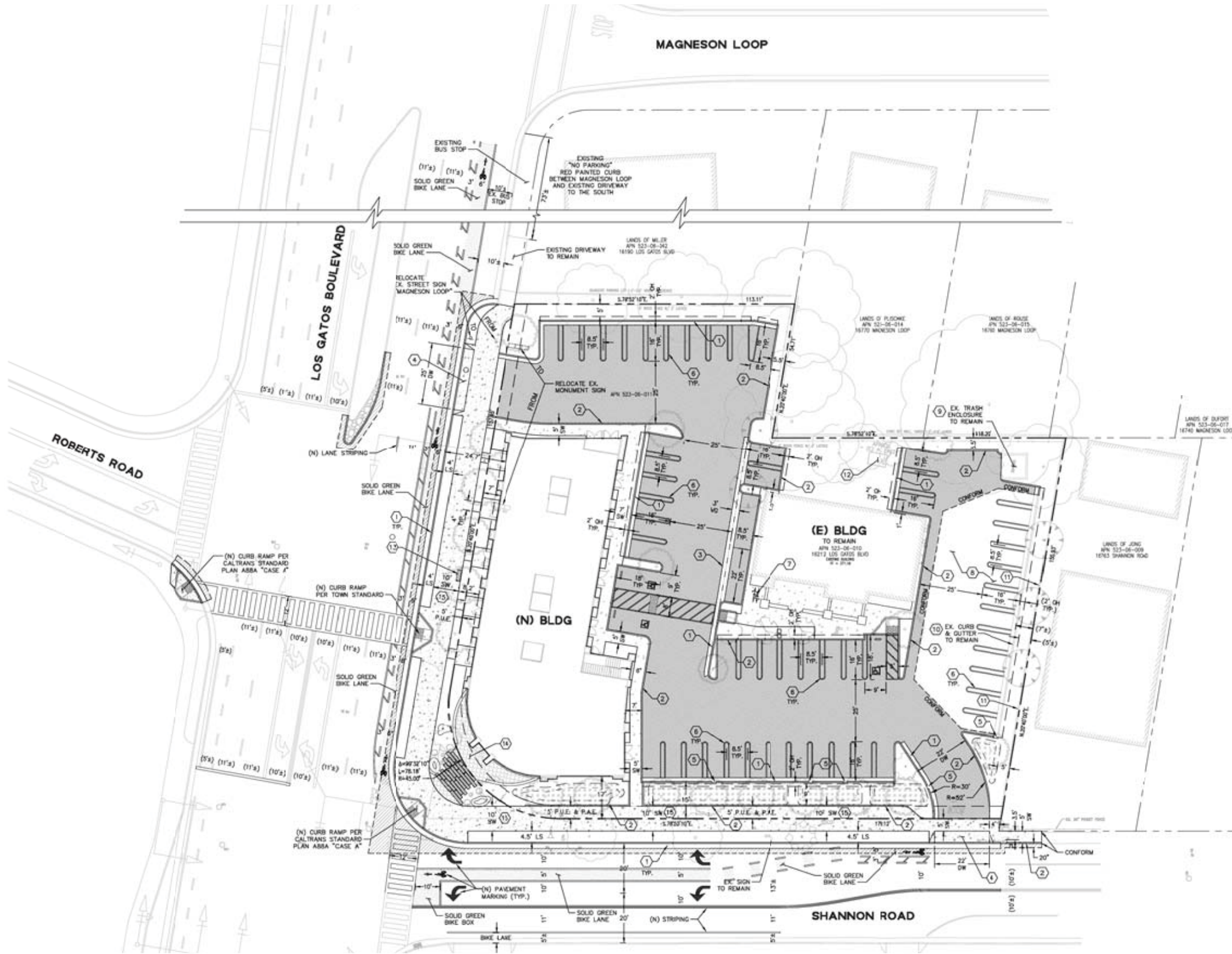
⑥ View of landscaping on project site and trees on adjacent properties

Source: Google Earth 2014



Figure 3
Site Photographs

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ABBREVIATIONS

- BC = BACK TOP OF CURB
- BCV = BACK CHECK VALVE
- BW = FINISHED GRADE AT BOTTOM OF WALL
- CB = CATCH BASIN
- CL = CENTER LINE
- EG = EXISTING GRADE
- (EX), EX = EXISTING
- FC = FACE OF CURB
- FF = FINISHED FLOOR
- FG = FINISHED GRADE
- FL = FLOW LINE ELEVATION
- GB = GRADE BREAK
- GF = GARAGE FLOOR
- HP = HIGH POINT
- LS = LANDSCAPE
- (N) = NEW
- OFD = OVERFLOW DRAIN
- PL = PROPERTY LINE
- P.A.E. = PUBLIC ACCESS EASEMENT
- P.U.E. = PUBLIC UTILITY EASEMENT
- R = RADIUS
- RM = RIM OF GRATE ELEVATION
- SD = STORM DRAIN
- SDAD = STORM DRAIN AREA DRAIN
- SDJB = STORM DRAIN JUNCTION BOX
- SSMH = SANITARY SEWER MANHOLE
- SLP = SEE LANDSCAPE PLANS
- SSCO = SANITARY SEWER CLEANOUT
- SW = SIDEWALK
- Typ = TYPICAL
- TC = TOP OF CURB
- TW = TOP OF WALL

LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- SAWCUT LINE
- VEHICULAR OVERHANG
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- CONCRETE VALLEY GUTTER
- ASPHALT CONCRETE (AC)
- CONCRETE SIDEWALK
- CONCRETE DRIVEWAY
- PUBLIC AC - DEEPLFT
- PROPERTY LINE
- SOLID GREEN BIKE LANE
- DRIVEWAY PER TOWN OF LOS GATOS STDS.
- ADA CURB RAMP

KEY NOTES

- 1 CONCRETE VERTICAL CURB AND GUTTER, SEE TOWN STD PLAN NO. 210
- 2 CONCRETE VERTICAL CURB, SEE TOWN STD PLAN NO. 211
- 3 CONCRETE VALLEY GUTTER, SEE TOWN STD PLAN NO. 212
- 4 CONCRETE DRIVEWAY, SEE TOWN STD PLAN NO. 218
- 5 18" CURB OPENING, SEE DETAIL THIS SHEET
- 6 PARKING STRIPING, SEE TOWN STD PLAN NO. 264
- 7 BIKE RACK, SEE LANDSCAPE PLANS SHEET L1.2
- 8 EXISTING AC PAVEMENT TO REMAIN
- 9 EXISTING TRASH ENCLOSURE TO REMAIN
- 10 EXISTING CURB AND GUTTER TO REMAIN
- 11 EXISTING CMU WALL TO REMAIN
- 12 EXISTING AC UNIT TO REMAIN, VERIFY IN FIELD
- 13 BENCH, SEE LANDSCAPE PLANS SHEETS L1.1 & L1.2
- 14 PATIO AREA WITH 18" SEAT WALL, SEE ARCHITECTURAL AND LANDSCAPE PLANS
- 15 CONCRETE SIDEWALK, SEE TOWN STD PLAN NO. 216



Source: Studio S Squared Architecture 2019

Figure 4
Site Plan
16212 Los Gatos Boulevard Commercial Initial Study

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that has the potential to create a significant impact.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | | |

C. DETERMINATION

On the basis of this initial evaluation:

- ✓ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- ☐ I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Sally Zarnowitz,
Planning Manager



Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

I. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Measures Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1, 2, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (4, 5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The general plan identifies views of the Santa Cruz Mountains and ridgelines as scenic vistas. The Town retained Cannon Design Group to evaluate the project's architectural design and site plan. The design review letter is included in [Appendix B](#). The Town architect determined that the second floor at the south end of the building would significantly obstruct views of the Santa Cruz Mountains from Los Gatos Boulevard. Consistent with the recommendations from the Town architect, the plans were revised to set the second floor back at the south end of the building to reduce the interruption of views toward the Santa Cruz Mountains. Refer to [Appendix A](#) for the full set of revised plans. The proposed project, as revised, would not have a significant impact on scenic vistas.
- b. The only officially-designated state scenic highway in the region is State Route 9, which is approximately 0.60 miles south of the project site. State Route 17, from State Route 9 south to State Route 1 is eligible for scenic highway designation, but is not officially-designated. The project site is not visible from either of these state highways. Therefore, the proposed project would not damage scenic resources within a state scenic highway.
- c. The project site is relatively flat and fronts Los Gatos Boulevard and Shannon Road. Existing views of the project site consist of the single-story commercial building and parking lot that nearly cover the rest of the site excluding small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs,

and turf grass. The proposed project would alter the existing character of the project site, by adding a larger two story commercial building. The project site is bordered on the north by office and residential uses, on the west by Los Gatos Boulevard, on the south by Shannon Road, and on the east by residential land uses. According to the general plan EIR, development anticipated under the general plan would be generally consistent with the existing visual character of Los Gatos' primarily built-out landscape. The project site was identified for mixed use development, and therefore, development of an office building on-site was determined to be generally consistent with the existing visual character. Additionally, the general plan contains numerous policies to promote high quality, compatible design and ensure the preservation of existing aesthetic character. Impacts would be less than significant.

- d. Existing nighttime lighting at the project site includes lighting on the exterior of the existing commercial building, projected light from the interior through the large glass doors and windows in the building, and lighting standards in the parking lot. In addition, there is an overhead light attached to the traffic signal standard located near the existing site entrance on Los Gatos Boulevard which projects scattered light in that vicinity.

The proposed project would introduce nighttime lighting consistent with a commercial use and nighttime safety lighting. General Plan Policy CD-3.2 requires that lighting for new development be designed to minimize glare, light spill onto neighboring properties, and light pollution of the night sky, and Town Code Section 29.10.09035 prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary). Compliance with these standards would ensure that project-related light and glare impacts would be less than significant and that the proposed project would not result in a cumulatively considerable contribution to light and glare.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Measures Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (5, 6 ,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (5, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a-e. The project site is identified as “Urban and Built up Land” on the California Department of Conservation’s *Santa Clara County 2014 Important Farmlands Map* (2016). There are no Williamson Act parcels on or in the vicinity of the project site. There is no forest or agricultural land in the vicinity of the project site and the proposed project would not conflict with the provisions of the Williamson Act or agricultural zoning. No impacts to agricultural, forest land, or lands zoned for commercial timber, would occur as a result of the project. No further analysis is required.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Measures Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (4,10,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (4,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (4,5,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (4,5,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The Town of Los Gatos, including the project site, is located in the San Francisco Bay Area Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Bay Area Air Quality Management District (hereinafter “air district”). Regional air districts must prepare air quality plans specifying how state air quality standards would be met. The air district’s most recent adopted plan is the Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate (hereinafter “2017 CAP”). The air district 2017 CEQA Air Quality Guidelines (hereinafter “CEQA Guidelines”) specify 2017 CAP consistency methods for plan level evaluation only. Guidance for project-level analysis focuses on attainment of criteria air pollutant emissions thresholds and health risk standards. Development projects, such as the proposed project, are considered to be consistent with the 2017 CAP if emissions are within the thresholds presented in the air district 2017 CEQA Guidelines.

The proposed project is below the air district's screening size for operational and construction criteria air pollutant emissions (see "b" below). Therefore, the proposed project would not conflict with or obstruct implementation of the air quality plan.

- b/c. The air district is responsible for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. Air pollutants of concern in the air basin are ozone, particulate matter (PM₁₀ and PM_{2.5}), and toxic air contaminants. The air district 2017 CEQA Guidelines provide comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans.

The air district 2017 CEQA Guidelines, Table 3-1 Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes, identifies land uses by size that are typically not expected to result in criteria pollutant emissions that would exceed the air district's thresholds. Table 3-1 provides an indication of when a project's construction and operational emissions should be quantified based on identified size criteria.

Operational Emissions. The operational criteria pollutant screening threshold for a retail commercial building is 99,000 square feet, and the screening threshold for a general office building is 346,000 square feet. The proposed project includes 13,629 square feet of retail commercial/office buildings (11,317 square foot new retail commercial/office building plus 2,400 square foot existing retail commercial building). The proposed project is below the screening thresholds and therefore, operation of the proposed project would result in criteria air pollutant emissions that are below the air district's significance thresholds and the impact would be less than significant.

Construction Emissions. Table 3-1 also contains screening criteria for construction impacts of new development projects. For both a commercial retail building, and a general office building, construction emissions impacts are less than significant for projects of 277,000 square feet or less. The proposed project includes construction of 11,317 square feet of commercial buildings. Therefore, the proposed project would be below the screening criteria and would result in a less-than-significant impact from construction emissions.

However, dust generated during project construction could affect the adjacent and nearby sensitive receptors, resulting in a potentially significant impact. Additionally, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. Implementation of the Town's conditions of approval for construction dust would reduce the proposed project's construction-related contribution to local and regional air quality to less than significant.

- d. Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. The nearest sensitive receptors to the project site are the adjacent residences to the north and east.

Operation of the proposed project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses that include sensitive receptors. The short-term air quality effects related to dust emissions during project construction would be avoided with implementation of the Town's conditions of approval.

- e. The proposed project would not result in any objectionable odors during the operational phase. During project construction, there may be nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature. Therefore, temporary impacts from nuisance diesel odors on adjacent residential receptors would be less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Measures Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (5, 6, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 3, 5, 6, 14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

The project site is included on the U.S. Geological Survey (USGS) Los Gatos quadrangle map. Elevation on the generally flat site is about 370 feet. The project site is surrounded in all directions by urban development. It contains a developed structure and parking lot, with small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs, and turf grass. No natural plant communities/wildlife habitats are present on the site.

- a. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring. They typically occur in relatively undisturbed areas and are largely found within unique natural habitats. No special-status species are expected to occur on the project site due to the lack of suitable habitats.

However, common urban-tolerant native bird species may nest in ornamental trees on and adjacent to the project site. Future construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of active nests. This would be a significant impact. Implementation of the Town's conditions of approval regarding biological resources would prevent significant impacts from occurring.

- b. Sensitive natural communities are defined by local, state, or federal regulatory agencies as habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high native biological diversity. No sensitive natural communities or riparian habitats occur on the project site. Therefore, no impacts to sensitive natural communities would occur.
- c. As confirmed through the site visit and review of the U.S. Fish and Wildlife Service *National Wetlands Inventory*, the project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.
- d. In general, wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. Wildlife movement includes migration (i.e., usually movement one

way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.

- e. The following *Town of Los Gatos General Plan – Community Design (CD) Element* policies are applicable to the proposed project:

Policy CD-4.2 Maintain street trees, plant additional street trees, and encourage preservation and planting of trees on public and private property.

Policy CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage and specimen trees should be preserved and protected as a part of any development proposal.

The following *Town of Los Gatos Municipal Code - Tree Protection Ordinance* is also applicable to the proposed project.

Sec. 29.10.0960. Scope of protected trees [abridged].

The trees protected by this division include:

(3) All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.

(7) All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on developed commercial, office, or industrial property.

Sec. 29.10.0990. Standards of review [abridged].

Each application for a tree removal permit required by this division shall be reviewed using the following criteria:

(5) In connection with a proposed subdivision of land into two (2) or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.). The tree removed shall be replaced in accordance with the standards in section 29.10.0985

of this Code. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this Code.

(6) The retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent. In such a case, the removal shall be conditioned upon replacement in accordance with the standards in section 29.10.0985 of this Code.

According to the Arborist Report prepared by Walter Levison, included as [Appendix C](#), there are 21 trees on the project site, including six street trees within the adjacent street rights-of-way, that are protected by the Town's *Tree Protection Ordinance*. There are several large trees located on neighboring properties with canopies that overhang the site. All of the trees on the project site are non-native ornamental trees planted for landscaping, except for one small native coast live oak (*Quercus agrifolia*) with a four-inch trunk diameter, measuring 14 feet high by eight feet wide. The arborist report provides suggestions for reducing construction impacts to any retained trees on and adjacent to the site when possible and practical, including the Town's general tree protection directions.

Based on the project plans, 12 of the trees on the project site are proposed for removal and four are to be transplanted due to construction of the proposed project.

The proposed project would result in the removal of trees protected by the Town's *Tree Protection Ordinance*. Except for one small coast live oak, the trees are non-native; these ornamental urban trees provide very low quality wildlife habitat. Therefore, though the tree removals and proposed landscape plans will require approval by the Town, the tree removals would result in a less than significant impact to biological resources with compliance with the *Town's Tree Protection Ordinance*.

- f. **Habitat Conservation Plans:** The project site is not located within the Santa Clara Valley Habitat Plan permit area. The project will not conflict with any adopted habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Measures Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (4, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries? (4, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The existing commercial building on the site is not included in the Town's list of historic resources as identified in the general plan EIR, and therefore, is presumed not to be historically significant. No significant impacts to historic resources would result from renovation of the existing building or new construction associated with the proposed project.
- b. The majority of the project site is covered with buildings or pavement which makes an archaeological pedestrian survey non-productive. An archaeological literature review was undertaken during preparation of the initial study for the adjacent Laurel Mews residential project (located at 16213 Los Gatos Boulevard). The literature review utilized the Northwest Information Center (NWIC) located at Sonoma State University (file no. 10-0601) to obtain information about recorded historic and prehistoric archaeological sites in and around the Laurel Mews project site, and information about previous archaeological field studies of the project area and its surroundings. As indicated in the initial study prepared for the Laurel Mews residential project, the review of NWIC records indicated that there has been no previous archaeological field inspection of the project area, and that there are no recorded historic or prehistoric sites within 500 feet of the Laurel Mews site, which includes the project site. The nearest cultural resource