

DRAFT
CEQA FINDINGS OF FACT

for

*110 Wood Road – Los Gatos Meadows Senior
Living Community*

Planned Development Application PD-20-001

SCH # 2021020007



Town Council
Town of Los Gatos

October 2021

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I. INTRODUCTION

The Draft EIR prepared for the 110 Wood Road - Los Gatos Meadows Senior Living Community Project (also referred to as the Project or proposed Project) identified several potentially significant environmental effects that the proposed project may cause. All of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Pursuant to Title 14, California Code of Regulations, Section 15090, the Town Council of Los Gatos (Council) hereby certifies that the Final Environmental Impact Report (Final EIR) for the 110 Wood Road - Los Gatos Meadows Senior Living Community project (proposed Project) has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA), that the Final EIR was presented to the Council, and that the Council has reviewed and considered the information contained in the Final EIR prior to approving the proposed Project, as set forth below. As part of this certification, the Council hereby finds that the Final EIR reflects the independent judgment and analysis of the Council and approves the Final EIR.

II. ENVIRONMENTAL REVIEW PROCESS

CEQA (PRC Section 21000 et seq.) requires state and local government agencies to consider the environmental consequences of projects for which they have discretionary authority. This document, which has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.), sets forth the findings of the Town of Los Gatos (Town), the lead agency under CEQA, regarding the 110 Wood Road – Los Gatos Meadows Senior Living Community project.

The primary source for this document is the Final Environmental Impact Report (Final EIR; SCH #2021020007) for the proposed Project, and the documents that have been incorporated into the Final EIR directly or by reference. Full descriptions of the proposed Project, associated environmental impacts, mitigation measures, Project alternatives, a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project, and other features required under CEQA are contained in the Final EIR itself.

To determine the scope of the EIR, the Town prepared a Notice of Preparation. On February 4, 2021, the Notice of Preparation (NOP) for the proposed Project were distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse. This began the 30-day public review period, which ended on March 8, 2021. These comments were considered during the preparation of the Draft EIR (see below) and are included in their entirety in Appendix A to that document.

The Draft EIR, with an accompanying Notice of Completion (NOC), was circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period, extending from May 28, 2021 through July 12, 2021. On June 23, 2021, the Town of Los Gatos Planning Commission held a public hearing to receive oral comment on the Draft EIR.

Comments on the Draft EIR, a list of commenters, and the Town's responses to comments are contained in the Final EIR, dated August 2021. Pursuant to CEQA Guidelines §15088(b), the Final EIR was made available for review by trustee and responsible agencies that provided written comments on the Draft EIR for a 10-day period from September 3, 2021 through September 13, 2021

The Final EIR for the Project consists of the following:

- A. Draft Environmental Impact Report ("Draft EIR"), issued May 28, 2021;
- B. All appendices to the Draft EIR;
- C. Final EIR, dated August 2021, containing all written comments and responses on the Draft EIR, refinements and clarifications to the Draft EIR, the MMRP, and technical appendices;
- D. All of the comments and staff responses entered into the record orally and in writing, as well as accompanying technical memoranda or evidence entered into the record.

The Final EIR did not provide any significant new information regarding proposed Project or cumulative impacts or mitigation measures beyond that contained in the Draft EIR.

In conformance with CEQA, the Town has taken the following actions in relation to the EIR:

- A. On January 12, 2022, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the EIR, and recommended that the Town Council certify the EIR and approve the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community.
- B. On **DATE TBD**, at a duly and properly noticed public hearing, the Town Council certified the EIR and adopted findings, Mitigation Monitoring and Reporting Program related to the Planned Development application filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation.

III. PROJECT DESCRIPTION

A. Project Location and Current Use

The project site is located at 110 Wood Road in the Town of Los Gatos. The property is accessed directly off Wood Road (via South Santa Cruz Avenue). The project site's Assessor's parcel number is 510-47-038, and is generally located between single family residences along Broadway to the northeast and Wood Road to the south. The site is zoned "Residential Planned Development (R:PD)" and has a General Plan land use designation of Medium Density Residential. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. A senior living community has been operating on the site since 1971 with 10 residential buildings and other support facilities and amenities. The site has three access points: two from the south off of Wood Road and one from the north via a driveway (referred to as Farwell Lane) connecting with Broadway. The facility has been closed since February 2019, after a rigorous facilities assessment concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Although the facility has completed the closure process, the facility continues to be staffed to provide on-going maintenance and security of the property.

B. Project Objectives

The objective of the proposed project is to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

C. Project Characteristics

The Project applicant is requesting approval of the following:

- Planned Development (PD) Overlay permit (PD-20-001)

A Planned Development application has been filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation. A subsequent Architecture and Site application will be required if the Planned Development application is approved by the Town Council. In accordance with Town Code Section 29.20.140(d), the Architecture and Site approval is required for purposes of approving the development plan for the new senior living community to ensure conformance with Town regulations related to the height, width, shape, proportion, siting, exterior construction and design of buildings and to ensure that they are architecturally compatible with their surroundings.

IV. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Final EIR analyzed proposed Project impacts in the following six environmental topic areas: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Wildfire Hazards. With implementation of proposed Project-specific

mitigation measures, potentially significant impacts would be reduced to less than significant impacts.

The following discussion elaborates on potentially significant impacts identified in the 110 Wood Road – Los Gatos Meadows Senior Living Community Final EIR and mitigation measures proposed for those impacts.

A. Air Quality

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 6-5: Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants

Sensitive receptors within 1,000 feet of construction activities would be exposed to construction TAC emissions volumes that exceed the air district significance thresholds for infant/child cancer risks and PM2.5 concentrations. These are significant impacts. Implementation of the following Mitigation Measures would reduce the impact to a less-than-significant level.

Mitigation Measures:

Mitigation Measure 6-5a During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;
- d. 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 is prohibited;
- e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;
- f. 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;
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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;
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
 - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;
 - j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;
 - k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;
 - l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and
 - m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos 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.

Mitigation Measure 6-5b Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 78 percent reduction of DPM emissions and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds.

The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

- a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;
- b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);
- c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and
- d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

Finding

All of the proposed Project specific environmental impacts on air quality will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 6-5a and 6-5b

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

B. Biological Resources**1. Potentially Significant Impacts Reduced to Less Than Significant Levels****Impact 7-2: Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)**

If San Francisco dusky-footed woodrat is present within the 0.3 acres of oak/bay woodland or 5.2 acres of mixed woodland within the proposed project impact area, loss or disturbance of woodrats due to midden removal during construction and fire safety activities would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-2 Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)

Potential habitat for pallid bat and Townsend's big-eared bat occurs in mature, hollow trees and around structures present within the project site. If special-status bats are present on the site, tree removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the

following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-3 Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

- a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
- b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery

season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

- c. **Bat Mitigation and Monitoring Plan.** If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

Impact 7-4: Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)

If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-4 Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.
- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

Impact 7-5: Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)

The Town of Los Gatos General Plan 2020 requires for all development to “protect wetlands and riparian corridors, including intermittent and ephemeral streams.” The on-site drainage feature may also fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. Impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. The following mitigation measures would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measures 7-5a To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.

Mitigation Measure 7-5b If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed

with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
- To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Impact 7-6: Damage or Removal of Regulated Trees

The *Arborist Report Update* re-evaluated the potential impacts to trees as a result of the project as shown on the Planning Submittal Set (10/8/2020) and the Preliminary Drainage Plan (6/30/2020). The disposition of each tree is shown in the exhibit attached to the *Arborist Report Update*, and summarized in Table 7-3, Trees Planned for Removal and Preservation, below.

Table 7-3 Trees Planned for Removal and Preservation

| | Protected | Large Protected | Total |
|---------------------------------------|------------------|------------------------|--------------|
| Trees Planned for Removal | 205 | 8 | 213 |
| Trees Planned for Preservation | 109 | 9 | 118 |

Source: HortScience | Bartlett Consulting 2020

The proposed project could remove up to 213 regulated trees. This would be a significant potential adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than significant level.

Mitigation Measure 7-6 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town’s Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

Impact 7-8: Effect on Sensitive Natural Communities

Sensitive natural communities potentially present on the site are limited to highly impacted drainage channels and oak woodland. Prior mitigation measures require the developer to determine the extent of potentially regulated drainage channels and regulated trees prior to initiation of ground disturbance or construction activities. To compensate for temporary and/or permanent impacts, mitigation shall be provided as required by regulatory permits. No additional mitigation measures are necessary.

General Plan policies ENV-1.5 and ENV-1.7 prohibit the use of invasive species listed by the California Invasive Plant Council (Cal-IPC) for all new construction and requires new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat. The spread of invasive species is considered a significant potential impact. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure 7-8 On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

Finding

All of the proposed Project specific environmental impacts related to biological resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

C. Cultural Resources**1. Potentially Significant Impacts Reduced to Less Than Significant Levels****Impact 8-2: Potential Destruction of a Unique Paleontological Resource or Site During Construction**

While it is possible that unknown unique paleontological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following mitigation measure would ensure the impact is less than significant.

Mitigation Measure 8-2 The following measure shall be included in project plans, prior to issuance of a demolition permit:

If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

Finding

All of the proposed Project specific environmental impacts related to cultural resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 8-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

D. Geology and Soils

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact **Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.**

The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the following mitigation measures, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure potential geologic impacts are reduced to a less-than-significant level.

Mitigation Measure 13-1 The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.

Mitigation Measures 13-2 The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:

- site preparation and grading;
- ground improvement;
- shoring measures and design;
- site surface and subsurface drainage improvements; and
- excavations for foundations prior to placement of steel and concrete.

In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the

geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

Finding

All of the proposed Project specific environmental impacts related to geology and soils will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-1 and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

E. Hazards and Hazardous Materials

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.

According to the environmental site assessment, lead-based paint was banned in 1978. The existing senior community was constructed prior to 1978; therefore, lead-based paint may be present in the existing structures on the project site. Lead is a known carcinogen and its release during grading or other ground disturbing activities could pose hazards to public health and safety. This is a potentially significant impact.

Implementation of the following mitigation measure would ensure potential impacts from the release of asbestos and lead-based paint into the environment as a result of demolition activities are reduced to a less-than-significant level.

Mitigation Measure 13-3 The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District’s Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District’s Regulation 11, Rule 1: Lead.

Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

Finding

All of the proposed Project specific environmental impacts related to hazards and hazardous materials will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-3

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

F. Wildfire Hazards**1. Potentially Significant Impacts Reduced to Less Than Significant Levels****Impact 12-1: Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan**

As noted previously, the Town of Los Gatos has, in conjunction with the County of Santa Clara and several other neighboring cities, an adopted EOP, which comprises, along with the 2017 Santa Clara County Operational Area Hazard Mitigation Plan, the entirety of emergency planning activities that governs emergency response and evacuation on and around the project site. Implementation of the proposed project would not interfere with an adopted emergency response or evacuation plan, but construction activities associated with the proposed project could result in short-term, temporary impacts on street traffic because of roadway improvements and potential extension of construction activities into the right-of-way. This could result in a reduction in the number of lanes or temporary closure of certain roadway segments near the project site. While any such impacts would be limited to the construction period and would affect only adjacent streets or intersections, the impact would be potentially significant. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure 12-1 In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

Impact 12-4: Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.

As noted in Section 13.0, Effects Not Addressed Further in this EIR, the 2007 Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows prepared by Cornerstone Earth

Group (Appendix F of the Draft EIR), the project site and surrounding areas are moderately steep to steep slope with slope inclination up to 40 degrees and noted that portions of the site are located within a State of California Earthquake-Induced Landslide Hazard Zone. However, the 2020 Geotechnical Investigation and Geologic Hazards Evaluation (geotechnical report) (Appendix F) also prepared by Cornerstone Earth Group, conducted site-specific subsurface explorations which revealed soil characteristics (alluvial fan deposits underlain by shallow bedrock) that would not suggest the existence of previous landslides through the project site. As noted in the geotechnical report, the proposed project would create relatively deep vertical, retained cuts into the terrace that encompass the developed portion of the site. Localized groundwater seepage may be encountered where the cuts intersect the bedrock surface and installing a network of subdrains and water proofing would address this. The geotechnical report also found the proposed grading plan for the project to be acceptable from a safety standpoint with the exception of a lower slope (below proposed structures) area that may experience a lack of stability with the existing alluvial fan deposit soils there. The geotechnical report recommends removal of these alluvial fan deposits at this location down to bedrock to be replaced by engineered fill. Compliance with this recommendation as incorporated in **Mitigation Measures 13-1 and 13-2** found in Section 13.0 of this EIR (under discussion of “Geology and Soils”) would ensure this potentially significant impact would be reduced to a less-than-significant level.

Finding

All of the proposed Project specific environmental impacts related to wildfire hazards will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 12-1, 13-1, and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

V. PROJECT ALTERNATIVES

The Final EIR evaluated three alternatives to the proposed Project. These were evaluated based on their ability to (1) reduce the significant impacts of the proposed Project, and (2) attain proposed Project objectives. As described earlier in this findings document, the Project applicant’s objectives are to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

The alternatives evaluated were:

1. Alternative 1: No Project – Existing (Closed) Senior Living Community;

2. Alternative 2: No Project – Residential Project Consistent with the Project Site’s General Plan Designation; and
3. Alternative 3: Reduced Scale (Removal of Villas B and C from Proposed Site Plan).

A. Alternative 1: No Project Alternative – Existing (Closed) Senior Living Community

This no project alternative investigates if the proposed project were not approved and the existing senior living community facilities were left in place though closed and vacant. The project site is currently developed with 10 residential buildings ranging from one to four stories, which include a total of 205 independent residential apartments and supporting health care units. The existing facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site’s existing PD entitlement.

B. Alternative 2: No Project - Residential Project Consistent with the Project Site’s General Plan Land Use Designation

This no project alternative investigates what could be reasonably expected to occur on the project site in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The project site has a General Plan designation of Medium Density Residential. Under this designation, the project site could be developed with a multi-family, duplex, and/or small single-family residential project with a density range of 5 to 12 dwelling units per net acre with up to 24 persons per acre. Conceivably, such a project could include a range of home product types including townhomes, condominiums, and/or apartments. This alternative project considers the site constraints of the 10.84-acre site, much of which is steep, heavily wooded hillside that could not reasonably accommodate residential buildings. To determine a probable number of Medium Density Residential dwelling units that the site could accommodate, this alternative utilizes approximately 50 percent of the total net acreage or approximately 5.42 acres. Therefore, a Medium Density Residential project with a maximum of 65 units would be possible. Assuming an average of 2.51 persons per household (U.S. Census 2021), such a project would result in 163 new residents, substantially less than the 233 total residents anticipated as part of the proposed project. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site’s existing PD entitlement.

C. Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan

The reduced scale alternative (“reduced scale alternative”) consists of a reduction in development capacity sufficient to avoid or reduce significant, but mitigable, impacts associated with grading and removal of trees required to accommodate Villas B and C and a

corresponding area of the grade level below on the northwestern corner of the proposed site plan. The reduced scale alternative would reduce the number of living units by 20 units (Villa B) and 29 units (Villa C), for a total reduction of 49 units, and would result in the reduction of approximately 98,374 square feet of floor space in Villas B and C, approximately 26,000 square feet of floor space from the grade level including portions of the health center, and approximately 26,000 square feet of developed area (building footprints). In addition, this alternative could result in removing approximately 62 fewer trees. Removal of Villa B (70.5 feet in height) and Villa C (81.5 feet in height) would also help reduce visual impacts associated with scenic views from downtown Los Gatos towards the project site and scenic hillside areas beyond as these two buildings would be two of the most publicly visible buildings from multiple vantage points.

D. Environmentally Superior Alternative

Based on a comparison of the impacts of each alternative, Alternative 1, the no project alternative is the environmentally superior alternative. It would avoid all of the project's less-than-significant impacts, and significant but mitigable impacts. However, this alternative would not meet the project objectives.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 3, the Reduced Scale alternative, is considered to be the environmentally superior alternative among the remaining alternatives. It is the only alternative that could accomplish some of the basic project objectives while minimally reducing some of the less-than-significant and/or significant and mitigable environmental impacts identified for the proposed project.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

The Town Council recognizes that any approval of the proposed Project would require concurrent approval of a Mitigation Monitoring and Reporting Program (MMRP), which ensures performance of identified mitigation measures. Such an MMRP would need to identify the entity responsible for monitoring and implementation, and the timing of such activities. The Town will use the MMRP to track compliance with proposed Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is included as part of the Final EIR, and is hereby incorporated by reference.

VII. RECORD OF THE PROCEEDINGS

The documents and other materials that constitute the record of proceedings on which the Council bases the Findings are located at the Community Development Department, 110 East Main Street, Los Gatos, California 95030. The custodian for these documents and materials that constitute the record is the Town of Los Gatos Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Title 14 California Code of Regulations (*CEQA Guidelines*) Section 15091(e).

The environmental analysis provided in the EIR and these findings are based on and are supported by the following documents, materials and other evidence, which constitute the administrative record for the approval of the Project:

- A. All application materials for the Project and supporting documents submitted by the applicant, including but not limited to those materials constituting the Project and listed in Section III of these findings.
- B. The NOP, comments received on the NOP and all other public notices issued by the Town in relation to the EIR (e.g., Notice of Availability).
- C. The Draft EIR, the Final EIR, all appendices to any part of the EIR, all technical materials cited in any part of the EIR, comment letters, oral testimony, responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between May 28, 2021 to July 12, 2021.
- D. All non-draft and/or non-confidential reports and memoranda prepared by the Town and consultants related to the EIR, its analysis and findings.
- E. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Town Council.
- G. Staff reports associated with Planning Commission and Council Meetings on the Project and supporting technical memoranda and any letters or other material submitted into the record by any party.
- H. Matters of common knowledge to the Planning Commission and Town Council which they consider, such as the Los Gatos General Plan, any other applicable specific plans or other similar plans, and the Los Gatos Municipal Code.

VII. SUMMARY

- A. Based on substantial evidence in the foregoing Findings and in the information contained in the record, the Town Council has made the following findings with respect to each of the significant effects of the proposed Project identified in the Final EIR:
 - 1. Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effect on the environment.
 - 2. Based on the foregoing Findings and the information contained in the record, it is determined that:

All significant effects on the environment due to the approval of the proposed Project have been eliminated or substantially lessened where feasible.