

**Final Modified CEQA Checklist
Evaluation of Revised Project Description**

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

September 10, 2024



**Prepared by
EMC Planning Group**

**FINAL MODIFIED CEQA CHECKLIST
EVALUATION OF REVISED PROJECT DESCRIPTION**

**110 WOOD ROAD – LOS GATOS MEADOWS
SENIOR LIVING COMMUNITY
PLANNED DEVELOPMENT APPLICATION PD-20-001**

PREPARED FOR

Town of Los Gatos

Sean Mullin, AICP, Senior Planner

110 E. Main Street

Los Gatos, CA 95030

408.354.6823

smullin@losgatosca.gov

PREPARED BY

EMC Planning Group Inc.

601 Abrego Street

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Stuart Poulter, AICP, MCRP, Senior Planner

poulter@emcplanning.com

www.emcplanning.com

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A. BACKGROUND

Project Title	110 Wood Road – Los Gatos Meadows Senior Living Community (Planned Development Application PD-20-001)
Lead Agency Contact Person and Phone Number	Sean Mullin, AICP, Senior Planner Town of Los Gatos, 408-354-6823
Date Prepared	September 2024
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	110 Wood Road, Los Gatos, CA 95030 (Assessor’s Parcel Number: 510-47-038)
Project Sponsor Name and Address	Rockwood Pacific, Inc. (project applicant) 36 Southwood Drive Orinda, CA 94563 Front Porch (project sponsor) 800 N. Brand Blvd., 19 th Floor Glendale, CA 91203
General Plan Designation	Medium Density Residential (Figure LU-3; <i>Town of Los Gatos 2020 General Plan Land Use Element</i>)
Zoning	Residential Planned Development (R:PD) (Planned Development Overlay)

Description of Original Project (2021 Draft/Final EIR)

The previously prepared *110 Wood Road – Los Gatos Meadows Senior Living Community (Planned Development Application PD-20-001; SCH# 2021020007) Draft EIR* (dated May 14, 2021) and *110 Wood Road – Los Gatos Meadows Senior Living Community (Planned Development Application PD-20-001; SCH# 2021020007) Final EIR* (dated August 26, 2021) (hereafter referred to as “2021 draft EIR” and “2021 final EIR,” respectively) addressed 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 included 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. An estimated 120 full time equivalent (FTE) employees

would be anticipated with the project; this is commensurate with the number of employees onsite prior to the closure of the facility in late 2019.

A Planned Development application was 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. 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. However, , General Plan Action HOU-1.3 provides up to a 100 percent density bonus for developments that include housing for the elderly. The project proposes a density of 16 dwelling units per acre, which is within the maximum allowed for the site under the existing PD permit conditions.

Environmental Review of Originally Proposed Project

EMC Planning Group, as the environmental consultant to the Town of Los Gatos (Town), prepared a draft and final environmental impact report (EIR) for the originally proposed project over the period 2020 to 2022.

The proposed project and final EIR were brought to the Town Planning Commission in January 2022 for consideration and recommendation to the Town Council. The Planning Commission considered the application and forwarded a recommendation of denial to the Town Council based on several concerns. The Planning Commission voted not to certify the EIR because it was based on a project that the Planning Commission found to be inappropriate, and environmental review is not required for denial of a project. The application was subsequently reviewed by the Town Council in April 2022. At the meeting, the Town Council remanded the application back to the Planning Commission for further discussion with consideration of comments provided by the Town Council.

Description of Revised Project

Since 2022, the applicant continued community engagement activities and commenced exploration of a range of alternatives, including holding a study session with the Town Planning Commission in October 2023. The applicant has made design revisions and other changes to the proposed project to address some of the prior concerns and submitted a revised application to the Town in March 2024. These project revisions include the following:

- Increased site coverage (0.50 percent) and total site area coverage (increased by 2,100 square feet);
- Increased maximum dwelling unit density (from 16 units per acre to 17 units per acre);
- Increased total number of independent residential apartments (from 174 units to 187 units) and increased total number of units in health center (from 17 units to 24 units) for a grand total of 211 units, an increase of 20 units (or a 10.5 percent increase) from the original project;

- An increase in total gross square footage (floor area) of 8,155 square feet;
- A net increase in proposed impervious surface area (from a net increase of 8,877 square feet to a new net increase 17,984 square feet); and
- An increase in estimated population – from 223 to 251 residents, an increase of 28 residents or 13 percent more than the original proposed project.

Additionally, the applicant has made design revisions to the senior living complex including making height and massing modifications to several of the proposed buildings (or villas). The previously identified Villas D and E and Villas F and G are now combined into two single villas and at least two villas (Villa A and the now combined Villa D/E) have been increased in height by 8.25 feet and 11.50 feet, respectively. Two villas (B and C) have been decreased in height by 11.5 feet. [Figure 1, Revised Project Site Plan](#), presents the revised overall project site plan. A complete set of revised project plans are provided in [Appendix A](#) of this modified checklist.

Comparison of Original Project vs. Revised Project

A comparison of the 2024 revised project to both the 2021 proposed project (evaluated in the 2021 draft/final EIR) and the existing 1968 PD permit conditions is provided in [Table 1, Comparison of Planned Development Project Components](#), below.

[Table 2, Comparison of Project Building \(Villa\) Conditions \(2024 vs. 2021\)](#), provides a comparison of the modifications to the proposed senior living community villa units, residential square footage, gross square footage, heights, and number of stories.

Table 1 Comparison of Planned Development Project Components

Project Component	Original 1968 PD Components (2019 Baseline)	Project Components Evaluated in 2021 Draft/Final EIR	Revised Project Components (2024)	Total Project Components Increase/Decrease from 2021 to 2024 (Percentage)
Site Coverage	24.6% ⁵	22.5%	23%	+2.2% increase
Total Site Area Coverage (Square Footage)	116,427	106,540	108,640	+2,100 (2% increase)
Maximum Dwelling Unit Density	17 units per acre	16 units per acre	17 units per acre	+1 (6.25% increase)
Total Number of Independent Residential Apartments ¹	184	174	187	+13 (7.5% increase)
Total Number of Units in Health Center	38	17	24	+7 (41% increase)
Total Units	205²	191	211	+20 (10.5% increase)

Total Gross Square Footage (Floor Area)⁶	150,475	430,816	438,971	+8,155 (2% increase)
Open Space	75.4%	77.5%	76.7%	1.0% decrease
Building Setbacks from property line⁴	Front: 20'-0" Side: 15'-0", 27'-0" Rear: 15'-0"	Front: 34'-10" Side: 40'-10", 60'-10" Rear: 32'-11"	Front: 34'-10" Side: 40'-10", 60'-10" Rear: 32'-11"	No Change
Parking	111 parking spaces³	77 parking spaces	40 non-tandem spaces, 214 total spaces with implementation of a 24/7 valet parking program.	+103 total spaces with implementation of a 24/7 valet parking program (+93% increase)
Height⁴	Predominantly two-story with some basement or below grade space for infirmary, parking, storage and mechanical. Heights vary between 30'-9" and 55'-2".	3-5 stories above landscaped Terrace Level. G Level below contains parking, storage, mechanical space, main entry, and health center. Heights vary between 59'-0" and 85'-6" feet.	3-6 stories (Villa A); 3 stories (Villa B); below grade space for parking, storage and mechanical space. Heights vary between 59'-0" and 93.75'.	+8.25-foot maximum height increase
Population & Employment	205 Units¹ 222 residents 120 full-time equivalent employees	191 units 223 residents 120 full-time equivalent employees	211 units 251 residents 120 full-time equivalent employees	+20 (10.5% increase) +28 (13% increase) No Change in FTEs

SOURCE: Rockwood Pacific 2020; Covia 2020; Rockwood Pacific 2024

NOTE:

1. 184 units is the number of independent residential apartments allowed; total unit count including skilled nursing beds permitted is 222 total units.
2. Total applicable unit count after consolidation/combination of units is 205 (129 independent living units, 27 assisted living units, 10 memory care units and 39 skilled nursing beds).
3. The current number of spaces onsite is 130.
4. Neither minimum building height nor maximum setbacks are specified under the 1968 entitlement. Table 1 includes setback and heights under the current and proposed conditions.
5. Lot Coverage Calculation Method: Only the footprints of the eight buildings were in the initial application. This included balconies but did not include covered walkways connecting between buildings. Covered walkway areas have been added to the totals on the Plan Set Cover Page, and in the resubmitted Project Description and Letter of Justification. The G level area not under bldg. footprints above was not included, as the spaces above are landscaped courtyards. The cooling tower/generator enclosure is open to the sky and was not included. Total site gross square footage is 472,185.
6. Total gross square footage (floor area) excludes parking, balconies (not used for egress), and generator/cooling tower enclosure areas.

Table 2 Comparison of Project Building (Villas) Conditions (2024 vs. 2021)

Villa	Current (Revised) 2024 Submittal					2021 Submittal (Evaluated in 2021 Draft/Final EIR)				
	Units	Residential Square Footage (RSF)	Gross Square Footage (GSF)	Height (Feet)	Stories	Units	Residential Square Footage (RSF)	Gross Square Footage (GSF)	Height (Feet)	Stories
Villa A	50	65,479	124,517	93.75	3-6	46	63,480	157,054	85.5	3-5
Villa B	18	20,590	36,510	59	3	20	29,465	41,483	70.5	3-5
Villa C	23	32,733	51,150	70	4	29	41,887	56,891	81.5	3-5
Villa D/E ¹	42	65,610	105,550	70.5	4-6	33	53,082	72,138 ¹	82	3-5
Villa F/G ²	37	57,300	93,595	93.5	4-5	31	49,794	72,138 ²	82	3-5
Villa H	17	22,016	37,573	59	3	15	22,076	31,112	59	3-5
Totals	187	263,728	453,200 (plus 83,330 GSF for Structured Parking = 536,530 Total GSF)	-	-	174	259,744	430,816 (plus 91,827 GSF for Structured Parking = 522,643 Total GSF)	-	-

SOURCE: Rockwood Pacific 2020; Covia 2020; Rockwood Pacific 2024

NOTE: 1. Villa D/E were separate residential buildings in the 2021 submittal (identified as Building D and E). Gross square footage total shown above for the 2021 submittal reflects the combined GSF.

2. Villa F/G were separate residential buildings in the 2021 submittal (identified as Building F and G). Gross square footage total shown above for the 2021 submittal reflects the combined GSF.

Approach

The following document presents a “modified” initial study checklist (based on the CEQA Guidelines Appendix G Checklist) to review and evaluate the proposed use and design changes to the originally proposed project to determine the level of additional environmental review that is required.

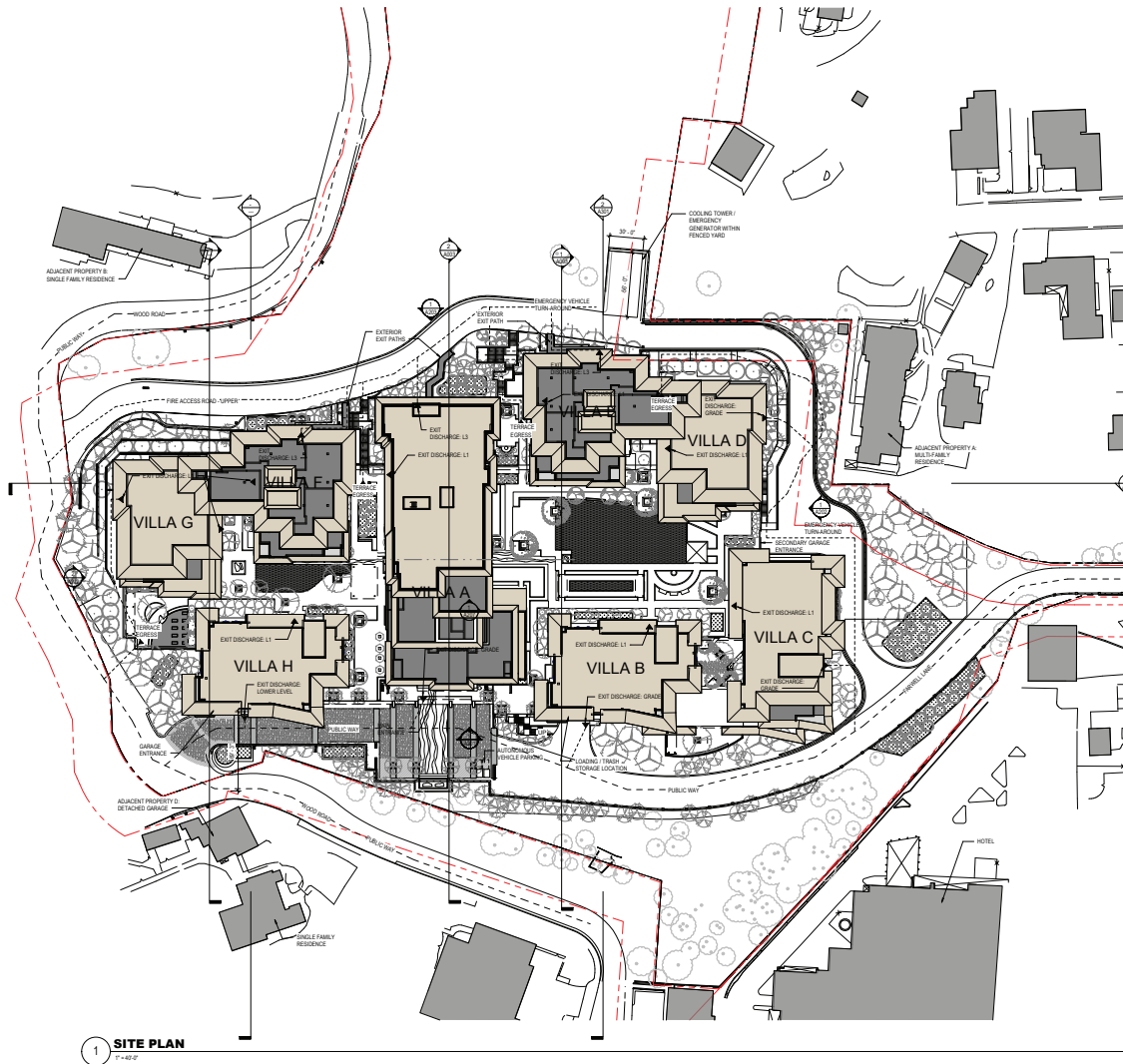
All potential impacts associated with the originally proposed project, as identified in the draft/final EIR, were determined to be less-than-significant with implementation of mitigation measures and/or Town standard conditions of approval. Potentially significant impacts requiring mitigation were identified for the following issue areas:

- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials; and
- Wildfire Hazards.

This modified CEQA checklist will address all required environmental topics with a particular focus on the issues listed above.

Intent

The intent of this “modified” initial study checklist is to determine if the previously-prepared draft and final EIR adequately address the project as revised or whether the revised project will result in new or substantially increased environmental impacts requiring recirculation of the 2021 draft EIR. Pursuant to CEQA Guidelines 15088.5(a) “a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the 2021 draft EIR for public review under Section 15087 but before certification.”



Source: Perkins - Eastman 2024



Figure 1
 Revised Project Site Plan

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B. EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites 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 should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must 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 With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - 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 significance.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	NEW IMPACTS			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. As noted above (see “A. Background, Description of the Revised Project”), the applicant has made design revisions to the proposed senior living complex including making height and massing modifications to several of the proposed buildings (or villas). The previously identified Villas D and E and Villas F and G are now combined into two single villas and at least two villas (Villa A and the now combined Villa D/E) have increased in height by 8.25 feet and 11.5 feet, respectively. Two villas (B and C) have decreased in height by 11.5 feet. The building heights have been shifted to reduce views from public vantage points compared to the site configuration analyzed in the 2021 draft EIR. All buildings in the front of the project site (facing downtown) have been reduced in height by one story (to three and four stories) thereby minimizing the impact from public viewsheds, while the areas less visible from public viewsheds are those where building heights were increased, though modestly. The applicant shifted height to the less visible area of the site based on community feedback received during Planning Commission and Town Council review of the originally proposed project in 2022.

Section 5.0, Aesthetics, of the 2021 draft EIR, reported that views from downtown Los Gatos towards the site (as demonstrated in the 2021 draft EIR Figure 5-1, View Corridor from East Main Street to Project Site), would be limited to the top of new building rooflines and upper floor windows, which is similar to views of the existing facility though at a slightly greater height as viewed from downtown. It was determined that this increased visibility of the previously-proposed buildings would not substantially alter scenic views towards the Town-designated Hillside Area and Santa Cruz Mountains beyond the project site. Therefore, the originally proposed project was determined to have a less-than-significant effect on a scenic vista.

As shown in the revised project plans (see sheets A406 through A408), views from Town-designated View Corridors would not be substantially altered by the increase of proposed building heights by a maximum of 11.50 vertical feet, which is an approximately 14 percent increase in the previously proposed maximum height. [Figure 2, View Corridor from East Main Street to Project Site \(Original vs. Revised Project\)](#), presents a side-by-side comparison of a simulated view from East Main Street in downtown Los Gatos of the original proposed project (left) versus the revised proposed project (right). According to the applicant's design consultant, who prepared both the original and revised project visual simulations, to accurately depict proposed developments, a meticulous process of 3D visualization is employed, integrating high-resolution photographs of existing site conditions with sophisticated 3D models of the proposed architectural design. This approach provides a realistic view of what the new development will look like from specific vantage points in the community, enhancing the public's understanding of how the project will fit within its surroundings. For the proposed project, this process starts with capturing background photographs from predetermined locations around the site, carefully chosen to represent various perspectives from the surrounding neighborhood. High-resolution digital cameras are used to capture images at eye level from selected points in the community, ensuring that the photos reflect a true-to-life view of the proposed development. These locations are strategically chosen to provide key views towards the development site, allowing stakeholders to assess the visual impact from different areas. The camera placement is carefully documented to ensure accurate alignment within the 3D environment, with special attention paid to matching the height, angle, and field of view. The resulting photographs serve as the backdrop for integrating the proposed design into the real-world setting.

Once the background photos are collected, they are combined with a 3D model that accurately represents the existing conditions, including terrain, buildings, and vegetation. A detailed 3D model of the proposed development is then added, incorporating all architectural elements, grade changes, and landscaping plans. The model is carefully aligned with the real-world conditions through a process known as camera matching, where the location and orientation of the virtual camera are precisely calibrated to match the position of the physical camera used to capture the background photographs. This ensures that the proposed buildings are accurately placed within the context of the existing environment. The integration process involves rendering the new buildings with realistic scale, color, materials, and shadows, which are then superimposed onto the

background images. Proposed landscaping, such as trees, shrubs, and other vegetation, is also included in the 3D model to depict the full scope of the project. The resulting visualizations provide a true-to-life representation of how the new development will appear, highlighting the architectural design within its actual surroundings (Frank Rockwood e-mail message, September 8, 2024).

Because of the increased height of the senior living residential structures (over the originally proposed project), more of the revised project's structures will be visible to the public. However, the proposed buildings shown in the revised project plans still generally align building roof lines with the contour of the hill and incorporate smaller roof components, and along with the proposed building colors, will minimize the contrast between buildings and the existing environment.

The project site is located within sub-area 6 of the *Los Gatos Hillside Specific Plan*. However, the project site is not located within the "Hillside Area" as shown in the "Town of Los Gatos Hillside Area Map" and therefore not subject to the Hillside Development Standards & Guidelines (HDS&G) visibility analysis requirements. However, as noted in the 2021 draft EIR, in 2008 the Conceptual Development Advisory Committee (CDAC) requested that the site be rebuilt in the spirit of the HDS&G and as noted by the applicant, design components of the originally proposed project were intended to meet this request. With the revised project, the applicant has presented a revised project design that has been independently verified by Town staff and EMC Planning Group to still meet the spirit of the Town's HDS&G. The revised project accomplishes this by 1) stepping the buildings into the hillside; 2) minimizing the dimensions of the Town-facing buildings; 3) saving the same number of existing trees per the revised "Tree Preservation Removal Plan" (sheet T-1) as the originally proposed project; 4) implementing a landscape and tree-replacement plan; and 5) presenting a carefully developed scale which reflects feedback and concerns received from the Town Planning Commission and Town Council on the original project design. The slightly increased visibility of the proposed (revised) buildings as a result of increasing heights by 8.25 vertical feet (10 percent) would not substantially alter scenic views towards the Town-designated Hillside Area and Santa Cruz Mountains beyond the project site. This increase in the height of the buildings is not a new impact, and does not represent a substantial increase in the severity of the impact. Therefore, the impact was adequately addressed in the draft and final EIR.

- b. The 2021 draft EIR (page 5-5) reported that the project site is not located within the viewshed of either State Route 9 (designated scenic highway) or State Route 17 (eligible scenic highway). Very limited views exist of the project site from State Route 17; however, they are intermittent and largely obscured by existing vegetation and topography. The revised project would not alter this determination. Therefore, the issue was adequately addressed in the draft and final EIR.
- c. The 2021 draft EIR concluded that the originally proposed project, while increasing the overall height and scale of buildings on site as seen from the surrounding area (as

compared to the existing structures onsite), would be compatible with the general character of the hillside area and consistent with the visual quality of the existing developed site. Therefore, impacts to the visual character of the project site associated with the originally proposed project were determined be less than significant.



Original



Revised

Source: Perkins-Eastman 2024

Figure 2

View Corridor from East Main Street to Project Site (Original vs. Revised Project)

110 Wood Road – Los Gatos Meadows Senior Living Community Modified CEQA Checklist



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The revised project would still result in the reduction of the overall site development (from 24.6 percent of the site with the existing facility; 22.5 percent with the originally proposed project; and 23 percent with the revised project). In addition, the increase in overall open space (from 75.4 percent of the site with the existing facility; 77.5 percent with the originally proposed project; and 76.7 percent with the revised project), which would generally be consistent with the HDS&G. In addition to this, development of the multi-story senior living community would still be subject to the requirements of the Town's Architecture and Site application process upon approval of the Planned Development overlay application. As part of this process, the Town would require each structure's design to be consistent with the Los Gatos Hillside Specific Plan and in the spirit of the HDS&G for site planning, development intensity, architectural design, site elements, and landscape design, as well as for light and glare.

As previously noted in the 2021 draft EIR, the HDS&G also emphasize minimizing grading and preserving natural features (including drainage channels and trees). The revised project still largely adheres to this HDS&G requirement associated with stepping back structures into the hillside and still minimizes site grading and the amount of cut and fill to the extent feasible (see Sheets C103, C103.1, C103.2, and C104 for preliminary grading plans and cut and fill plan). While this revised analysis acknowledges that some of the proposed structures could be visible from adjacent or nearby areas, the Town's Architecture and Site application process would ensure that tree removal, building design, and landscape planting for proposed buildings would be consistent with the Town's design standards that guide residential and non-residential development in hillside areas. The application of these guidelines in evaluating and reviewing the revised project during the Architecture and Site application process would help to reduce any potential degradation of the visual character of the project vicinity.

It is also noted that the revised project does not propose to remove any additional trees (213 trees) as compared to the originally proposed project. Roughly the same amount of open space and landscaped areas are proposed with the revised project. Therefore, the revised project, while slightly increasing the overall height and scale of buildings on site as compared to the originally proposed project, would still be compatible with the general character of the hillside area and consistent with the visual quality of the existing developed site. Therefore, the impact was adequately addressed in the draft and final EIR.

- d. The 2021 draft EIR noted that the existing facility currently has exterior security and surface parking lighting and lighting typical of multifamily residential and senior living communities. The revised project would be the same as the existing use and would continue to have lighting typical to senior living communities. As shown on the "Site Lighting Concept Plan" (see sheet LS-12 of the revised project plans), proposed lighting fixtures for the project include post top lights, bollard lights, and various wall mounted lights all of which are consistent with the previously proposed lighting designs evaluated in the 2021 draft EIR. These lighting fixtures also comply with Town Code Section 29.10.09035 (Performance standards as to glare), which prohibits the generation of direct or reflected light onto any area outside of the project boundaries. In addition, all exterior

fixtures would comply with the Town requirements to be downward directed and shielded. The lighting will also be required to comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6, which requires reducing wasteful and unnecessary energy consumption in newly constructed and existing buildings including utilizing low intensity lighting designs and devices. Prior to the issuance of building permits, a final exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture shall be provided to the Town of Los Gatos for review and approval as part of the Architecture and Site Review approval.

Implementation of this condition would reduce the revised project's lighting impact to a less-than-significant level by requiring lighting design and controls for each building on the project site. Therefore, the impact was adequately addressed in the draft and final EIR.

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:

	NEW IMPACTS			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input checked="" type="checkbox"/>	<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))?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. The initial study that was prepared to accompany the Notice of Preparation (NOP) for the originally proposed project (dated February 4, 2021 and included as part of Appendix A of the 2021 draft EIR) concluded that the proposed project would not

convert important farmland; there are properties adjacent to the proposed project that are zoned for agricultural uses, and that there are no properties within or adjacent to the project site that are in a Williamson Act Contract. Additionally, the 2021 draft EIR concluded that the project site and adjacent land uses are not zoned for forestland or timberland uses. None of these conditions have changed since preparation of the draft and final EIR and therefore, agricultural resource impacts were adequately addressed in the draft and final EIR.

3. AIR QUALITY

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

NEW IMPACTS				
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a-b. The 2021 draft EIR found that the prior project was consistent with the Air Quality Plan because its criteria emissions volumes were below the Bay Area Air Quality Management District’s (air district) criteria air emissions thresholds of significance. As discussed below, criteria emissions volumes for the current project remain well below the same thresholds of significant. Consequently, like the prior project, the proposed project does not conflict with the Air Quality Plan and would not result in a new significant impact.

The 2021 draft EIR evaluated potential air quality impacts by comparing thresholds identified in the Bay Area Air Quality Management District’s (air district) 2017 Clean Air Plan to quantified emission values estimated through the California Emissions Estimator Model (CalEEMod). Neither the construction nor operation of the proposed project were found to generate criteria pollutant emissions volumes that exceed the air district standards. With the exception of ROG emissions, the proposed project was found to generate fewer operational criteria pollutant emissions than the baseline use. ROG emissions would have increased by about 2.14 pounds per day, well below the air district threshold.

To evaluate the increase in criteria emissions that would result from the current proposed project, emissions were quantified using CalEEMod. As shown in [Table 1, Operational Criteria Pollutant Emissions](#), the current project would increase in emissions volumes by the volumes and percentages shown relative to the 2021 analysis. None of the emissions volumes exceed air district thresholds. Therefore, the current project would not result in new significant impacts or substantially more severe impacts than identified in the 2021 draft and final EIR.

Table 1 Operational Criteria Pollutant Emissions

Source	ROG	NOx	PM ₁₀	PM _{2.5}
Originally Proposed Project ^{1,2}	2.14	0.51	0.39	0.12
Revised Project ¹	2.36	0.56	0.43	0.13
Change	+0.22 (10.2%)	+0.05 (9.8%)	+0.04 (10.2%)	+0.01 (8.3%)
Air District Thresholds	54	54	82	54
Exceeds Thresholds?	No	No	No	No

SOURCE: EMC Planning Group 2021; 2024

NOTES:

1. All values are reported in tons per day.
2. Calculated using CalEEMod version 2016.3.2

- c. A community health risk assessment was prepared as part of the 2021 draft EIR to evaluate the potential health risk impacts to nearby sensitive receptors from exposure to emissions generated by project demolition and construction activities. The health risk assessment determined that 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 PM_{2.5} concentrations. The primary project emissions sources were identified as heavy construction equipment. These potentially significant impacts to sensitive receptors were determined to be less than significant with implementation of construction mitigation measures (6-5a and 6-5b).

The 10.5-percent increase in the number of residential and health care units and the 0.5-percent in the total site area coverage would incrementally increase construction emissions volumes. Grading and excavation activities, which require use of heavy equipment, are typically the main sources of construction TAC emissions as identified in the 2021 draft EIR. It is not anticipated that increasing unit count by 10.5 percent would result in additional heavy equipment use. The proposed project would increase site coverage area by 0.5 percent. It is possible that this change would not require an increase in grading or excavation activities, but if so, the increase would be very minor and not be expected to substantially worsen toxic air contaminant emission exposure. With the same mitigation applied as identified in the 2021 draft EIR, the proposed project would have no new significant impacts or result in substantially more severe impacts than identified in the 2021 draft and final EIR.

- d. As stated in the 2021 draft EIR, the prior project did not constitute a new odor source. The current proposed project use is consistent with the proposed 2021 use. Therefore, the proposed project would not result in new or more severe odor impacts than identified in the 2021 draft and final EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	NEW IMPACTS			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
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?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-f. The 2021 draft EIR identified several potential biological impacts associated with the originally proposed project including potential effects on candidate, sensitive, or special-status species (San Francisco dusky-footed woodrat; pallid bat; Townsend’s big-eared bat; nesting raptors and migratory birds), potential effects on federally- and state-protected

wetlands or waters of the U.S. (intermittent or ephemeral drainage), damage or removal of regulated trees, and effects on sensitive natural communities. All of these potentially significant biological impacts were determined to be less-than-significant with implementation of biological mitigation measures (7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8). Current modification of the redevelopment scope has been compared and analyzed with the original building plans by EMC Planning Group biological staff. While the revised project will increase the overall site coverage and square footage over the previously proposed project, the overall revised project development footprint and building layout is largely consistent with the previously proposed project. It is noted that the overall number of proposed trees to be removed from the project site is not changing with the revised project (213 trees) and potential effects to habitat for special-status species noted above would not be substantially increased as a result of the minimal development footprint changes. Therefore, all changes to the project plans are deemed minimal with regard to potential biological resource impacts and the previously identified mitigation measures are adequate to reduce biological resource impacts to a less-than-significant level.

Therefore, biological resource impacts were adequately addressed in the draft and final EIR.

5. CULTURAL RESOURCES

Would the project:

	NEW IMPACTS			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Cause a substantial adverse change in the significance of a <i>historical resource</i> pursuant to section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a <i>unique archaeological resource</i> pursuant to section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a/b. **Historic Structures.** The 2021 draft EIR concluded that the existing structures on the project site were not historic and therefore, the proposed project would not adversely impact a historic structure. Therefore, this impact was adequately addressed in the draft and final EIR.

Historic and Unique Archaeological Resources. The 2021 draft EIR concluded that with implementation of a Town standard condition of approval that addressed this potential impact, no mitigation was necessary.

Changes to the redevelopment footprint (i.e., an increase of 2,100 square feet of site coverage from the current 106,540 square feet with the existing facility) with the revised project are minimal. Thus, implementation of the Town's standard condition of approval noted in 2021 draft EIR is still adequate to address potential impacts to historic resources and/or unique archaeological resources during construction. Therefore, this potential impact was adequately addressed in the draft and final EIR.

c. The 2021 draft EIR concluded that the project site is not known to contain Native American remains, but excavation during construction of project improvements could result in disturbance of unknown human remains, should they be buried on site. However, implementation of the Town's standard conditions of approval associated with discover of archaeological resources (including human remains) would ensure that this potential impact, if it were to occur, would be less than significant. As the revised project does not substantially increase or alter the originally proposed project's development footprint, implementation of the Town's standard condition of approval noted in 2021

draft EIR is still adequate to address potential impacts associated with the disturbance of human remains during construction. Therefore, this potential impact was adequately addressed in the draft and final EIR.

6. ENERGY

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. The 2021 draft EIR evaluated the potential energy impacts of the project’s transportation fuel, electrical energy, and natural gas demand characteristics relative to the baseline condition. It was determined that the proposed project would have similar operational transportation fuel demand and lower natural gas demand than the baseline use. Furthermore, the proposed project would be required to conform to current California Building Code and Green Building Standards Code (also known as CALGreen), which requires all new buildings in the state to be more energy efficient and environmentally responsible. By incorporating energy efficiency and renewable energy measures per the Building Energy Efficiency Standards, and incorporating green building features per the CALGreen standards, the project would comply with existing state and local energy standards and would not conflict with or obstruct a state or local plan for energy efficiency. The additional residential units proposed in the revised project plans would result in slightly increased energy demand, but this change would be minimal relative to the prior proposed project. Therefore, the impact was adequately addressed in the draft and final EIR.

7. GEOLOGY AND SOILS

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-e. As detailed in Section 13.0, Effects Not Addressed Further in this EIR, found in the 2021 draft EIR, several iterations of an applicant-prepared geotechnical report, along with third-party peer reviews, were prepared between 2017 and 2021 to evaluate geologic hazards and potential project impacts associated with the originally proposed project.

The applicant-prepared geotechnical report prepared for the originally proposed project 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. The 2021 draft EIR determined that with implementation of the two previously-identified geologic mitigation measures (13-1 and 13-2), 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.

The revised project does not substantially alter the proposed layout and number of proposed structures and associated infrastructure on the project site. Therefore, the findings of the previously prepared geotechnical reports and peer reviews are still valid and adequate to address the geotechnical conditions of the project site, including the requirement for a 25-foot setback from mapped surface trace of a fault. With implementation of the previously-identified mitigation measures (13-1 and 13-2), geologic hazard impacts would still be reduced to a less-than-significant level. Therefore, geological impacts were adequately addressed in the draft and final EIR.

- f. Mitigation for paleontological resources (mitigation measure 8-2) was adequately addressed in the Section 8.0, Cultural Resources, of the 2021 final EIR. Mitigation measure 8-2 would still apply to the revised project with a slightly larger footprint and mitigate potential impacts to unique paleontological resources associated with the revised project to a less-than-significant level. Therefore, the impact was adequately addressed in the draft and final EIR.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a-b. The 2021 draft EIR provided a qualitative approach for assessing operational project impacts based on comparing GHG emissions from the baseline condition to emissions under proposed project conditions. The analysis concluded that transportation-source GHG emissions from the proposed project would be similar to the baseline use and electricity-source GHG emissions from the proposed project would be substantially lower than the baseline use.

Similarly, annual amortized construction related GHG emissions, which represent nearly the entire annual GHG emissions volume from the project, only accounted for approximately 47 metric tons CO₂e/year. A 10.5-percent increase in construction related GHG emission related to the revised project plans would generate approximately 52 metric tons CO₂e/year or only five percent of the air district's CEQA Guidelines bright line operational GHG emissions threshold of significance of 1,100 metric tons CO₂e/year.

Despite the minor revisions to the project plans, the proposed project would not result in GHG emissions that exceed the baseline use nor would it generate new GHG emissions that would exceed the bright line operational GHG emissions applied in the 2021 draft EIR. Therefore, the GHG emission impacts associated with the revised project would be less than significant. Therefore, the impact was adequately addressed in the draft and final EIR.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The 2021 draft EIR concluded that the originally proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The revised project would not alter this determination as the proposed use is only a 10.5 percent increase in number of units and a 13 percent increase in new residents over the originally proposed project. In addition, overall

construction and operation of the revised project would remain consistent with the originally proposed project. Therefore, the impact was adequately addressed in the draft and final EIR.

- b. As detailed in Section 13.0, Effects Not Addressed Further in this EIR, found in the 2021 draft EIR, potential hazardous materials impacts were identified associated with project demolition activities potentially releasing asbestos and lead-based paint into the environment. Implementation of the identified mitigation measure (13-3) 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.

The revised project does not substantially alter the proposed layout and number of proposed structures and associated infrastructure on the project site. In addition, the level of demolition activities would not be increased as a result of the revised project. Therefore, the findings of the previously prepared environment site assessment are still valid and adequate to address the hazardous conditions of the project site. With implementation of the previously-identified mitigation measure (13-3), hazardous materials impacts would still be reduced to a less-than-significant level. Therefore, the impact was adequately addressed in the draft and final EIR.

- c. The nearest school, the St. Mary's of the Immaculate Conception Catholic School, is located approximately 0.5 miles north of the project site. Implementation of mitigation measure 13-3 would ensure that impacts related to the possible release of asbestos during demolition activities associated with the revised project would be less than significant. Therefore, the impact was adequately addressed in the draft and final EIR.
- d. Government Code Section 65962.5 requires that the Department of Toxic Substances Control compile and regularly update a list of hazardous waste facilities and sites. A search of the EnviroStor website was completed in 2020 associated with the 2021 draft EIR and determined that the project site is not on the list and there are no listed hazardous sites within one half mile. An updated search of the EnviroStor website (Department of Toxic Substances Control 2024) confirmed that the project site is still not on the list and there are still no listed hazardous sites within one half mile. Therefore, the revised project would not create a significant hazard to the public or the environment due to location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. Therefore, the impact was adequately addressed in the draft and final EIR.
- e. The 2021 draft EIR identified the project site as not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airports are San Jose International Airport, approximately 12 miles to the north, and Reid-Hillview Airport, 16 miles to the northeast. The revised project does not change these conditions and would not result in a safety hazard or excessive noise for people residing or working in the project area. Therefore, the impact was adequately addressed in the draft and final EIR.

- g. Exposure to wildland fire risk as a result of the proposed project is addressed in D.20, Wildfire, of this modified checklist.

10. HYDROLOGY AND WATER QUALITY

Would the project:

		New Impacts?			
		Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1)	Result in substantial erosion or siltation on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	Impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. As noted in Section D.10, Hydrology and Water Quality, of the initial study attached to the NOP in Appendix A of the 2021 draft EIR, the State Water Resources Control Board has implemented a National Pollutant Discharge Elimination System (NPDES) Program

to control and enforce storm water pollutant discharge reduction per the Clean Water Act. In accordance with the requirements of this program, the project applicant would be required to obtain a State NPDES Construction General Permit for redevelopment of the 10.84-acre project site.

Further, Section 22.30.035 of the Town Municipal Code outlines requirements for storm water management on new development and redevelopment projects. Every new development or redevelopment project is required to identify the potential for stormwater to be discharged from the project site following completion of construction activity and demonstrate that the plans, drawings, or specifications for such project include the installation of management techniques, practices, and control measures designed to mitigate the potential adverse impacts of storm water that may be discharged from the project site on an ongoing basis, including storm water treatment measures.

By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the revised project, with a slightly larger footprint, would not violate any water quality standards or degrade water quality and would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, the impact was adequately addressed in the draft and final EIR.

- b. **Groundwater Supplies.** As noted in Section D.10, Hydrology and Water Quality, of the initial study attached to the NOP in Appendix A of the 2021 draft EIR, water service to the project site is provided by San Jose Water, which includes three major sources: groundwater, imported surface water, and local raw mountain water. Los Gatos is located within the Santa Clara Valley Groundwater Subbasin, which is managed by Valley Water. Valley Water maintains the basin at equilibrium by augmenting natural percolation of rainfall and local stream runoff with imported water. In addition, Valley Water operates a treated groundwater recharge/reinjection program that promotes the reuse of treated groundwater from the clean-up of contaminated sites.

The initial study in the draft EIR concluded that the proposed project would not deplete groundwater supplies because the proposed project consisted of replacing 205 existing senior living units with 191, thereby decreasing the need for additional groundwater supplies.

The revised project proposes to replace the existing 205 units with 211 units, for an increase of six units. It is unknown whether the new 211 units would require more water than was historically used at the facility with 205 units. However, it can be reasonably assumed that due to current water use restrictions and the requirement for low flow water fixtures, the increase in six living units could actually require less than historical water use. Additionally, in an email dated July 25, 2024 from James Bariteau, Senior Water Services Representative with San Jose Water Company to Mark Falgout with Kimley-Horn, at this time the water company does not foresee any issues with serving the proposed 211 units.

Groundwater Recharge. The revised project would result in the replacement of existing structures with fewer, but similar structures, resulting in a net increase of impervious surface area of approximately 17,984 square feet over the originally proposed project (from 183,181 square feet to 201,165 square feet or an approximately two percent increase). While this represents a net increase over existing conditions, the applicant will provide several bioretention areas to ensure adequate groundwater recharge is provided. Additionally, through implementation of a stormwater pollution prevention plan (SWPPP) and a drainage and grading plan, which shall be reviewed and approved by Town Public Works staff, the revised project would implement standard industry best management practices to control offsite discharges. As such, the revised project would not contribute to a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge. Therefore, this issue was adequately addressed in the draft and final EIR.

- c. Potential impacts due to increased impervious surfaces on the project site were addressed in the initial study that was included as an attachment to the 2021 draft EIR. The following is a summary of issues associated with increase impervious surfaces as a result of the revised project.

(1) Erosion. The 2021 draft EIR previously noted that the originally proposed project would require grading and excavation, which could result in soil erosion during storms and related sedimentation in downstream storm drains. The 2021 draft EIR determined that with compliance with the NPDES permit requirements and the Town's standard requirements, the originally proposed project would result in a less-than-significant erosion or sedimentation impacts from on-site grading or excavation activities. While the level of grading and excavation required with the revised project will be less than the originally proposed project (128,800 net cubic yards of cut and fill for the revised project; 140,300 net cubic yards of cut and fill for the originally proposed project), the revised project would also be required to comply with these previously identified requirements. Therefore, the revised projects impact associated with erosion would continue to be less-than-significant. Erosion impacts were adequately addressed in the draft and final EIR.

(2) Flooding. The 2021 draft EIR previously noted that the originally proposed project would collect stormwater onsite via drain inlets and roof drains and will then be conveyed to the existing public stormwater infrastructure that serves the site, thereby eliminating the potential for flooding on- or off-site. The revised project design also calls for this same stormwater infrastructure system. Therefore, the draft and final EIR adequately addressed this issue.

(3) Runoff. The 2021 draft EIR determined that the originally proposed project would be required to comply with the requirements of the Storm Water NPDES Permit issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB). In addition, the originally proposed project would be subject to Section 22.30.035 of the Town Municipal Code, which outlines requirements for storm water management on new

development and redevelopment project. Therefore, the 2021 draft EIR determined that the originally proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The revised project would result in a net increase of impervious surface area of approximately 17,984 square feet (10 percent), resulting in an increased potential for surface water runoff. However, like the originally proposed project, the revised project would still be required to comply with the requirements of the Storm Water NPDES Permit issued by the RWQCB and be subject to the Town's storm water management requirements which would reduce potential runoff impacts to a less-than-significant level. Therefore, this impact was adequately addressed in the draft and final EIR.

(4) Flood flows. As discussed under checklist question d) below, the project site is located within an area of minimal flood hazard. Therefore, development of the revised project would not impede or redirect flood flows.

Therefore, these impacts were adequately addressed in the draft and final EIR.

- d. The 2020 general plan EIR (figure 4.8-1), the project site is located within a 500-year flood zone. Current Federal Emergency Management Agency (FEMA) flood mapping was reviewed and the project site is still located within the 500-year flood zone (FEMA 2024). A 500-year flood zone has a 0.2 percent probability of flooding in a given year; i.e. a 500-year flood zone is likely to flood only under extreme flood conditions. The project site is not located within the Lexington dam failure inundation area, as identified on figure 4.8-2 of the general plan EIR. Additionally, updated flood-zone mapping found in the Town's 2040 general plan update EIR still shows the project site within a 500-year flood zone (figure 4.10-1) and outside of any dam failure inundation area. The project site is located a significant distance from the coast or any sizeable lakes or ponds, thereby eliminating the risk for a tsunami or seiche. As concluded in the initial study included as an appendix to the 2021 draft EIR, the potential for release of pollutants due to inundation of the project site remains low even with project modifications proposed in the revised project. Therefore, the impact was adequately addressed in the draft and final EIR.
- e. The initial study prepared as an attachment to the 2021 draft EIR determined that the originally proposed project would not conflict with Valley Water's 2016 *Groundwater Management Plan* because its onsite retention areas and treatment control measures would detain storm water runoff onsite, thereby allowing for groundwater recharge. Valley Water has since updated the groundwater management plan in 2021 and that plan has been reviewed in relation to the revised project. The revised project would not conflict with the Santa Clara Valley Water District (Valley Water) 2021 *Groundwater Management Plan* because, as with the originally proposed project, its onsite bioretention areas and treatment control measures would detain storm water runoff onsite, thereby allowing for groundwater recharge. Therefore, the impact was adequately addressed in the draft and final EIR.

11. LAND USE AND PLANNING

Would the project:

		New Impacts?			
		Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a.	Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The initial study included as Appendix A of the 2021 draft EIR concluded that the originally proposed project, which would have resulted in 191 units, would not result in the physical division of an established community. The revised project would not change this determination. Therefore, this issue was adequately addressed in the draft and final EIR.
- b. The 2021 draft EIR, which evaluated the originally proposed project, included a consistency analysis with applicable policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect. The revised project would not substantially alter the findings of the previously-prepared policy consistency analysis as the revised project represents a 10.5 percent increase in the number of senior living units and a 13 percent increase in the number of residents over the originally proposed project evaluated in the draft and final EIR.

Therefore, impacts associated with a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect were adequately addressed in the draft and final EIR.

12. MINERAL RESOURCES

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. As previously noted in the initial study included as Appendix A of the 2021 draft EIR, the 2020 general plan EIR determined that mineral resources are not significant in the Town (Los Gatos 2020 General Plan EIR, page 4-1). A review of the 2040 general plan EIR notes that while quarries have historically operated within the Los Gatos, no mining occurs within the Town. However, one quarry (Lexington Quarry) is currently in operation at 18500 Limekiln Canyon Road (approximately 1.8 miles to the southeast of the project site). The Lexington Quarry is owned and operated by Vulcan Materials who produce construction aggregate (stone, crushed/broken) from the site. The Lexington Quarry is located in the southern portion of the General Plan Sphere of Influence (SOI) and is designated as “Hillside Residential” in the current General Plan.

The revised project would not result in impacts to known mineral resources or result in the loss of availability of a locally important resource recovery site. Therefore, this issue was adequately addressed in the draft and final EIR.

13. NOISE

Would the project result in:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground-borne vibration or ground borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a. **Permanent Noise Increase.** As previously noted in the initial study that was included as an appendix to the 2021 draft EIR, operational noise levels associated with the project evaluated in the draft and final EIR (191 units) would be similar or somewhat less than the noise associated with the 205-unit existing development while it was operational. The same would be true of the revised project (211 units) (an additional six senior living units or three percent increase over the existing facility). Since the revised project would only result in a marginal increase in noise over the baseline conditions and the originally proposed project, the revised project would result in no measurable increase in impacts associated with operational noise.

Temporary Noise Increase. As previously noted in the 2021 draft EIR, construction activities, which are anticipated to last approximately 30 months, would result in temporary, short-term noise increases due to the operation of heavy equipment on the project site. The 2021 draft EIR determined that the originally proposed project would result in a less-than-significant impact associated with construction noise with implementation of the construction best management practices, as identified in the Town’s Noise Ordinance (Chapter 16).

The revised project has 8,155 gross square feet more floor space (2 percent increase) than the project evaluated in the 2021 draft EIR. With the incorporation of noise ordinance requirements, the construction noise impact resulting from construction of the revised project and other site improvements would remain less than significant. Therefore, the impact was adequately addressed in the draft and final EIR.

- b. As previously noted in the 2021 draft EIR, operation of construction equipment can cause ground vibrations that diminish in strength with distance from the source. The 2021 draft EIR concluded that the impact was less than significant. The revised project has 8,155 gross square feet more floor space (2 percent increase) than the project evaluated in the 2021 draft EIR. Therefore, construction would take incrementally longer with this added size; however, this incremental increase in floor space in the context of the total gross square footage proposed with the revised project (438,971 total gross square feet) will not result in substantially greater vibration impacts as compared to the originally proposed project. Revised project impacts associated with construction-related ground vibration and vibration noise would remain less than significant. Therefore, the impact was adequately addressed in the draft and final EIR.
- c. The 2021 draft EIR concluded that the project would not expose people residing or working in the project area to excessive noise levels. The revised project would also not expose residents or workers to excessive noise levels from airport or airstrip operations. Therefore, the issue was adequately addressed in the draft and final EIR.

14. POPULATION AND HOUSING

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The 2021 draft EIR previously determined that the originally proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly. The revised project proposes to redevelop the site with a total of 211 independent residential apartments, memory care units, and assisted living units. The revised project, therefore, would only increase the number of senior living residential units by 20 over and increase the number of anticipated residents by 28 over the originally proposed project evaluated in the 2021 draft EIR. The revised project would include an estimated 120 full-time equivalent employees, which is commensurate to the number of employees in the originally proposed project. While the revised project is anticipated to generate an additional 28 residents over existing conditions, the revised project would replace an existing senior community facility with a similar senior community facility (with a total permitted resident unit capacity of 222 units) and would not result in a substantial increase in population compared to the originally proposed project. The revised project would not induce substantial unplanned population growth in an area, either directly or indirectly. Therefore, the impact was adequately addressed in the draft and final EIR.
- b. As previously noted in the initial study that was included as an appendix to the 2021 draft EIR, the originally proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The revised project would demolish the existing facility and redevelop the site with a total of 211 independent residential apartments, memory care units, and assisted living units. While the number of units and residents will be incrementally greater than the originally proposed project, the revised project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the impact was adequately addressed in the draft and final EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b/e. The 2021 draft concluded that the originally proposed project would result in less-than-significant impacts associated with the provision of or need for new or physically altered government facilities. This was based on the determination that Town-required public facilities fees would offset the increased demand of public services as a result of the originally proposed project. The revised project would result in an incremental increase in the number of senior residents (by 28 residents) over the originally proposed project evaluated in the 2021 draft EIR. Such an incremental increase in new residents generated by the revised project could result in an incremental increase in adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities such as fire protection, police protection, and other public facilities such as libraries. However, the applicant/project proponent would still be required to pay Town-required public facilities fees which would offset the increased demand of public services and facilities as a result of the revised project. New public service facilities that would be constructed in the Town would require project-specific environmental analysis and implementation of any necessary projects specific mitigation prior to being considered for approval. Therefore, the impact was adequately addressed in the draft and final EIR.
- c. Both the originally proposed project and the revised project would be restricted to seniors 62 years and older. Therefore, the revised project would have no impacts on schools and this issue was adequately addressed in the draft and final EIR.

- d. Both the originally proposed project and the revised project would not increase the population of the Town, but rather accommodate an aging population. Therefore, the revised project would not result in the need for new or expanded park facilities and this issue was adequately addressed in the draft and final EIR.

16. RECREATION

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-b. The initial study that was included as an appendix to the 2021 draft EIR determined that the originally proposed project would not result in the need for new or expanded park facilities. The revised project would result in a 211-unit senior community facility of relatively comparable size to the originally proposed project (191 units). The revised project, like the originally proposed project, would not substantially increase the population of the Town, thereby requiring increased use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of recreation facilities would occur or be accelerated. In addition, the revised project would not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. Therefore, this issue was adequately addressed in the draft and final EIR.

17. TRANSPORTATION

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The applicant’s traffic consultant, Kimley-Horn, prepared a memorandum (dated January 26, 2024) to address the revised project and additional trips generated over the originally proposed project. The following discussion utilizes the findings of this memorandum, which updates analysis prepared by Kimley-Horn for the originally proposed project in *Los Gatos Meadows – Transportation Analysis* memo dated January 25, 2021.

a-b. The updated trip generation memorandum prepared by Kimley-Horn concluded that the increase in trip generation as a result of the increase in proposed senior living units (revised project) is negligible (seven net additional trips with use of the “Devpod” electric shuttle system), and no significant traffic impacts are anticipated to occur due to the revised project. In addition, Kimley-Horn concluded that there would be no change to the transportation operational findings identified in their technical memorandum evaluating the originally proposed project. Therefore, the revised project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

In addition, without the autonomous “Devpod” electric shuttle vehicles, the revised project would result in a net increase in 80 vehicle trips per day, which is less than the screening threshold of 110 vehicle trips per day, associated with evaluating vehicle miles traveled (VMT). With the “Devpod” electric shuttle vehicles, the revised project would generate only seven (7) additional daily trips. Under these conditions, the revised project

would have a less-than-significant VMT transportation impact. Therefore, the impact was adequately addressed in the draft and final EIR.

- c. The revised project proposes the same approximate circulation pattern and plan as the originally proposed project. Access and circulation on the project site would be designed to adhere to the Town of Los Gatos design guidelines and standards and would be subject to approval by the Town of Los Gatos Public Works Department and Santa Clara County Fire Department. This would ensure that the revised project is adequately designed to minimize hazards associated with design. The revised project would not increase hazards due to a design feature or result in inadequate emergency access. Therefore, the impact was adequately addressed in the draft and final EIR.

- d. The revised project would, like the originally proposed project, have a dedicated fire access road, located on the western side of the property and wrapping around the entire site with a connection to Broadway, improving fire access to the entire site. Final plans would be reviewed by the Town to ensure that the project adheres to all current California Fire Code requirements. The revised project would not result in inadequate emergency access. Therefore, the impact was adequately addressed in the draft and final EIR.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. (1, 2) The Town of Los Gatos offered consultation with Native American tribes and individuals with geographic associations to the Town of Los Gatos per the requirements of Assembly Bill (AB) 52 during the preparation of the original 2021 draft EIR. Refer to the draft EIR for a discussion of the consultation process. The change in the project description would not affect the results of the consultation process. Therefore, tribal cultural resources associated with the revised project description was adequately addressed in the draft and final EIR.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The 2021 draft EIR determined that the originally proposed project would have no impact associated with the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunications facilities. The project site is currently served by water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunication facilities. The revised project would result in a 211-unit senior community facility of relatively comparable size to the originally proposed project with the addition of 20 senior living units. The revised project would result in an incremental increase in population compared to the existing facility. Such an incremental increase in population (by 28

residents) does not represent a substantial increase over the originally proposed project. The revised project would not require relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunication facilities. Therefore, the impact was adequately addressed in the draft and final EIR.

- b. The 2021 draft EIR determined that the originally proposed project would result not result in an increase in water supply and would have no impact on the capacity of water supply facilities. Water service to the project is provided by San Jose Water. The revised project proposes to replace the existing 205 units with 211 units, for an increase of six units. It is unknown whether the new 211 units would require more water than was historically used at the facility with 205 units. However, it can be reasonably assumed that due to current water use restrictions and the requirement for low flow water fixtures, the increase in six living units could actually require less than historical water use. Additionally, in an email dated July 25, 2024 from James Bariteau, Senior Water Services Representative with San Jose Water Company to Mark Falgout with Kimley-Horn, at this time the water company does not foresee any issues with serving the proposed 211 units. Therefore, the revised project would have sufficient water supplies available to serve the project. And this impact was adequately addressed in the draft and final EIR.

- c. The 2021 draft EIR determined the proposed project would likely result in a decrease in wastewater demand and therefore, would have no impact on wastewater treatment facilities. The West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos, including the project site. The West Valley Sanitation District's collection systems ultimately connect to the San Jose/Santa Clara Regional Wastewater Facility located in Alviso for wastewater treatment and disposal. According to the 2040 general plan EIR, the San Jose/Santa Clara Regional Wastewater Facility has the capacity to treat 167 million gallons per day of wastewater.

The revised project proposes 211 senior living units, thereby resulting in an incremental (10.5 percent) increase in wastewater demand over the originally proposed project evaluated in the 2021 draft EIR, and an increase in only six units (three percent) compared to baseline conditions. The addition of six units to baseline conditions would not require physical improvements to the wastewater treatment facilities. Therefore, the impact was adequately addressed in the draft and final EIR.

- d-e. The 2021 draft EIR determined the originally proposed project would not result in an increase in solid waste generation and would not exceed landfill capacity. Further, the originally proposed project would be required to comply with federal, state, and local statutes and regulations related to solid waste and no physical improvements would be necessary to serve the originally proposed project.

The revised project proposes to redevelop the site with a total of 211 independent residential apartments, memory care units, and assisted living units (a 10.5 percent increase over the originally proposed project), and an increase in only six units (three percent) compared to baseline conditions. This represents an incremental increase in the

solid waste generation over the originally proposed project. The communities of Los Gatos, Monte Sereno, Saratoga, and Campbell are part of the West Valley Solid Waste Management Authority, a Joint Powers Authority (JPA). The JPA is the exclusive recycling, green waste and garbage hauler for the Town of Los Gatos. The JPA currently contracts with a private franchise, West Valley Collection and Recycling (WVCR) to provide residential and commercial waste collection and recycling services to member jurisdictions. All recycling, green waste and garbage are picked up by WVCR and transported directly to the Guadalupe Landfill. The Town of Los Gatos between the years 2014 and 2017 generated approximately 24,978 tons of solid waste per year. Solid waste is disposed of at the Guadalupe Landfill. The Guadalupe Landfill is a Class II solid waste landfill permitted to accept 3,650 tons of material daily and is projected to reach capacity in 2043. The landfill has a cease operation date of December 31, 2043 (Cal Recycle 2024).

Therefore, the revised project would not result in a substantial increase in solid waste generation and would not exceed the landfill capacity. Further, the revised project would be required to comply with federal, state, and local statutes and regulations related to solid waste. No physical improvements would be necessary to serve the revised project. Therefore, the impact was adequately addressed in the draft and final EIR.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a-d. The 2021 draft EIR identified two potential wildfire hazard impacts associated with the originally proposed project including short-term construction-related traffic activity impairing an adopted emergency response plan (Impact 12-1) and exposing people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes (Impact 12-4). These potentially significant wildfire impacts were determined to be less-than-significant with implementation of mitigation measures (12-1 and geology and soils mitigation measures 13-1 and 13-2).

The revised project has been compared and analyzed with the original building plans by EMC Planning Group staff. In addition, EMC Planning Group staff have reviewed updated fire hazard mapping found in the 2040 general plan/general plan EIR and recently updated (as of April 2024) California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone Maps for the State Responsibility Area (SRA). The project is still entirely located within the Local Responsibility Area (LRA) (note: LRA fire severity hazard maps have not been updated as of July 2024).

However, the project site is still immediately adjacent to a CAL FIRE-designated “Very High Fire Hazard Severity Zone” within the SRA as previously identified in the 2021 draft EIR.

All changes to the plans are deemed minimal with regard to potential wildfire impacts. Therefore, the 2021 draft EIR analysis and impact determinations remain valid and adequate for purposes of mitigating wildfire impacts associated with the revised project.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	New Impacts?			
	Adequately Addressed in Previous EIR	Not Adequately Addressed in Previous EIR	Less-Than-Significant or Less-Than-Significant with Mitigation Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. As discussed in Section 4.0, Biological Resources, of this modified checklist, the revised project has the potential to have a substantial adverse effect through plant and wildlife habitat modifications. All of these potentially significant biological impacts were determined to be less than significant with implementation of biological mitigation measures (7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8) as identified in the 2021 draft EIR. Therefore, this impact was adequately addressed in the draft and final EIR.

As discussed in Section 5.0, Cultural Resources, of this modified checklist, the project site is not known to contain any significant historic resources, unique archaeological resources, or Native American human remains. However, it is possible that these resources could be accidentally uncovered during grading and construction-related activities associated with the revised project. As the revised project does not substantially increase or alter the originally proposed project’s development footprint, implementation of the Town’s standard condition of approval noted in 2021 draft EIR is still adequate to address potential impacts associated with the disturbance of human remains during

construction and grading. Therefore, this impact was adequately addressed in the draft and final EIR.

- b. The 2021 draft EIR determined that the originally proposed project had the potential to result in cumulatively considerable impacts in the areas of: aesthetics; air quality; biological resources; cultural, paleontological, and tribal cultural resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise; and wildfire hazards. All of these potentially significant cumulative impacts were determined to be less than cumulatively considerable with implementation of either mitigation measures, implementation of general plan goals, policies, or actions, and/or Town standard conditions of approval. The revised project has been determined to be adequately addressed in the draft and final EIR in terms of potential increases in or new environmental effects as a result of the revised project. Therefore, potential cumulative impacts associated with the revised project were adequately addressed in the draft and final EIR and would not be cumulatively considerable.
- c. The 2021 draft EIR determined that the originally proposed project had the potential to result in adverse environmental effects that could cause substantial adverse effects on human beings from the following: demolition of existing buildings that results in the release of lead-based paint and asbestos into the air and mechanical and construction noise at nearby sensitive receptors that exceed noise thresholds. Each of these potential impacts were reduced to a less-than-significant level through implementation of mitigation measures or Town standard conditions of approval. The revised project has been determined to be adequately addressed in the draft and final EIR in terms of potential increases in or new air quality and noise impacts as a result of the revised project. Therefore, potential environmental effects, which could cause substantial adverse effects on human beings, associated with the revised project were adequately addressed in the draft and final EIR.

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