Planning for Success.

October 3, 2025

Joel Paulson, AICP
Community Development Director
Town of Los Gatos – Community Development Department
110 E. Main Street, P.O. Box 949
Los Gatos, CA 95031

Re: Town of Los Gatos – Environmental Proposal

Dear Joel,

Thank you for requesting a proposal from EMC Planning Group for continuing to provide CEQA compliance services to the Town of Los Gatos. Our firm is celebrating 48 years providing land planning and environmental consulting to public agencies throughout California.

EMC Planning Group has prepared 25 environmental documents for the Town over the past 15 years including environmental impact reports (EIR), EIR addendums, initial studies and mitigated negative declarations, documentation for categorical exemptions, CEQA Guidelines 15168 consistency analyses, CEQA noticing, mitigation monitoring and reporting programs, and CEQA findings and statements of overriding considerations.

During the last 15 years, our staff has acquired an in-depth understanding of the environmental and political issues facing development in the Town, and have developed efficient working relationships with Community Development Department staff and Town Counsel. Recently, we have assisted the Town with CEQA documentation for SB 330 projects, and continue to work on two, very large mixed-use SB 330 projects. These projects are discussed in more detail in the attached proposal.

Our general philosophy in environmental analysis is to view every project individually, to take the time to understand how the project would impact the environment, and provide thoughtful analysis and mitigation measures to minimize impacts. Our goal is to prepare an

informative, defensible document, through team collaboration and providing valuable consultation to Town staff.

We have reviewed the Town's contract template for the Consultant Services Agreement and do not have any exceptions or changes to the contract provisions.

Please don't hesitate to contact me if you have any questions regarding this submittal. We look forward to the opportunity to continuing providing CEQA-compliance services to the Town.

Sincerely,

Teri Wissler Adam

Teri Wissler Adam
Senior Principal

Proposal

Town of Los Gatos – Environmental Proposal

October 3, 2025

Prepared by

EMC Planning Group

PROPOSAL

TOWN OF LOS GATOS – ENVIRONMENTAL PROPOSAL

PREPARED FOR

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030
Tel 408.354.6874

PREPARED BY

EMC Planning Group Inc.
601 Abrego Street
Monterey, CA 93940
Tel 831.649.1799
Fax 831.649.8399
Teri Wissler Adam, Senior Principal
wissler@emcplanning.com
www.emcplanning.com

October 3, 2025

Table of Contents

Attachments

Tables

1.0
Certificate Forms

The certificate forms listed below are found on the following pages.

- Town RFP Attachment 1 – Conflict of Interest Statement (2 pages)
- Town RFP Attachment 2 – Non-Collusion Declaration (1 page)
- Town RFP Attachment 4 – Statement regarding Insurance Coverage and Worker's Compensation Insurance Acknowledgement Certificate (1 page)

ATTACHMENT 1 - CONFLICT OF INTEREST STATEMENT

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

ENVIRONMENTAL SERVICES

The undersigned declares:

I/We EMC Planning Group Inc. (Insert Name) have the following financial, business, or other relationship with Town of Los Gatos that may have an impact upon the outcome of the contract. If none, please specify that no other relationships may have an impact on this contract.

No other relationships may have an impact on this contract.

I/We EMC Planning Group Inc. (Insert Name) have the following current clients who may have a financial interest in the outcome of this contract. If none, please specify that no other clients may have a financial interest with an impact on this contract.

No other relationships may have an impact on this contract.

Pursuant to Government Code section 1090 and any other laws, rules, and regulations that may apply, the Proposer covenants that neither it, its subcontractors, nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of the Town. Through its submittal of a proposal, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the Town if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

Furthermore, if there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one proposal for the same

work unless alternate proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider proposals from participants in such collusion. Proposers shall submit as part of their proposals documents the completed Non-Collusion Declaration provided herein.

I, on behalf of the Proposer, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on October 2, 2025 [date], at Monterey [city], California [state].

EMC Planning Group Inc.	President & Senior Principal
Proposer Name (Person, Firm, Corp.)	Title of Authorized Representative
601 Abrego Street, Monterey, CA 93940	Michael J. Groves, AICP, President & Senior Principal
Address	Name of Authorized Representative
Monterey, CA 93940	
City, State, Zip	
October 2, 2025	
(Date)	(Signed)

ATTACHMENT 2 – NON-COLLUSION DECLARATION

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

ENVIRONMENTAL SERVICES

The undersigned declares:

I am the President & Senior Principal [Insert Title] of EMC Planning Group Inc. ,[Insert name of company, corporation, LLC, partnership or joint venture] the party making the foregoing proposal.

The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The Respondent has not directly or indirectly induced or solicited any other respondent to put in a false or sham proposal. The Respondent has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham proposal, or to refrain from responding. All statements contained in the proposal are true.

Any person executing this declaration on behalf of a respondent that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 10/02/2025 [date], at Monterey [city], CA [state].

By: 

Name: Michael J. Groves, AICP, President & Senior Principal

Title: President & Senior Principal

ATTACHMENT 4 - STATEMENT REGARDING INSURANCE COVERAGE AND WORKER'S COMPENSATION INSURANCE ACKNOWLEDGMENT CERTIFICATE

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

ENVIRONMENTAL SERVICES

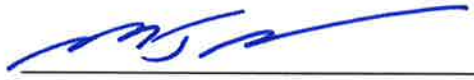
PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the RFP. Should the Proposer be awarded a contract for Services, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of any subcontractors, and agrees to name the Town as additional insured for the Services specified.

By certifying this form, the Proposer also understands the Worker's Compensation insurance requirement per the California Labor Code, Sections 1860 and 1861:

> I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

EMC Planning Group Inc.

Name of Proposer (Person, Firm, or Corporation)



Signature of Proposer's Authorized Representative

Michael J. Groves, AICP, President & Senior Principal

Name & Title of Authorized Representative

10-2-25

Date of Signing

2.0
Review of Scope of Services

2.1 Understanding of Scope of Services

EMC Planning Group has been assisting the Town of Los Gatos with California Environmental Quality Act (CEQA) compliance for 15 years, and our staff is intimately familiar with the kinds of projects and environmental review processes associated with both private and public projects in Los Gatos. We understand the Town is seeking up to two qualified consultants to provide environmental consulting services for the Community Development Department. The firm also understands the Town's Community Development Department processes an average of five initial studies (IS) on a yearly basis, which result in approximately one environmental impact report (EIR) and four mitigated negative declarations (MNDs). As a result, the scope of services to be provided to the Town may include, but are not limited to, the following:

- Attendance at preliminary scoping meetings with staff for any referred projects that are not exempt from CEQA;
- Review and analysis of background/technical reports;
- Field visits and documentation of existing site conditions;
- Preparation of initial studies;
- Preparation of negative declarations, mitigated negative declarations, and environmental impact reports;
- Preparation of mitigation monitoring programs when required;
- Preparation of findings of fact and statements of overriding considerations;
- Attendance at public hearings as required;
- Preparation of follow-up clarification letters or documentation for any initial studies, negative declarations, mitigated negative declarations, or environmental impact reports on an as needed basis; and
- Advice related to CEQA.

2.2 Ability to Provide Scope of Services

Scope of Services

EMC Planning Group specializes in assisting public agencies with environmental review, technical assessment, and preparation of environmental compliance documentation. Environmental impact assessment requires a technical understanding of natural processes and how those processes might be affected by proposed projects. The firm's approach to each environmental project performed for public agencies includes:

- Thoroughly researching, analyzing, and identifying the environmental impacts of a development project or land use plan;
- Providing complete informational documents for decision-makers on the environmental impacts and effects;
- Preparing the appropriate environmental documentation in compliance with CEQA, the National Environmental Policy Act (NEPA), and other local, regional, state, and federal agencies regulations and laws;
- Developing workable mitigations to reduce the impact of identified environmental impacts, and
- Preparing and implementing plans for monitoring and mitigation.

EMC Planning Group employs several environmental planners and analysts specializing in CEQA compliance, as well as a team of biologists and an archaeologist. A team of subconsultants is utilized to evaluate environmental effects such as noise, greenhouse gas emissions, and built historic resources, and those associated with transportation. Subconsultants may also be used for complex air quality analysis, such as health risk assessments, when necessary.

Project Management & Methodology

Project Management

Since the EMC Planning Group team is located in Monterey, California, it is assumed that a majority of the environmental planning consultant services will be provided via email, phone calls, and virtually via Zoom or other virtual conferencing services. Staff will provide "on-site" or "in-person" services on an "as-needed" basis as agreed upon by the Town and EMC Planning Group.

EMC Planning Group personnel has the experience to take on projects of any size and land use type. A staff of up to 25 team members assume a variety of roles and responsibilities, and carry out a full-range of tasks from highly-technical assessments to administrative tasks. This structure allows the firm to reduce costs and maintain flexibility with regard to the management of multiple and simultaneous projects.

Each project is assigned a principal-in-charge, a project manager, and assistant project manager (depending on the size of the project), and the necessary number of team members to assist with research and development; coordinating with Town staff, writing sections of the environmental documentation, preparation of graphics, and production of documents.

Staff meetings at EMC Planning Group are held on a weekly basis to discuss project schedules and workload, and to track deadlines and the progress for all active projects. It is anticipated that the EMC Planning Group team assigned to perform services for the Town will meet on a weekly or bi-weekly basis to discuss current and upcoming projects, and other important items. Project meetings are also held as necessary and/or on an impromptu basis to address immediate issues that may arise.

Quality Control

The project manager and principal-in-charge review all versions of environmental compliance documents for technical adequacy following each revision, and prior to delivery to the client. Additionally, EMC Planning Group utilizes a variety of document templates for environmental and planning documents, and produces a "Style Guide" for employees to use when preparing documents and reports. This ensures consistency in the documents, especially when several team members are assigned to the same project.

Data and Materials Delivery

All documents would be provided electronically, unless otherwise requested by Town staff.

3.0
Experience and Expertise

3.1 Introduction

EMC Planning Group is an award-winning, interdisciplinary environmental compliance and land use planning firm located in Monterey, California. Since its inception in 1978, the firm has gained experience in a broad range of planning disciplines including, environmental planning and compliance, land use development and permitting, and municipal staff support. The firm assists public and private sector clients in navigating a variety of issues related to environmental compliance and regulatory permitting, land use planning, and entitlement process management. Our success and longevity are due in large part to the diversity, talent, and creativity of its team members. The firm's environmental planners, land use planners, GIS technicians, biologists, archaeologists, and other specialists are skilled professionals with the ability to deliver practical yet innovative solutions in a timely and cost-effective manner. EMC Planning Group is a State of California certified small business (SB-Micro), and a locally-certified green business.

3.2 Notable Awards

Town of Corte Madera 6th Cycle (2023 - 2031) Housing Element Update Subsequent EIR

- Environmental Analysis Document Award of Merit, Association of Environmental Professionals (2024)

City of Guadalupe 2042 General Plan Update

- Comprehensive Plan, Small Jurisdiction Award of Excellence, American Planning Association California Chapter, Central Coast Section (2023)

Gilroy 2040 General Plan and Program Environmental Impact Report

- Comprehensive Plan, Small Jurisdiction Award of Merit, American Planning Association California Chapter, Northern Section (2021)

Lillian Commons – Morgan Hill Medical Campus

- Planning for Health Award of Merit, American Planning Association California Chapter, Northern Section (2021)

City of Sand City Vibrancy Plan

- Economic Planning and Development Award of Merit, American Planning Association California Chapter, Northern Section (2020)

City of Salinas Economic Development Element

- Outstanding Planning Document, Association of Environmental Professional (2016)

- Economic Planning and Development Award of Excellence, American Planning Association California Chapter, Northern Section (2015)
- Economic Planning and Development Award of Merit, American Planning Association California Chapter (2015)

Camp Pico Blanco Scout Reservation Conservation Plan

- Outstanding Environmental Resource Document Award, Association of Environmental Professionals (2015)
- Innovation in Green Community Planning Award of Excellence, American Planning Association California Chapter, Northern Section (2014)

Fort Ord Reuse Plan Reassessment

- Best Practices Award of Merit, American Planning Association California Chapter, Northern Section (2013)

City of Gonzales Downtown Revitalization Plan

- Planning Implementation Award of Merit, American Planning Association California Chapter, Northern Section (2000)

Fort Ord Reuse Plan and EIR

- National American Planning Association Award and President William Clinton Model for Base Closure in the United States
- Outstanding Planning Award in the Category of Comprehensive Planning in a Small Jurisdiction, American Planning Association, National (1997)

3.3 EMC Planning Group Environmental Planning Services

CEQA and NEPA Compliance Services

EMC Planning Group assists public agencies in complying with the California Environmental Quality Act (CEQA) for projects funded by the State and from local sources, and the National Environmental Policy Act (NEPA) for projects funded by the federal government. The firm's goal is to provide thorough research and analysis of potential environmental impacts that may be caused by proposed projects, and supply clients with complete informational documents and findings. EMC Planning Group has the in-house technical expertise to conduct the following types of analyses:

- Visual impact assessment;
- Biological resource impact assessments;
- Archaeological and Tribal Resources impact assessments;
- Special-status species surveys and reports;
- Preconstruction surveys;

- Biological and Archaeological monitoring;
- Wetland delineation assessments; and
- Air quality and greenhouse gas emissions modeling and impact assessment.

CEQA Documentation

CEQA compliance service deliverables include the following:

- Categorical and statutory exemption reports and findings;
- CEQA guidelines Section 15183 consistency reports;
- Initial studies/negative declarations and mitigated negative declarations;
- Environmental impact reports (public review drafts and final drafts) including addendums and subsequent environmental impact reports;
- Noticing;
- CEQA findings; and
- Mitigation monitoring and reporting plans.

NEPA Documentation

NEPA compliance service deliverables for public agencies seeking federal funding for public works and infrastructure projects include the following:

- Categorical exclusion reports and findings;
- Environmental assessments/finding of no significant impact (FONSI); and
- Environmental impact statements.

EMC Planning Group has prepared NEPA documentation for federal agencies including:

- U.S. Housing and Urban Development;
- U.S. Environmental Protection Agency;
- U.S. Department of the Army;
- U.S. Department of Veterans Affairs;
- Federal Highway Administration (via the California Department of Transportation); and
- United States Department of Agriculture.

Biological Resources

EMC Planning Group biologists offer adaptive and innovative solutions to environmental compliance challenges. The firm provides comprehensive and scientifically defensible analyses and biological resources documentation to comply with CEQA and NEPA requirements. Services and deliverables are summarized the following page:

- Literature reviews, database searches, and field surveys;
- Constraints analyses and plant community mapping;
- Focused surveys and habitat assessments for special-status species;
- Pre-construction focused surveys and construction monitoring;
- Mitigation planning and monitoring; and
- Preliminary assessment and/or delineation of wetlands and waters of the U.S.

Regulatory Permitting

EMC Planning Group biologists are experienced in assisting public agencies, as well as private property owners, with obtaining permits from various local, regional, state, and federal agencies. Permits include, but are not limited to:

- Individual and nationwide permits from the U.S. Army Corps of Engineers pursuant to the Federal Clean Water Act;
- Incidental take permits from the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act;
- Incidental take permits from the California Department of Fish and Wildlife pursuant to the California Endangered Species Act;
- Streambed alteration agreements from the California Department of Fish and Wildlife pursuant to the California Fish and Game Code Section 1600; and
- Water quality certification from the Regional Water Quality Control Board pursuant to Section 401 of the California Clean Water Act.

Archaeological and Tribal Resources Services

EMC Planning Group provides the following services related to archaeological and tribal resources:

- CEQA/NEPA (Section 106) compliant archaeological surveys;
- California Historical Resources Information System (CHRIS) searches;
- Pedestrian surveys and testing;
- Data recovery;
- Archaeological construction monitoring;
- National Register of Historic Places (NRHP) Evaluation and Nomination; and
- Tribal consultation assistance pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18.

Deliverables include the following:

- Reports;
- Historic and archaeological records;
- Area of Potential Effect Maps;
- Tribal consultation offer letters; and
- Sacred land file record searches and findings.

Air Quality and Greenhouse Gas Emissions Analysis

EMC Planning Group's air quality and greenhouse gas emissions specialists conduct modeling using the California Emissions Estimator Model (CalEEMod) and Emissions Factor Model (EMFAC), prepare impact analyses, and develop emissions reduction/mitigation strategies for CEQA and NEPA documentation and development mitigation compliance. Deliverables include the following:

- Air quality and greenhouse gas emissions reports;
- Air quality and greenhouse gas emissions sections of initial studies;
- Air quality and greenhouse gas emissions sections of EIRs; and
- Greenhouse gas reduction plans to implement GHG mitigation measures.

3.4 Understanding of Minimum Qualifications

EMC Planning Group understands the Town intends to contract with up to two consulting firms to provide environmental consulting services, and these firms shall satisfy the minimum qualifications as listed in the Town's RFP. The selected firms shall:

- Have experience reviewing development proposals and preparing appropriate environmental documents based on the scope of the project;
- Have experience preparing environmental documents;
- Have experience and familiarity with hillside development;
- Have the ability to interpret and apply applicable Town codes, policies, standards, and guidelines; and
- Provide timely responses to the Town.

EMC Planning Group's Ability to Satisfy the Minimum Requirements

Experience Preparing Environmental Documents

As outlined in Section 3.3, EMC Planning Group Environmental Planning Services, our firm has the ability to prepare environmental documentation in compliance with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and other federal, state, and local regulatory agencies.

Our expertise lies in project management and preparation of EIRs, initial studies, mitigated negative declarations, mitigation monitoring and reporting programs (and assisting with mitigation implementation and monitoring), all required CEQA noticing, CEQA findings for negative declarations and EIRs, and categorical exemption documentation and noticing. In addition, the firm prepares various stand-alone technical reports used in environmental documents such as biological resources evaluations, archaeological reports, air quality and greenhouse gas emissions studies, visual impact studies, and land evaluation and site assessments (LESA) to assist in determining whether impacts to agricultural resources are significant.

The firm subcontracts with a variety of technical firms, with which EMC Planning Group has developed strong relationships, to conduct analysis and prepare reports to address issues such as architectural historic resources, geologic constraints, hydrological changes, noise, and traffic. Subconsultants are chosen based upon the experience deemed necessary to complete a specific type of project, and EMC Planning Group's experience with their quality of work and responsiveness. In response to this RFP, our firm has included five subconsultants as listed in Section 4.2, Subconsultants.

Interpretation and Application of Town Codes, Policies, Standards, and Guidelines

Since 1978, EMC Planning Group has not only assisted public agencies with environmental planning and compliance services, but land use development, permitting, and entitlement services as well. The firm's land use planning services include development proposal review and processing, and the preparation of the environmental documentation deemed necessary to satisfy compliance requirements. From an environmental review perspective, many of an agency's codes, policies, standards, and guidelines are used to assist with determining if a project's impact on the environment is significant and whether or not the agencies codes, policies, etc. are effective in ensuring the environmental effect is not significant.

Several senior staff members are not only experts in preparation of CEQA documentation, but are experienced planners or have obtained their AICP certification from the American Planning Association. Our staff members have provided staff planning services for various agencies and are currently acting as city staff for Sand City, processing a variety of development applications, which require interpretation and application of the agencies municipal code, as well as general plan policies and other agencies standards and guidelines.

Having prepared a number of environmental documents for the Town, our firm has become familiar with the Town's codes, policies, etc. that were adopted for the purpose of avoiding or minimizing environmental impacts.

Hillside Development Experience

EMC Planning Group has prepared dozens of environmental documents assessing a project's effects on the environment in hillside locations. Please refer to Section 3.4, Relevant Projects, for the firm's experience with hillside development projects.

3.4 Relevant Experience

EMC Planning Group has a long-standing relationship with the Town of Los Gatos. In addition to currently preparing several documents for the Town, the firm has completed numerous environmental planning projects for the Town as evidenced by the representative projects listed on below and on the following pages. Projects are listed in reverse chronological order (newest to oldest).

Projects in Los Gatos

220 Belgatos Road Subdivision IS/MND

Town of Los Gatos, July 2025 – Ongoing

EMC Planning Group has prepared a draft initial study for the Town of Los Gatos on a proposed 13-lot subdivision which includes amending the general plan land use designation from Public to Low Density Residential. The initial study addresses 13 single-family homes and 13 accessory dwelling units (ADUs). The project is located at the base of the hillside in Los Gatos. The initial study focuses on the following environmental issues: aesthetics, sensitive biological resources, and cultural and tribal cultural resources. This project is currently on hold as the applicant redesigns the project.

15300 and 15330 Los Gatos Boulevard (The Arya Mixed-Use Project) (SB 330) EIR

Town of Los Gatos, May 2025 – Ongoing

EMC Planning Group is preparing an EIR for the Town of Los Gatos on a proposed mixed use, seven-level, 175-unit luxury condominium/commercial project. The total project is 575,634 square feet and has an overall height of 116 feet and 6 inches from the commercial floor level to the top of the building located at the roof deck. The EIR is focusing on the following environmental topics: aesthetics, air quality including health risks, greenhouse gas emissions, energy, geotechnical issues, hazards and hazardous materials, noise, public services, transportation, tribal cultural resources, utilities and cumulative impacts.

14849 Los Gatos Boulevard Mixed-Use Development (The Luxe – North 40 Specific Plan) (SB 330) Initial Study

Town of Los Gatos, May 2025 – Ongoing

EMC Planning Group is preparing an initial study for the Town of Los Gatos on a proposed eight-level luxury condominium project, street level commercial space, and three levels of underground parking. Additional commercial space is also on the roof for a prospective eating establishment. The initial study is focusing on the following environmental topics: aesthetics, air quality including health risks, greenhouse gas emissions, energy, noise, public services, transportation, tribal cultural resources, utilities and cumulative impacts.

North 40 Specific Plan Phase II (SB 330) Initial Study

Town of Los Gatos, February 2024 – September 2025

EMC Planning Group conducted peer review of the applicant's technical documentation, and prepared an initial study to evaluate the environmental impacts of Phase II of the North 40 Specific Plan to determine if it qualifies for the CEQA streamlining process under CEQA Guidelines section 15183. The proposed project is an SB 330 application and includes 450 multi-family and townhome units (77 of which would be affordable), as well as 15,014 square feet of commercial/retail uses and 987 square feet of community/civic uses. The project also includes 8.4 acres of open space, which includes 3.5 acres of green open space. The initial study focused on the following environmental issues: aesthetics (tallest building is proposed to be about 100 feet tall); biological resources, cultural and tribal resources, air quality, greenhouse gas emissions, noise, transportation, and utilities. The initial study included the following conclusion: Although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in the General Plan EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further was required.

143 & 151 E. Main Street Mixed Use Project (SB 330) IS/MND

Town of Los Gatos, July 2024 – May 2025

EMC Planning Group prepared an initial study and mitigated negative declaration for the development of 30 multi-family units and 2,416 square feet of commercial/retail/restaurant use (SB 330 application) located at 143 and 151 E Main St in downtown Los Gatos. The initial study focused on the following issues: air quality, greenhouse gas emissions, transportation, and noise.

50 Los Gatos-Saratoga Road Multi-Family Housing (SB 330) Initial Study

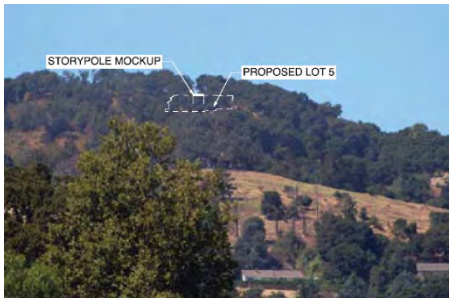
Town of Los Gatos, April 2024 – February 2025

EMC Planning Group conducted peer review of the applicant's technical documentation, and prepared an initial study to evaluate the environmental impacts of a proposed multi-family housing project (SB 330 application) at 50 Los Gatos-Saratoga Road in Los Gatos to determine if it qualifies for the CEQA streamlining process under CEQA Guidelines section 15183. The proposed project includes an application for demolition of an existing motor lodge, and development of 155 townhome-style condominium units.

EMC Planning Group staff and team of subconsultants conducted peer review of the following technical reports: environmental noise assessment; air quality, health risk assessment, and greenhouse gas emissions analysis; historic property report; and biological resource evaluation. The initial study focused on whether the proposed project was consistent with the development density established by the Town's general plan and evaluated in the general plan EIR or whether there would be project-specific significant effects which are peculiar to the project or its site that were not addressed in the EIR. EMC Planning Group and Town staff concluded that the project did qualify for the streamlining process.

16100 Greenridge Terrace Planned Development Addendum EIR

Town of Los Gatos, May 2023 – August 2023



EMC Planning Group prepared an addendum to a previously-certified EIR to address grading and development of an emergency access road to a subdivision in the hills of Los Gatos. The analysis focused on the following issues: biological resources including tree removal, air quality, cultural resources, erosion and water quality, construction noise, and wildfire. Based on EMC Planning Group's review of the proposed project changes, the conclusions, impact determinations, and mitigation measures identified in the original EIR were still applicable and adequate, and would also apply to the secondary emergency access road. No changes to the EIR were required and no additional environmental analysis associated with the proposed project was required. The proposed project changes and EIR addendum were present to the Town's Design Review Committee in August 2023 and approved.

110 Wood Road – Los Gatos Meadows Senior Living Community EIR & Revised Project CEQA Review

Town of Los Gatos, August 2020 – September 2022 (EIR), May 2024 – December 2024 (Revised Project CEQA Review)

EMC Planning Group prepared an EIR for the proposed redevelopment of a senior living community in the Town of Los Gatos. The project includes demolition of an older, vacant senior housing facility in the hills above downtown Los Gatos, and construction of a new senior living community including the following:

- Eight, three- to five-story buildings rising from a ground level base containing the main building entry and reception, health center, and garage;
- 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments;

- A 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care;
- 35,429 square feet of total amenity space (including fitness and dining areas);
- 35,280 square feet for back of house and mechanical space; and
- 91,827 square feet of parking space, with 77 standard parking spaces in the new garage.

The EIR focused on the following key environmental issues: impacts to visual resources (building massing and height) from various locations within the Town and from State Route 17, biological resources including removal of large protected trees and special-status plant species, forest land/fire hazards, geologic concerns, noise, public services, sewer capacity, solid waste, vegetation, growth inducement, water supply and groundwater, cultural resources, transportation (vehicle miles traveled), air quality, greenhouse gas emissions, and energy resources. In addition to the preparation of the EIR, EMC Planning Group also prepared a focused special-status plant survey for the project due to the presence of two special-status plant species onsite during biological surveys as part of the analysis of potential impacts to biological resources. EMC Planning Group also prepared the CEQA findings. The EIR was completed in 12 months.

EMC Planning Group reviewed the revised senior living community project to determine the appropriate level of CEQA review. The project was subject of a 2020-2022 draft/final EIR prepared by EMC Planning Group. The final EIR was eventually not certified and the project was not approved by the Town Council. The design changes to the proposed project will likely necessitate additional environmental review given the extent the changes and the previously identified environmental impacts in the draft/final EIR. While all potential impacts associated with the 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. EMC Planning Group prepared a modified CEQA checklist, using the previously prepared draft/final EIR, to evaluate the currently proposed plans in comparison to the previously proposed plans to determine if new or substantially increased environmental impacts would occur that were not evaluated in the draft/final EIR.

16100 Greenridge Terrace Planned Development and Subdivision EIR

Town of Los Gatos, March 2017 – April 2019

EMC Planning Group prepared an EIR on the proposed project consisting of an application to re-zone 36 acres located in the foothills of Los Gatos from HR 2 1/2 to HR 2 1/2 PD, and subdivide the property into eight large, residential lots. Environmental issues include visual impacts, biological resources including tree removal, cultural resources, geologic hazards, noise, and traffic. At public hearings on the project, the selection of alternatives, tree removal, and driveway length due to fire access in a wooded area were the primary concerns. Because there were no significant unavoidable

impacts, and all of the impacts were mitigated through standard types of mitigation (pre-construction surveys or tree replacement, for example), development of alternatives was a challenging task. The Town Council utilized the concept presented in one of the EIR alternatives, and expanded the area under open space easements.

Hillside Projects

In addition to the *16100 Greenridge Terrace Planned Development EIR and Addendum EIR* prepared for the Town of Los Gatos in 2019and 2023 respectively, EMC Planning Group has completed CEQA documentation for the following hillside projects in the past seven years.

Ridgemark Assisted Living Facility IS/MND,

County of San Benito, 2020

EMC Planning Group prepared an initial study for the County of San Benito on a proposed assisted-care facility with 155 rooms and 180 beds in two, three-story buildings with a combined interior area of approximately 136,378 square feet. The project is located at 3586 Airline Highway in the Ridgemark hillside area of unincorporated San Benito County. The analysis focused on the following environmental issues: hillside visual impacts, traffic, noise, air quality, greenhouse gas emissions, biological resources, and cultural resources.

Paraiso Springs Resort EIR

County of Monterey, 2020

EMC Planning Group prepared an EIR for a proposed 235-acre resort in southern Monterey County west of the cities of Soledad and Gonzales, in the foothills of the Santa Lucia mountains. The proposed project includes an after the fact demolition permit for demolition of nine historic cottages; a combined development permit consisting of a general development plan to allow the phased redevelopment of a resort; a use permit for the creation of 77 timeshare units; a vesting tentative map for the creation of 60 airspace condominium units; a standard subdivision to allow the merger and subdivision of approximately 235 acres into 23 lots; a use permit for removal of 185 protected oak trees; and a use permit for development on slopes in excess of 30 percent. The environmental issues addressed in the EIR include visual impacts, air quality, sensitive biological resources including the removal of protected oak trees, demolition of historic resources, archaeological resources, greenhouse gas emissions, surface and groundwater quality impacts, noise, traffic impacts, water demand, and wastewater generation.

Montalvo Oaks Subdivision EIR and Subsequent IS/MND

City of Monte Sereno, 2019

EMC Planning Group prepared an EIR for the City of Monte Sereno in 2013 for a general plan amendment to authorize a multi-family land use designation, a zoning amendment creating a residential multi-family zoning district, and an ordinance establishing the prezoning for a 4.45-acre project site consistent with the multi-family zoning ordinance. The project site is \ located outside of and immediately adjacent to the city limits, at 18840 Saratoga Los Gatos Road (State Route 9).

In 2018, the city received applications for a general plan amendment, zoning amendment, annexation, planned development, subdivision, and use permit for development of the 4.45-acre project site. EMC Planning Group evaluated the proposed project to determine if the 2013 certified EIR was sufficient to approve the project, or whether an addendum, or supplemental or subsequent EIR would be required. In addition to the environmental analysis, EMC Planning Group also prepared the staff report, CEQA findings, mitigation monitoring program, and resolutions. The major environmental issues were traffic, noise, visual impacts, and impacts to oak woodlands.

Stirling Subdivision Initial Study

Town of Los Altos Hills, 2018

EMC Planning Group prepared an initial study for a proposed 18.18-acre, nine-lot residential subdivision in the northwestern portion of the Town of Los Altos Hills. The property generally slopes downward to the northeast from its highest point of about 510 feet in the northeast corner to a low of about 310 feet along the westernmost reach of a tributary to Matadero Creek, which forms most of the western and southern boundary of the property. The primary habitat types within the site include non-native grassland and oak woodland. The initial study focuses on the following environmental issues: visual impacts, sensitive biological resources and wildlife movement corridors, loss of heritage oak trees, and geotechnical hazards.

4.0 Qualifications of Key Personnel

4.1 EMC Planning Group Key Personnel

Personnel who may be assigned to project preformed under contract to the Town, should EMC Planning Group be chosen, are listed in Table 1, EMC Planning Group Key Personnel. The qualifications and experience of the personnel listed in Table 1 are found in Attachment A, EMC Planning Group Resumes.

Table 1 EMC Planning Group Key Personnel

Staff	Proposed Project Role	Years of Experiences
Teri Wissler Adam Senior Principal	Principal-in-Charge Project Manager/CEQA and NEPA Advisor	34 years of CEQA/NEPA compliance project management experience
Ron Sissem, MRP Senior Principal	Lead Air Quality, Greenhouse Gas Emissions and Energy Analyst	37 years of project management experience in CEQA compliance
Janet Walther, MS Principal Biologist	Biological Resources Lead	22 years of experience in the field of biology, biological resources, and permitting and regulatory compliance
Shoshana Lutz Senior Planner	Project Manager/CEQA and NEPA Documentation and Analysis	8 years of CEQA/NEPA compliance experience
Esme Wahl Senior Planner	CEQA Documentation and Analysis	2 years of CEQA compliance experience
Kylie Pope, MSP Associate Planner	CEQA Documentation and Analysis	3 years of housing element update and municipal planning experience, 2 years of CEQA compliance experience
Troy Lawson, MCRP Associate Planner	CEQA Documentation and Analysis	4 years of CEQA compliance experience
Rose Ashbach, MS Associate Biologist	Biological Resources Analyst	17 years of experience in the field of biology, biological resources, and regulatory compliance
Kimiya Ghadiri Associate Biologist	Biological Resources Analyst	9 years of experience in the field of biology, biological resources, and regulatory compliance
Vanessa Potter, MA, RPA Archaeologist	Cultural Resources Analyst	12 years of experience in the fields of archaeology and anthropology

4.2 Subconsultants

EMC Planning Group contracts with subconsultants for technical expertise which the firm does not have in-house. Subconsultants are hired on a project-by-project basis depending on the scope of the project, and the expertise deemed necessary to complete it. EMC Planning Group selects appropriate subconsultant(s) as deemed relevant at the time a project is assigned. For the purposes of this proposal, EMC Planning Group has chosen the consulting firms listed in Table 2, Technical Subconsultants. Full qualification packages including the key personnel, experience, references, and the fee schedule of each firm are found in Attachment B, Subconsultants Qualifications.

Should the need for other technical specialties not listed in Table 2 become necessary, EMC Planning Group will pair with the appropriate firm and/or consultant based on the needs of the project. EMC Planning Group will provide the Town with complete qualifications packages of the selected subconsultant(s), and will not contract with any subconsultant or firm without receiving written consent from the Town. EMC Planning Group is also willing to work with any subconsultants that may be suggested or preferred by the Town.

Table 2 Subconsultants

Firm Name	Area of Expertise	Firm Information
Hexagon Transportation Consultants	Transportation/Traffic Studies and Peer Review	100 Century Center Court Suite 501 San Jose, CA 95112 (408) 971-6100 https://www.hextrans.com/
Illingworth & Rodkin, Inc.	Noise and Health Risk Assessments	429 Cotati Avenue Cotati, CA 94931 (707) 794-0400 https://illingworthrodkin.com/
Ninyo & Moore	Hazardous Materials, Geotechnical Services	2149 O'Toole Avenue Suite 30 San Jose, CA 95131 (408) 435-9000 https://ninyoandmoore.com/
Page & Turnbull, Inc.	Architectural History, Built Historic Resources	170 Maiden Lane 5th Floor San Francisco CA 94108 (415) 362-5154 https://page-turnbull.com/
WJV Acoustics, Inc.	Noise	113 N. Church Street Suite 203 Visalia, CA 93291 (559) 627-4923 https://wjvacoustics.com/

5.0 Timeline

A timeline for each element of the proposal is requested in the Town's RFP. EMC Planning Group recognizes that scope of services required for each project is different, therefore the firm develops project schedules on a project-by-project basis depending on the scope of services required to complete it. Table 3, Estimated CEQA Documentation Production Schedule, provides approximate timeframes for the completion of CEQA documents.

Table 3 Estimated CEQA Documentation Production Schedule

Environmental Documentation	Completion Timeframe
California Environmental Quality Act (CEQA)	
Categorical Exemption (Notice of Exemption and Findings)	2 to 4 weeks
Negative Declaration/Mitigated Negative Declaration with Initial Study (IS/MND)	4 to 6 months
Environmental Impact Report (Draft)	6 to 9 months
Response to Comments and Final Environmental Impact Report	2 to 4 months
Mitigation Monitoring and Report Program	1 week
CEQA Findings of Fact and Statement of Overriding Considerations	2 weeks

6.0
Sample Work

The following documents are provided as samples of work and found in Attachment C, Sample Work.

- 50 Los Gatos-Saratoga Road Townhome-Style Condominiums – Final Initial Study
- 16100 Greenridge Terrace Secondary Emergency Access Road & Off-Site Road Extension – EIR Addendum
- 110 Wood Road – Los Gatos Meadows Senior Living Community – Draft and Final EIR

7.0
Disclosure of Litigation/Discipline

Neither EMC Planning Group, nor any of its personnel, have been disciplined or censured by any regulatory body, or been involved in litigation or legal proceedings relating to the provision of services within the last five years.

8.0 References

Please see Town RFP Attachment 3, References, on the following pages.

ATTACHMENT 3 - REFERENCES

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

ENVIRONMENTAL SERVICES

List three (3) references for work of a similar nature to the Services performed within the last five (5) years. Use additional sheets as necessary.

1.

County ot Merced	2222 "M" Street, Merced, CA 95340
Name of Agency	Agency Address
Tiffany Ho	Deputy Director of Planning
Contact Name	Contact Title
(209) 385-7654, ext. 440	Tiffany.Ho@countyofmerced.org
Contact Telephone	Contact Email Address
2011 - Present (Multiple Projects)	$550,113.00 (Combined total for all projects)
Contract Period	Contract Amount

Environmental planning services: CEQA Compliance (preparation of documentation), Biological Resources,

Archaeological Resources & Tribal Consultation, Management of Contracted Subconsultants

Description of services performed including costs.

2.

City of Gilroy	7351 Rosanna Street, Gilroy, CA 95020
Name of Agency	Agency Address
Sharon Goei	Community Development Director
Contact Name	Contact Title
(408) 846-0248	sharon.goei@cityofgilroy.org
Contact Telephone	Contact Email Address
From 1991 to Present (Multiple Contract)	$5,800,000.00 (Combined total for all projects)
Contract Period	Contract Amount

Environmental planning services: CEQA Compliance (preparation documentation, Biological Resources

Archaeological Resources. Mangement of Contracted Subconsultants, Land-Use Planning (Current & Adavnce Planning)

Description of services performed including costs.

3.

Town of Corte Madera	240 Tamal Vista Blvd., Suite 110, Corte Madera, CA 94925
Name of Agency	Agency Address
Martha Battaglia	Senior Planner
Contact Name	Contact Title
(415) 927-5791	mbattaglia@tcmmail.org
Contact Telephone	Contact Email Address
2021 - Present (Multiple Projects)	$262,000.00 (Combined total for all projects)
Contract Period	Contract Amount

Environmental Planning Services (preparation of IS/MNDs and one Housing Element EIR)

Description of services performed including costs.

I hereby certify that the Proposer performed the work listed above.

Signature of Proposer	Michael J. Groves, AICP	10-2-25
	Name	Date

9.0
Insurance Coverage

Documents related to EMC Planning Group insurance coverage are found on the following pages.

- Certificate of Liability Insurance (2 pages)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 12/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Monique Thanos, CIC	
Carmel Insurance Agency San Carlos 2 NW of 8th P.O. Box 6117 Carmel CA 93921-6117	PHONE (A/C, No, Ext): (831) 624-1234	FAX (A/C, No): (831) 624-4605
	E-MAIL ADDRESS: moniquet@carmelinsurance.com	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
EMC Planning Group, Inc. 601 Abrego Street Monterey CA 93940	INSURER A : Admiral Insurance Company	
	INSURER B : United Financial Casualty Co.	23787
	INSURER C : Republic Indemnity Company of America	9999
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** GL-Prof, BA, WC, Excess **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] $10,000 Deductible/Occurrence [X] Hired & Non-Owned Auto Sublimit GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			FEIECC2432507	12/01/2024	12/01/2025	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 2,000,000
							GENERAL AGGREGATE	$ 4,000,000
							PRODUCTS - COMP/OP AGG	$ 4,000,000
							Hired-Non Owned Auto	$ (1,000,000)
B	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			975320393	12/01/2024	06/01/2025	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
A	[ ] UMBRELLA LIAB [X] OCCUR [X] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $			FEIEXS2432607	12/01/2024	12/01/2025	EACH OCCURRENCE	$ 2,000,000
							AGGREGATE	$ 2,000,000
								$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			18205515	12/01/2024	12/01/2025	[X] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
A	Professional Liability Claims Made Retroactive Date 8/22/02			FEIECC2432507	12/01/2024	12/01/2025	Each Wrongful Act/Claim	$2,000,000
							General Aggregate Limit	$2,000,000
							Deductible/Wrongful Act	$10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Insurance

CERTIFICATE HOLDER

EMC Planning Group, Inc.
601 Abrego
Monterey CA 93940

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/03/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Progressive Commercial Lines Customer and Agent Servicing
Carmel Insurance Agency, Inc. PO BOX 6117, CARMEL, CA 93921	PHONE (A/C, No, Ext): 1-800-444-4487 / FAX (A/C, No):
	E-MAIL ADDRESS: progressivecommercial@email.progressive.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United Financial Casualty Company	11770
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

EMC Planning Group, Inc.
601 Abrego St
Monterey, CA 93940

COVERAGES **CERTIFICATE NUMBER:** 694666793949550642D060325T001133 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$
	☐ OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	☐ ANY AUTO							
	☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS	N	N	975320393	06/01/2025	12/01/2025	BODILY INJURY (Per person)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						☐ PER STATUTE ☐ OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED? ☐	N / A					E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	See ACORD 101 for additional coverage details.	N	N	975320393	06/01/2025	12/01/2025	$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

EMC Planning Group, Inc.
601 Abrego St
Monterey, CA 93940

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mark Pavel

AGENCY CUSTOMER ID: _____

LOC #: _____

ADDITIONAL REMARKS SCHEDULE

AGENCY		NAMED INSURED
Carmel Insurance Agency, Inc.		EMC Planning Group, Inc. 601 Abrego St Monterey, CA 93940
POLICY NUMBER 975320393		
CARRIER United Financial Casualty Company	**NAIC CODE** 11770	**EFFECTIVE DATE:** 06/01/2025

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 **FORM TITLE:** Certificate of Liability Insurance

Additional Coverages

Insurance coverage(s)	Limits
Uninsured/Underinsured Motorist	$1,000,000 Combined Single Limit
Broad Form	Matching Limits All Coverages

10.0
Preliminary Fee Schedule

Table 4, EMC Planning Group Rate Schedule, lists the is the hourly rates for all position levels at EMC Planning Group. The following fee structure is effective as of January 1, 2025. The Town should estimate an annual (yearly) increase of five percent (5%) for each of the positions listed in the rate schedule. Rates are subject to change at the discretion of the company. Fee schedules for all technical subconsultants are found in Attachment B.

Table 4 EMC Planning Group Fee Schedule

Staff Position/Level	Hourly Billing Rate	Monitoring Rate
PRINCIPALS		
Senior Principal	$295.00	
Principal	$275.00	
PLANNERS/ENVIRONMENTAL ANALYSTS		
Principal Planner	$245.00	
Senior Planner	$225.00	
Associate Planner	$195.00	
Assistant Planner	$150.00	
BIOLOGISTS		
Principal Biologist	$245.00	$150.00
Senior Biologist	$200.00	$130.00
Associate Biologist	$185.00	$120.00
Assistant Biologist	$145.00	$100.00
ARCHAEOLOGIST		
Registered Professional Archaeologist	$145.00	$125.00
SUPPORT STAFF		
Desktop Publisher	$175.00	
Executive Assistant/Production Manager	$165.00	
Administrative Assistant	$125.00	
GIS/Graphics Technician	$150.00	

EMC Planning Group Resumes

A

ATTACHMENT

Teri Wissler Adam

SENIOR PRINCIPAL

PROFESSIONAL EXPERIENCE

Ms. Wissler Adam joined the EMC Planning Group in 1991. Her area of expertise is in California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance.

Ms. Wissler Adam directs the CEQA and NEPA compliance projects for the firm. She has been responsible for a large variety of private projects, including residential, commercial, industrial, mixed-use, and large specific plan and general plan projects. She has also managed several projects for public facilities, such as recycled water projects, roadway projects, bikeway projects, bridge projects, elementary schools, high schools, and college campuses, and other public facilities, such as health clinics, landfills, child development centers, and federal research facilities. She has represented public clients throughout Monterey County, San Benito County, Santa Clara County, Marin County, Alameda County, Merced County, San Luis Obispo County, San Mateo County, Stanislaus County, Santa Cruz County, Sonoma County, Humboldt County, and Los Angeles County.

EDUCATION

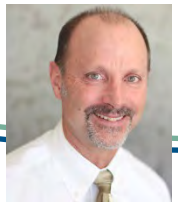
B.S. California Polytechnic State University at San Luis Obispo, Business Administration, Concentration in Environmental Management, 1991

PROFESSIONAL ACHIEVEMENTS

- Presenter, CEQA Seminar, Lorman Education Services
- Presenter, CEQA Workshop, Association of Environmental Professionals
- Member, Association of Environmental Professionals
- Contributor, *Environmental Mitigation Handbook*, California's Coalition for Adequate School Housing, February 2009
- Past Director/President/Newsletter Editor, Monterey Bay Area Chapter, Association of Environmental Professionals

PROFESSIONAL ASSOCIATION

- Member, Association of Environmental Professionals



Ron Sissem, MRP

SENIOR PRINCIPAL

PROFESSIONAL EXPERIENCE

Mr. Sissem worked for EMC Planning Group for three years writing environmental impact reports in the 1980s before taking on international assignments with USAID and the World Bank. His international experience includes national resource and protected area management in Mongolia, environmental auditing/impact evaluation to address business development lending risks in Bosnia and Herzegovina, clean technology deployment in India to reduce greenhouse gas emissions, and environmental compliance for USAID-funded economic development projects.

In 2002, Mr. Sissem returned to EMC Planning Group and has been a principal since 2016. His primary responsibilities are to manage large land planning and environmental review projects. He assists public agencies with California Environmental Quality Act (CEQA) compliance for diverse, complex projects; manages preparation of specific plans and general plans; and manages planning and entitlement processes for private clients.

Mr. Sissem is the firm's climate change/greenhouse gas emissions specialist. He manages climate change impact analyses for CEQA documents, consults local agencies on integrating climate planning strategies/policy/emission reduction measures into advanced planning documents (e.g. general plans and specific plans), and consults developers on climate change mitigation project design.

EDUCATION

M.R.P. University of North Carolina at Chapel Hill, Urban and Regional Planning, 1995

B.S. University of California at Santa Barbara, Geography, 1982

B.A. University of California at Santa Barbara, Environmental Studies, 1982

PROFESSIONAL ACHIEVEMENTS

- Awards, *City of Salinas Economic Development Element*, 2014
  - Outstanding Planning Document-Association of Environmental Professional (2016)
  - Economic Planning and Development Award of Excellence-American Planning Association, California Chapter, Northern Section (2015)
  - Economic Planning and Development Award of Merit-American Planning Association California Chapter (2015)
- Presenter, Advanced CEQA Workshop, Association of Environmental Professionals (2009, 2010, 2013)
- Authored "A Guide to Maximizing Profits and Business Stability through Environmental Management," produced by the World Bank
- Federation of Bosnia, Ministry of Environment Achievement Award for advancement of environmental management in Bosnia

Janet Walther, MS

PRINCIPAL BIOLOGIST

PROFESSIONAL EXPERIENCE

Ms. Walther joined the firm in 2003 and has been working in the field of biology since 2000. She is responsible for performing botanical and wildlife surveys; wetland and waters of the U.S. determinations; data analysis; and reports in support of management agreements, permits, and mitigation monitoring. She assists clients in complying with the Federal Endangered Species Act, California Endangered Species Act, Sections 401 and 404 of the Clean Water Act, California Fish and Game Code, and local (county and/or city) regulations.

Ms. Walther works with clients to design projects to avoid or minimize impacts to threatened and endangered species. Where impacts are unavoidable, she helps create mitigation strategies and the application documents necessary to obtain the required permits, including habitat conservation and land management plans.

In addition to her experience in biological survey and reporting, Ms. Walther is responsible for preparation of environmental documents in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). She produces a variety of graphics for use in environmental and natural resources documents and routinely works with ArcGIS, AutoCAD, and Adobe Illustrator/Photoshop.

In previous positions, Ms. Walther inventoried both native and non-native species in compliance with regulatory requirements, and assisted in preparing California Energy Commission Applications for Certification for four major power plant projects in California. She also conducted biological survey work in southern California and the High Desert and wetland and endangered species survey work in Nevada, Arizona, Georgia, and Florida.

EDUCATION

M.S. California State University Monterey Bay, Coastal Watershed Science and Policy, 2014

B.S. California Polytechnic State University at San Luis Obispo, Ecology and Systematic Biology, 2000 - Concentration: Environmental Management

CERTIFICATES AND TRAINING

- Biology and Management of California Tiger Salamander Workshop, Elkhorn Slough Coastal Training Program, 2007
- Biology and Management of California Red-legged Frog Workshop, Elkhorn Slough Coastal Training Program, 2007
- OSHA 40-hr HAZWOPER Certificate, 2001 and 8-hr Refresher Training, 2002-2007
- California Pesticide Application Certification, 2003/2004
- Army Corps of Engineers Wetland Delineation Training, 2002

PROFESSIONAL ACHIEVEMENT

- Contributor, *Environmental Mitigation Handbook*, California's Coalition for Adequate School Housing, February 2009

Shoshana Lutz

SENIOR PLANNER

PROFESSIONAL EXPERIENCE

Mrs. Lutz joined the firm in 2017 with the primary responsibility of writing and managing initial studies, environmental impact reports, and categorical exemptions in compliance with the California Environmental Quality Act (CEQA). Mrs. Lutz also prepares categorical exclusions under the National Environmental Policy Act (NEPA).

She has experience across a range of project types including residential and commercial development, school sites, recreation facilities, and coastal development/infrastructure. In addition to her environmental work, Mrs. Lutz provides private clients with permit processing and entitlement assistance as well as ongoing municipal planning assistance and representation at public meetings.

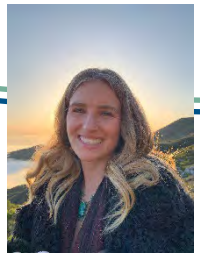
Prior to joining EMC Planning Group, Mrs. Lutz worked for the City of Carmel-by-the-Sea in the Community Planning and Building Department. Her responsibilities included assisting with preliminary plan check review for building and planning applications, conducting preliminary site assessments on residential properties, and conducting preliminary design reviews in residential and commercial areas.

EDUCATION

B.S. California State University Monterey Bay, Environmental Science Technology and Policy, Emphasis in Ecology and Natural Resources, 2014

PROFESSIONAL ASSOCIATION

- Member, Association of Environmental Professionals



Esme Wahl

SENIOR PLANNER

PROFESSIONAL EXPERIENCE

Ms. Wahl joined EMC Planning Group in 2023. Her area of expertise is in coastal planning, grant writing, and project management. Ms. Wahl has extensive experience in Local Coastal Program amendments, coastal development permit applications, public agency staff support, grant writing and grant management, community and stakeholder outreach, and client representation at public hearings.

At EMC Planning Group, Ms. Wahl has worked on several local coastal program updates, including a comprehensive update for the the City of Marina, a coastal hazards policy amendment for the City of Carmel-by-the-Sea, and an amendment related to archaeological and visual resources for the County of Mendocino.

Ms. Wahl is currently leading two grant funded coastal trail projects in Monterey County. She is managing teams that include civil engineers, landscape architects and technical experts to ensure project compliance with multiple stakeholders, including the State Coastal Conservancy, Department of Parks and Recreation and the California Coastal Commission.

Professional achievements include co-leading the *Changing Climates and Coastalines* mobile workshop, which engaged planners statewide in strategies for climate adaptation along vulnerable shorelines, and co-organizing the *Safety and Wildfire Planning* mobile workshop at the 2025 APA Conference.

Ms. Wahl previously worked for the California Coastal Commission as a Coastal Analyst where she worked with local governments on issues such as sea-level rise adaptation planning, groundwater basin sustainability, and public access. She primarily worked with the County of San Luis Obispo to ensure local projects were consistent with Coastal Act and Local Coastal Program policies.

EDUCATION

B.S. – Earth Science, Environmental Geology concentration, University of Santa Cruz, 2021. Graduated with highest honors.

PROFESSIONAL ACHIEVEMENTS

- APA California 2025 – Changing Climates and Coastlines Mobile Workshop Speaker

Kylie Pope, MSP

ASSOCIATE PLANNER

PROFESSIONAL EXPERIENCE

Ms. Pope joined the firm in August 2022 as an Assistant Planner, supporting the EMC Planning Group Housing team. She was promoted to Associate Planner in May 2023. Her primary responsibilities include preparing complex and detailed written housing elements, general plan updates, municipal code amendments, and other planning documents to support local jurisdictions in achieving compliance with state requirements.

In the last year, Ms. Pope has worked on several environmental projects, including the preparation of initial studies/mitigated negative declarations, environmental impact reports, and categorical exemptions, ensuring compliance with the California Environmental Quality Act (CEQA) and other regulatory frameworks.

Ms. Pope has experience supporting a diverse range of environmental planning projects, including residential and commercial developments, school sites, recreation facilities, and infrastructure projects. Additionally, she provides clients with assistance in preparing and filing environmental documentation to the State Clearinghouse to ensure compliance with CEQA and other regulatory requirements.

EDUCATION

M.S.P. Florida State University, Urban and Regional Planning, 2021

B.S. Florida State University, Sociology, 2018

PROFESSIONAL AFFILIATIONS

- American Planning Association, Florida Chapter

TECHNICAL PROFICIENCIES

Adobe Creative Suite, ArcGIS Pro, Canva, Google Workspace, Issuu, JotForm, Mailchimp, Microsoft Office, Sprout Social, SPSS STATA, SurveyMonkey, Wagtail CMS, WordPress

Troy Lawson, MCRP

ASSOCIATE PLANNER

PROFESSIONAL EXPERIENCE

Mr. Lawson joined the firm in 2025. His current responsibilities include preparation of environmental review documentation in compliance with the California Environmental Quality Act (CEQA). His professional expertise spans a range of environmental and land-use planning project types including CEQA compliance, coastal and environmental permitting, city contract planning, land acquisition and entitlements, preparation of housing elements, and California Department of Drinking Water State Revolving Fund projects. Technical proficiencies include CalEEMod and extensive experience with ESRI ArcGIS mapping.

Prior to working for EMC Planning Group, Mr. Lawson worked for another private sector firm assisting with land use and environmental planning projects. While earning his M.C.R.P., he worked on current and environmental planning projects for the County of San Luis Obispo as a Planning Assistant Intern, and for the Cal Poly Corporation/Central Coast Collaborative 4C as a Graduate Student Research Assistant.

EDUCATION

M.C.R.P. California Polytechnic State University-San Luis Obispo, City and Regional Planning Program, with a concentration in environmental planning and sustainability, 2020

B.S. California Polytechnic State University-San Luis Obispo, Geography & Anthropology with a concentration in human ecology, 2014

ACADEMIC AWARDS

Ken Schwartz Award, City and Regional Planning Department, Cal Poly, 2020

Cal Poly CRP Service Award City and Regional Planning Department, Cal Poly, 2020

INTERNSHIPS

Planning Student Intern, Current and Environmental Planning, County of San Luis Obispo, 2019 – 2020

Graduate Student Research Assistant, Cal Poly Corporation/Central Coast Climate Collaborative 4C, 2018 – 2020

Mapping, Charting, and Data Production Intern, Environmental Systems Research Institute (ESRI), 2014

GIS Intern, City of San Luis Obispo, GIS Division, 2013 - 2014

PROFESSIONAL DEVELOPMENT COURSES

Certificate in CEQA Practice, University of California, San Diego, 2023

PROFESSIONAL ASSOCIATIONS

- Member, Association of Environmental Professionals (AEP)

Rose Ashbach, MS

ASSOCIATE BIOLOGIST

PROFESSIONAL EXPERIENCE

Ms. Ashbach joined EMC Planning Group in 2023. Responsibilities include general biological field surveys; preparation of focused surveys/habitat assessments for special-status wildlife species; jurisdictional wetland and waterway delineation; regulatory agency coordination, permitting and compliance support; and the preparation of resources technical reports and CEQA/NEPA biological resource impact analysis.

Ms. Ashbach's skills include the preparation reports to regulatory agencies; direction of all aspects of habitat restoration projects; production of graphics through ArcGIS, and biological monitoring. Monitoring experience of rare plant and animal species includes: California red-legged frogs, Southwestern pond turtle, California tiger salamander, nesting birds, bats, dusky-footed woodrats, Monterey spineflower, etc.

Ms. Ashbach possesses over 15 years of experience in the field of Biology. She previously worked planning, permitting, and implementing large scale restoration projects throughout California with an emphasis in the Monterey Bay region. She conducted biological surveys in Monterey County, as well as throughout the Columbia River Watershed, and in the High Desert of Nevada. Rose has also worked as a science educator for middle school students and as a lecturer at California State Monterey Bay.

EDUCATION

M.S. California State University; Monterey Bay
Watershed Science and Policy

B.S. California State University; Humboldt
Biology, Minor in Spanish

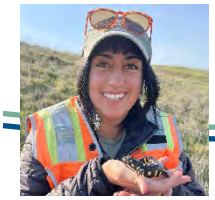
A.A. Monterey Peninsula College
Emphasis on Geology

CERTIFICATES AND TRAINING

- California Grass Identification (California Native Plant Society, 2023)
- California Tiger Salamander Training (Elkhorn Slough Training Program, 2023)
- Burrowing Owl Training (Elkhorn Slough Training Program, 2022)
- Western Snowy Plover Monitoring Training (Audubon, 2022)
- CNPS CEQA and NEPA Training (California Native Plant Society, 2011)
- ESRI GPS and GIS Certification
- Water Quality Training: Handheld multiparameter water quality meter

MASTER'S PROJECTS

- CSUMB Habitat Management Plan
- Water Policy and Conservation in the Monterey Bay Area
- Watershed Delineation for the City of Pacific Grove
- Macroinvertebrate Monitoring at Big Creek Reserve



Kimiya Ghadiri

ASSOCIATE BIOLOGIST

PROFESSIONAL EXPERIENCE

Ms. Ghadiri joined EMC Planning Group in 2025 as an Associate Biologist. Responsibilities include general biological field surveys; preparation of focused surveys/habitat assessments for special-status plant and wildlife species; jurisdictional wetland and waterway delineation; regulatory agency coordination, permitting and compliance support; and the preparation of resources technical reports and CEQA/NEPA biological resource impact analysis.

Ms. Ghadiri possesses over nine years of experience in the field of biology. She has extensive experience in botanical evaluations, including rare and endangered species such as Monterey gilia, Monterey spineflower, and Seaside bird's beak. She has extensive experience managing and conducting pre-construction wildlife surveys including surveys for the following: nesting birds, Monterey and San Francisco dusky-footed woodrat, legless lizard, California red-legged frog, Santa Cruz long-toed salamander, and California tiger salamander. Ms. Ghadiri also has extensive experience in restoration/natural resource management, including activities involving the reclamation of former military lands and other disturbed site restoration, herbicide treatment, and permit acquisition.

Ms. Ghadiri previously worked for the California State Parks in Nature Resource Management, for the University of Miami as a research assistant specializing in Santa Cruz long-toed salamanders and other amphibian species, and for the University of California, Santa Cruz Fort Ord Natural Reserve as Research, Education, and Restoration Steward. Volunteer experience includes working to identify native and invasive plant species at the San Vicente Land Trust, and identifying reptile and amphibian species for the Forest Ecology Research Plot at the University of California at Santa Cruz.

EDUCATION

B.A. University of California, Santa Cruz, Environmental Studies combined with Biology, 2017

CERTIFCATIONS AND TRAINING

- USFWS Federal Recovery Permit TE-091857-0 California tiger salamander and California red-legged frog, 2024 (pending approval)
- Obtained sufficient hours to apply for USFWS Federal Recovery Permit for Santa Cruz long-toed salamander, 2024
- Biology and Management of the Western Burrowing Owl Workshop, Elkhorn Slough Foundation, 2024
- Ecology of Foothill Yellow-Legged Frog Workshop, Elkhorn Slough Coastal Training Program, 2023
- Wetland Delineation Certificate, 2022
- Fifty Plant Families: Monterey Bay Area Workshop, The Jepson Herbarium, 2022
- Ecology of California Tiger Salamander Workshop, Elkhorn Slough Coastal Training Program, 2022
- Amphibians of the San Francisco Bay Area Workshop, Laguna De Santa Rosa Foundation, 2021
- Ecology and Conservation Field Course (Supercourse), University of California, Santa Cruz, 2017

Vanessa Potter, MA, RPA

REGISTERED PROFESSIONAL ARCHAEOLOGIST

PROFESSIONAL EXPERIENCE

Ms. Potter joined EMC Planning Group in June 2023 and is a Registered Professional Archaeologist (RPA) that meets the Secretary of Interior's Standards and Guidelines for her field.

Ms. Potter is responsible for conducting archaeological surveys, database inquiries, cultural sensitivity trainings, Sacred Lands records searches, assisting agencies with Native American consultation, leading archaeological testing, and making recommendations for listing through the California Register of Historical Resources (California Register) and the National Register of Historic Places (NRHP). Other responsibilities include preparing cultural resources sections of environmental documentation in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

Ms. Potter has worked in Anthropology since 2000, and specializes in field archaeology, site protection, ethnography, osteology, artifact analysis, and data recovery curation. Previous work experience includes founding her own ethnography company. She also held positions within the anthropology departments of San Jose State University, The University of Arizona, The University of Hawaii, the Cultural Resources Department of California Parks and Recreation, and the National Park Service through the Great Basin Institute.

PROFESSIONAL AFFILIATIONS:

Society for California Archaeology

EDUCATION

M.A. San Jose State University, Applied Anthropology, 2010

B.A. University of Hawaii, Manoa; Anthropology, 2000

AWARDS

- Microgrant in Applied Anthropology from San Jose State University, 2009

PUBLICATIONS

Relocation, Assessment, and Limited Testing at Devils Postpile National Monument Sites, Madera County, California, 2025

An Inventory of Paleoindian Ornamentation, Current Research in the Pleistocene, Volume 22, 2005

Archaeology Monitoring Report, 157 Grand Avenue, Pacific Grove, Monterey County, California, Hotel Development, 2025.

A class III cultural resources survey of 5.36 acres near Cortaro Farms Road, Pima County, Arizona: Desert Son Survey, Tucson, Arizona: WestLand Resources, 2005.

A class III cultural resources survey of approximately 0.1 acres in Willcox, State Route 186: SR 186 Willcox ADOT permit, Tucson, Arizona: WestLand Resources, 2005.

A class III cultural resources survey of approximately 3.5 acres near State Route 77, for the Steam Pump Development, Oro Valley, Pima County, Arizona, Tucson, Arizona: WestLand Resources, 2005.

A class III cultural resources survey of approximately 6.9 acres for State Route 287 in Casa Grande, Arizona: SR 287 Casa Grande ADOT permit, Tucson, Arizona: WestLand Resources, 2005.

Class III cultural resources survey of 54.35 acres near Snyder Hill Road and Desert Sunrise Trail: Snyder Hill Estates, Tucson Arizona: WestLand Resources, 2005

A class III cultural resources survey of 2.28 acres near River Road and First Avenue, Pima County, Arizona, 1090 East River Road due diligence, Tucson, Arizona: WestLand Resources, 2005

A class III cultural resources survey at the Highway 80 and Country Club 35-acre property, Cochise County, Arizona, Tucson, Arizona: WestLand Resources, 2006

A class III cultural resources survey of 21 acres at Pima Mine Road, Pima County, Arizona, Tucson, Arizona: WestLand Resources, 2006

A class III cultural resources survey of 55 acres west of Benson, Cochise County, Arizona, Tucson, Arizona: WestLand Resources, 2006

Subconsultants Qualifications

B

ATTACHMENT

Hexagon Transportation Consultants Inc.

Hexagon Transportation Consultants, Inc.

Hexagon Transportation Consultants, Inc. (Hexagon) was founded in 1998 in San Jose, California to provide quality, professional transportation consulting services to private and public entities. Hexagon provides services in all major aspects of transportation planning and engineering. Hexagon's staff members have prepared thousands of studies and designs, both large and small, over their professional careers. Public clients include city, county, and state agencies, as well as regional planning organizations around the greater Bay Area. Hexagon also has a wide range of private clients including technology companies, developers, architects, civil engineers, and environmental firms. Hexagon's professional staff is highly proficient in all aspects of transportation consulting and technical engineering software. Hexagon has a proven track record of going above and beyond for clients. Hexagon's three office addresses are:

Main San Jose Office *(21 Employees)***:** 100 Century Center Court, Suite 501, San Jose, CA 95112
Gilroy Office *(5 Employees)***:** 8070 Santa Teresa Boulevard, Suite 230, Gilroy, CA 95020
Pleasanton Office *(3 Employees)***:** 5776 Stoneridge Mall Road, Suite 175, Pleasanton, CA 94588

Hexagon's Guiding Principles

Quality
Work quality is our #1 priority.

Principals Always Involved
Regardless of the project scope.

Communicative
Hear from us within hours.

Makes Sense
We understand the big picture.

Local Experts
We are sensitive to local context.

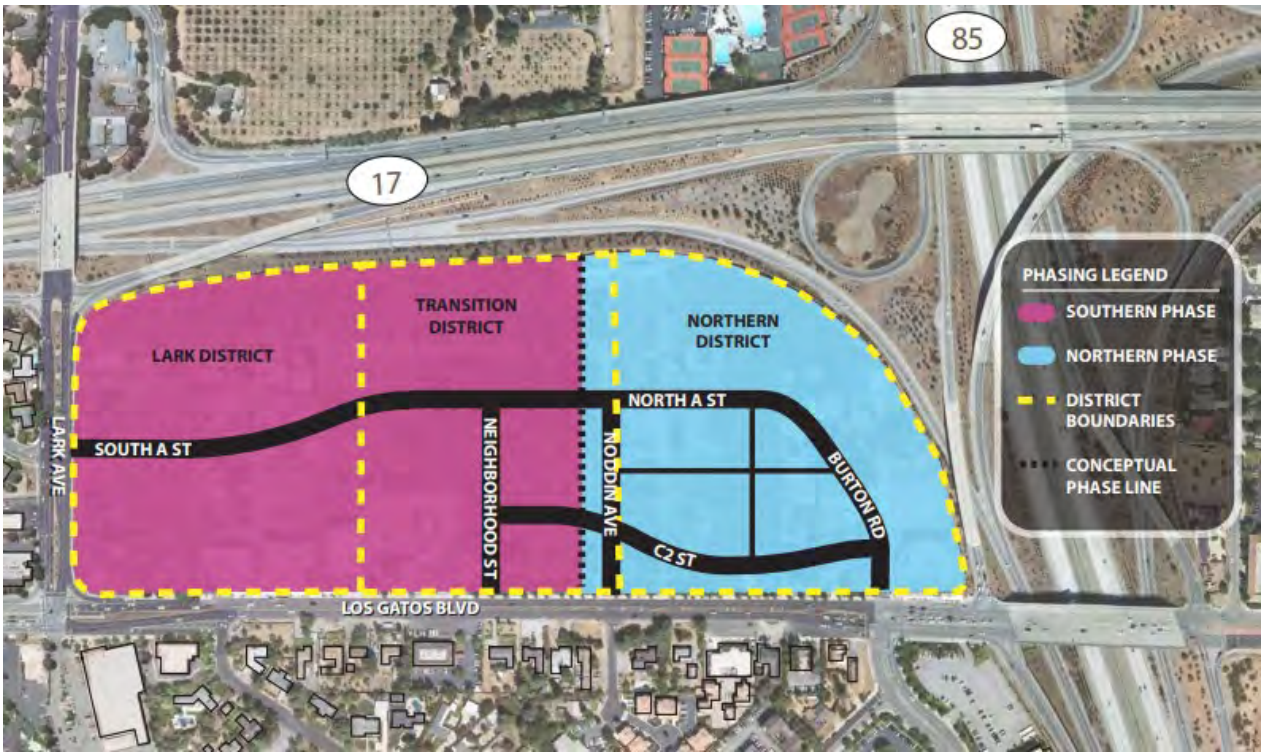
On-Schedule
All projects are staffed and delivered on time.

Hexagon has a total of 29 employees. Services under this on-call contract would be provided by employees located in the San Jose office. Our firm's greatest strength for this RFQ is our extensive experience in Los Gatos. Our proposed Principal in Charge, Gary Black, has been working in the Town for more than 25 years, bringing a wealth of local project knowledge. Michelle Hunt and Daniel Choi, Hexagon's two other key staff identified for this on-call assignment, have also been working on Los Gatos projects continuously and well understand the needs of the Town and the community.

Hexagon Experience

North 40 Phase II Transportation Analysis

Los Gatos, CA



Hexagon Transportation Consultants, Inc. prepared a Transportation Analysis for the Proposed North 40 Phase II Master Plan in Los Gatos, California. The Phase II development would include up to 524 multi-family dwelling units, approximately 15,000 square feet of retail space, and approximately 4,000 square feet of community/civic space. The Phase II Plan Area would have right-turn-only access to Los Gatos Boulevard via two new streets, C5 Street and C3 Street, and full access via the new signalized intersection at Los Gatos Boulevard and Walker Street that was constructed in Phase I. Access to and from Burton Road would be limited to emergency vehicle access only.

The proposed Phase II Master Plan project is consistent with the approved North 40 Specific Plan, for which an EIR was previously prepared. Thus, an analysis of the transportation impacts under CEQA was not required.

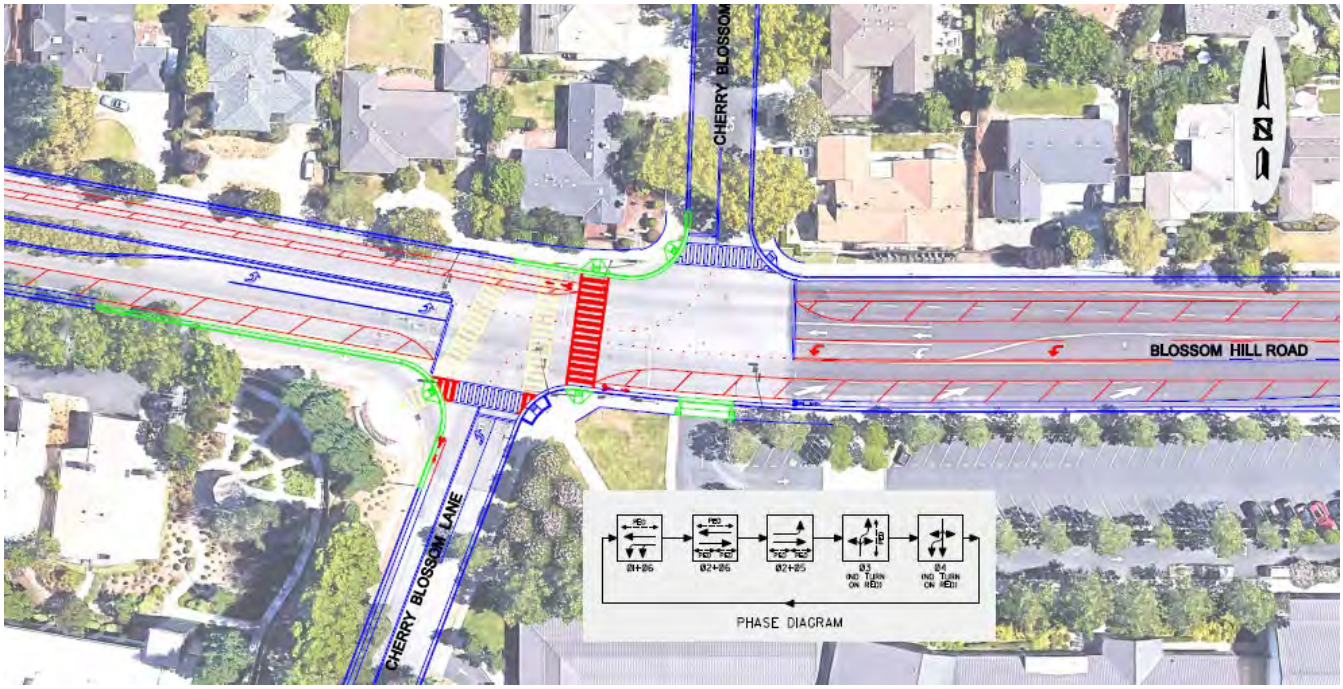
Nevertheless, a Local Transportation Analysis (LTA) was prepared to determine whether the project would contribute to any operational issues based on intersection levels of service (LOS) or queuing. The study also included an evaluation of transit, bicycle, and pedestrian access, a site plan review, and parking analysis. An analysis of freeway segments was not required because project-generated traffic would comprise less than one percent of the capacity of nearby freeway segments.

Contact: Whitney Christopoulos
Client: Grosvenor
Phone: (415) 268-4071
Email: Whitney.Christopoulos@grosvenor.com

Project Dates: 2023 - 2025
Budget: $171,500
Hexagon Staff: Gary Black, Michelle Hunt

Blossom Hill Road Traffic Calming

Los Gatos, CA



Hexagon prepared a feasibility study for traffic calming improvements on Blossom Hill Road between Camelia Terrace and Hillbrook Drive in Los Gatos, including a speed study, level of service analysis, stress analysis, and collision analysis. The study also involved community engagement to discuss potential improvements with local stakeholders. In 2022, the Town of Los Gatos requested further analysis, construction plans, and cost estimates, and placed temporary traffic control devices to trial a proposed road diet. Hexagon conducted field observations, collected traffic counts, and prepared a Synchro analysis to model the changes in traffic patterns during the trial.

Hexagon prepared signing and striping construction plans for phase 1 of the project, a "quick build" alternative designed to implement pedestrian and bicycle improvements cost-effectively without modifying the traffic signal system or making curb/gutter/sidewalk improvements. This alternative created continuous bicycle facilities, including a Class IV separated bike lane on some sections, and removed a through lane in each direction to increase pedestrian comfort. Hexagon participated in community meetings with Town staff, local stakeholders, and the Town Council, providing engineering support, discussing alternatives, and offering recommendations.

Contact: Matt Morley
Client: Town of Los Gatos
Phone: (408) 395-5771
Email: mmorley@losgatosca.gov

Project Dates: 2020 to 2023
Budget: $48,410
Hexagon Staff: Gary Black, Rueben Rodriguez

Oka Rd Townhomes

Los Gatos, CA

Hexagon prepared a Transportation Analysis (TA) for a residential development on Oka Road in Los Gatos, California. The site (APN: 424-08-074) is located on the west side of Oka Road north of Lark Avenue, with the Bonnie View mobile home park to the north and the Addison-Penzak Jewish Community Center to the south. The site contains agricultural uses. The project would redevelop the site with 126 townhome units with driveways on Oka Road.

Contact: Erik Hayden
Client: UC Oka Road, LLC
Email: ehayden@urbancatalyst.com

Project Dates: 2024 – present
Budget: $58,000
Hexagon Staff: Ollie Zhou

15300 Los Gatos Boulevard Transportation Analysis

Los Gatos, CA

Hexagon Transportation Consultants, Inc. prepared a transportation analysis for the proposed mixed-use development at 15300 Los Gatos Boulevard in Los Gatos, California. The project would include 188 residential units with commercial space on the ground floor. The project site is currently developed with an Ace Hardware and laundromat building. The proposed project would include a parking garage with 451 parking stalls. Vehicle access to the project would be provided by driveways on Los Gatos Boulevard and Gateway Drive.

Contact: Ali Moayed
Client: Arya Properties, LLC
Phone: (408) 515-4699
Email: alimoayed@msn.com

Project Dates: 2024 – Present
Budget: $46,000
Hexagon Staff: Gary Black, Nivedha Baskarapandian

Whole Foods Market TIA and TDM Plan

Los Gatos, CA

Hexagon Transportation Consultants, Inc. prepared a Transportation Impact Analysis (TIA) for a proposed grocery store of approximately 43,500 square feet (s.f.) in Los Gatos, California. The project site is located at the corner of Los Gatos Boulevard and Los Gatos-Almaden Road, on the site of a former car dealership. Hexagon also prepared a TDM plan to reduce the vehicle trips by 15 percent.

Contact: Steve Lynch
Client: Sand Hill Property Co.
Phone: (415) 268-4071
Email: slynch@shpco.com

Project Dates: 2022
Budget: $40,500
Hexagon Staff: Gary Black, Kai-Ling Kuo

Hexagon Team Members

Below is a brief introduction to our key personnel. Individual project experience while at Hexagon and additional information are included in the resumes in Appendix A.

Gary Black, AICP

President **42 Years of Experience**
AICP License No. 012343

Area of expertise: Transportation Planning, Transportation Engineering

Gary K. Black, AICP is the President of Hexagon and has over forty-two years of experience in transportation engineering. Mr. Black has worked on hundreds of transportation planning, traffic engineering, parking, and transit studies. He has prepared traffic studies for EIRs for hundreds of development projects throughout the Bay Area, many of those in Los Gatos and surrounding communities. Mr. Black has an extensive amount of experience on transportation projects in the Town of Los Gatos.

Michelle Hunt

Vice President and Principal Associate **35 Years of Experience**

Area of expertise: Transportation Planning and Analyses, TDM Plan Development and Monitoring

Michelle Hunt is a Vice President and Principal Associate with over thirty-five years of experience in a variety of traffic engineering and transportation planning projects for both the public and private sectors. She has managed transportation analyses for environmental impacts reports, site traffic analyses, traffic simulation studies, transit corridor studies, parking studies, freeway operation analyses, and signal timing studies. Additionally, Michelle has extensive experience in Transportation Demand Management Plan development and monitoring. Michelle recently completed a transportation analysis for the North 40 Phase II development in Los Gatos.

Daniel Choi, PE

Associate **6 Years of Experience**
License No. PE C97974

Area of expertise: Transportation Planning, Transportation Engineering

Daniel Choi, PE is an Associate at Hexagon with over six years of experience. Daniel has experience in a variety of traffic engineering and transportation planning projects including transportation impact analyses (TIA), traffic control plans (TCPs), signal design, crosswalk design, and signing/striping plans. Daniel's traffic design experience includes signal design, crosswalk design, and signing and striping improvements for all modes, including vehicular and pedestrian travel, at intersections and mid-block crossings. Daniel has experience with AutoCAD software and primarily utilizes the Highway Capacity Manual (HCM), California Manual on Uniform Traffic Control (CA MUTCD), and California Highway Design Manual (HDM) to evaluate project alternatives and traffic design improvements.

Gary K. Black, AICP

President

Education

Master of City Planning in Urban Transportation, University of California at Berkeley

Bachelor of Arts in Geography, University of California at Los Angeles

Professional Associations

American Institute of Certified Planners (No. 012343)

Institute of Transportation Engineers

EXPERIENCE

Since 1982, Gary has directed a number of transportation planning, traffic engineering, parking, and transit studies. He has prepared traffic studies for numerous developments in Los Gatos and most other cities within the Bay Area. He has prepared transportation plans for the Cities of San Jose, Cupertino, Palo Alto, Gilroy, San Mateo, Burlingame, and San Carlos, and areawide plans for reuse of the Bay Meadows racetrack site in San Mateo, the Cargill salt ponds site in Redwood City, and many parts of San Jose (North San Jose, Downtown, Edenvale, and Evergreen). He has prepared vehicle miles traveled policies for the Cities of Los Altos and Campbell. He also has prepared numerous parking studies, including downtown parking studies for San Carlos, San Mateo, Gilroy, and San Jose.

REPRESENTATIVE PROJECTS

VMT Policies:

- ***Campbell*** – Gary developed a VMT policy for Campbell based on forecasts from the VTA model. It was determined that the best approach was to treat the city as uniform with regard to VMT, so the threshold would be established as 15% below the regional average for all parts of the city. Exemptions are made for development near light-rail stations.
- ***Los Altos*** – Gary assisted Los Altos with developing a VMT policy. Based on VTA model forecasts, the town was divided into high and low VMT areas. Development in high VMT areas requires TDM plans to reduce trips. Development near transit routes, as well as small development, is exempt.

Site Traffic Analyses and TDM Plans:

- For offices, hotels, restaurants, residential subdivisions, apartments, schools, warehouses, industrial complexes, and mixed-use developments in most cities within the Bay Area.
- **Los Gatos** – Gary directed the preparation of transportation analyses the Los Gatos Lodge, Whole Foods Market, 16605 Lark Avenue daycare, 14849 Los Gatos Boulevard mixed-use development, and 151 E. Main Street mixed-use development. In addition, Gary also was responsible for preparing TDM Plans for the Whole Foods Market on Los Gatos Boulevard and an assisted living facility at 400 Blossom Hill Rd.

Parking Studies:

- ***Morgan Hill*** – Gary directed a study to identify parking demand and duration throughout the downtown. There was an underutilized parking structure. The study determined the amount of new development that could be accommodated. Another issue was that prime parking spaces were being used by employees. The study recommended revised time limits.
- ***San Mateo*** – With downtown growth, merchants anticipated a need for more parking. Surveys showed supply was generally adequate, though prime spaces were often occupied by employees. The study demonstrated that modest meter rate increases and a small property assessment could finance an additional parking structure.

Transportation Impact Fee Studies:

- ***Monterey*** – Gary directed a study to develop a transportation impact fee for Monterey. Most of the identified improvements were to bicycle and pedestrian infrastructure. The nexus was based on the fact that deficient intersection operations for motor vehicles could not be remedied within the available rights-of-way. Therefore, alternatives are needed.
- ***Palo Alto*** – Palo Alto had four different transportation impact fees: three for specific areas and one citywide. Hexagon developed a new program that consolidated the different fees into one. The list of transportation projects was also updated along with their cost estimates.

Michelle Hunt

Vice President & Principal Associate

Education

Bachelor of Science in Industrial Engineering and Operations Research, University of California, Berkeley

Professional Associations

Institute of Transportation Engineers

EXPERIENCE

Since 1990, Michelle has participated in a variety of traffic engineering and transportation planning projects for both the public and private sectors. These projects include transportation analyses for environmental impacts reports, site traffic analyses, traffic simulation studies, transit corridor studies, parking studies, freeway operation analyses, signal timing studies, and travel demand management plans. Michelle has also worked with several cities in Santa Clara and San Mateo Counties in developing new VMT Policies per SB 743.

REPRESENTATIVE PROJECTS

Area Wide Transportation Studies

- ***Redwood Life Precise Plan –*** *Redwood City, CA*
- ***Patrick Henry Drive Specific Plan and Freedom Circle Focus Area*** *– Santa Clara, CA*
- ***East Palo Alto Mobility Study*** *– East Palo Alto, CA*
- ***Ravenswood/4 Corners TOD Specific Plan (2013) and Update (2023)****- E. Palo Alto, CA*

Traffic Impact Analyses

- ***North 40 Phase II –*** *Los Gatos, CA*
- ***Kylli Mixed-Use*** *– Santa Clara, CA*
- ***University Circle Phase II*** *– East Palo Alto, CA*
- ***Moxy Hotel*** *– Menlo Park, CA*
- ***Mary Ave Self Storage*** *– Cupertino, CA*
- ***Sobel Motel and Highway Commercial Project*** *– Monterey County, CA*
- ***Surrey Farm Estates –*** *Los Gatos, CA*

Feasibility Analyses and Peer Review

- ***Related Santa Clara –*** *Santa Clara, CA*
- ***Harbor View*** *– Redwood City, CA*
- ***Arboleda Subdivision*** *– King City, CA*

Signal Timing Studies

- ***Winchester Boulevard and Lark Avenue****– Los Gatos, CA*

Traffic Simulation Studies

- ***Delmas Ave/San Fernando St with Light Rail Signal Preemption*** *– San Jose, CA*

Parking Studies

- ***1690 Broadway Hotel*** *– Redwood City, CA*
- ***Chick-fil-A*** *– Mountain View, CA*
- ***Valley Medical Center*** *– San Jose, CA*
- ***The Village*** *– Corte Madera and San Jose, CA*

Travel Demand Management Plans

- ***Greystar Residential Developments*** *– Redwood City, CA*
- ***Commonwealth Corporate Center*** *– Menlo Park, CA*
- ***Delmas Avenue Residential Project*** *– Downtown San Jose*
- ***1205 El Camino Real*** *– Sunnyvale, CA*
- ***3200 Scott Boulevard office development*** *- Santa Clara, CA*

Daniel Choi, PE

Engineer

Education

Bachelor of Science – Civil Engineering, California Polytechnic State University, San Luis Obispo

Professional Associations

Registered Professional Civil Engineer in the State of California (License No. C 97974)

EXPERIENCE

Since joining Hexagon in 2018, Daniel has contributed to a wide range of traffic engineering and transportation planning projects throughout the Bay Area. His work includes transportation impact analyses (TIA), site-specific transportation analyses (SSTA), TDM plans, traffic control plans, signal and crosswalk design, signing and striping plans, parking management plans, and parking studies. He is skilled in using Traffix, Synchro/SimTraffic, and AutoCAD, and relies on the Highway Capacity Manual (HCM), CA MUTCD, and California HDM to evaluate traffic operations, project impacts, and roadway improvements. Daniel is also proficient in Microsoft Excel and Word.

REPRESENTATIVE PROJECTS

Transportation Impact Analyses/Site Specific Transportation Analysis for offices, hotels, apartments, warehouses, industrial complexes, day care centers, churches, retail centers, restaurants, and multiple-use developments throughout the Bay Area in California. These analyses include part or all of the following: vehicle miles traveled (VMT) analysis, project trip generation and assignment, intersection level of service calculations using Traffix or Synchro, freeway segment level of service analysis, freeway ramp analysis, intersection queuing analysis site access and circulation review, signal warrant analysis, intersection operational analysis, and recommendations for mitigation measures. Representative projects include:

- North 40 Phase II Master Plan – Los Gatos, CA
- Oka Road Townhomes – Los Gatos, CA
- 16605 Lark Avenue – Los Gatos, CA
- 2940 Alum Rock Avenue Affordable Housing – San Jose, CA
- 1100 East William Street – San Jose, CA

Transportation Demand Management (TDM) Plans for residential, office, industrial, and mixed-use projects. TDM plans incorporate services, incentives, facilities, and actions that help reduce single-occupant vehicle (SOV) trips to help relieve traffic congestion, parking demand, and air pollution problems based on the project's size and location. Representative projects include:

- Holland Tasman East Development – Santa Clara, CA
- 465 Fairchild Drive – Mountain View, CA
- 888 Bransten Road – San Carlos, CA

Parking Studies/Parking Management Plans for mixed-use developments. These studies included conducting surveys of existing parking demand and calculations of required parking supply for the proposed projects. Representative projects include:

- 136 Ranch Drive – Milpitas, CA

Signal Design, Crosswalk Design, and Signing/Striping Plans for construction of roadway improvements, including traffic signal installations/modifications, flashing beacon crosswalk installations, and signing/striping plans. Representative projects queuing

- 970 McLaughlin Avenue Design – San Jose, CA
- 1720 Villa Street Development– Mountain View, CA
- Santa Teresa and Great Oaks Signal Modification – San Jose, CA
- Cedar Blvd and Smith Ave Signal Design – Newark, CA
- 6001 Silver Creek Valley Road Design – San Jose, CA
- 901 Kifer Road Off-Site Design – Sunnyvale, CA

HEXAGON 2025 - 2030
BILLING RATES

Professional Classification	2025	2026	2027	2028	2029	2030
President	$355	$372	$390	$409	$429	$450
Principal	$310	$325	$341	$358	$375	$393
Senior Associate II	$285	$299	$313	$328	$344	$361
Senior Associate I	$260	$273	$286	$300	$315	$330
Associate II	$235	$246	$258	$270	$283	$297
Associate I	$210	$220	$231	$242	$254	$266
Planner/Engineer II	$180	$189	$198	$207	$217	$227
Planner/Engineer I	$155	$162	$170	$178	$186	$195
Admin/Graphics	$130	$136	$142	$149	$156	$163
Assistant Planner/Engineer	$130	$136	$142	$149	$156	$163
Technician	$95	$99	$103	$108	$113	$118

Direct expenses are billed at actual costs, with the exception of mileage, which is reimbursed at the current rate per mile set by the IRS.

Rate Escalation Policy

Hourly billing rates for 2026 and subsequent years have been projected with annual escalation factors of 4% to 5%, based on historical wage inflation trends observed over recent years. Hexagon adjusts its hourly billing rates annually to reflect prevailing wage inflation conditions and market factors.

While future inflation rates cannot be precisely predicted, Hexagon's billing rate adjustments will be based on actual economic conditions at the time of implementation. In the event that our annual rate increases fall below the projected escalation factors, clients will be billed at our actual rates in effect for each respective year, ensuring fair and competitive pricing aligned with current market conditions.

Hexagon Transportation Consultants, Inc.
100 Century Center Court, Suite 501, San Jose, CA 95112 408.971.6100 www.hextrans.com

Illingworth & Rodkin, Inc.

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

429 E. Cotati Avenue
Cotati, CA 94931

Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *illro@illingworthrodkin.com*

Illingworth & Rodkin, Inc. Firm Description

Founded in 1987, Illingworth & Rodkin, Inc. (I&R) provides a complete range of consulting services in acoustics, hydroacoustics, vibration, and air quality (including health risk assessments and greenhouse gases) to governmental agencies, private sector clients, and other environmental and design professionals. The firm has completed over 6,500 projects in the past 38 years in architectural acoustics, community noise and vibration, industrial noise and vibration control, hydroacoustics, tire/pavement noise research, and air quality studies. The firm is experienced with local, State, and federal environmental regulatory processes. I&R employs 13 personnel and is headquartered in Cotati, California.

I&R specializes in the assessment and control of environmental noise. The firm provides its services directly to governmental agencies and private sector clients and acts as a sub-consultant to other environmental and design professionals. I&R has completed over 5,000 projects involving environmental noise, transportation noise studies, industrial noise control, and building acoustics. The firm is considered one of the leading consulting firms in the West Coast that provide a full range of testing and design services for the abatement of transportation noise and vibration. A large number of transportation noise studies ranging from environmental impact assessments to developing comprehensive mitigation measures for residential, commercial and other types of existing and proposed developments have been conducted. While most of the work is conducted in Northern California, the firm has completed projects throughout California and the western United States. The firm has worked on port-related projects at the Port of Los Angeles, Port of Long Beach, Port of Alaska, and Port of Oakland. I&R combines a strong theoretical and a thorough empirical approach to noise and vibration studies. The firm has extensive experience with the models used for transportation noise, such as the Traffic Noise Model – TNM and the more sophisticated SoundPLAN model. The firm recognizes the computer models' strengths and weaknesses, and its Principals have consistently emphasized the importance of being "on the ground" in a study area, becoming thoroughly familiar with the various parameters that would affect the noise environment and one's ability to predict future conditions, and conducting thorough and comprehensive measurements to assist in the analysis.

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Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *mthill@illingworthrodkin.com*

MICHAEL S. THILL

Mr. Thill is a principal of the firm with 27 years of professional experience in the field of acoustics. His expertise includes performing field research, analyzing data, and noise modeling. He has conducted numerous field surveys in a variety of acoustical environments to quantify airborne noise levels, groundborne vibration levels, and hydro-acoustic noise levels. He has analyzed and summarized complex sets of data for inclusion into noise models. Mr. Thill has been trained, and is a regular user of FHWA's Traffic Noise Model (TNM), and is familiar with federal and State procedures for preparing highway noise study reports.

Mr. Thill has authored technical noise reports for various land use proposals including residential, commercial, educational, and industrial developments. He has managed the General Plan Update noise studies for several communities in California and has recommended policy language in order to maintain compatible noise levels community wide. In addition, Mr. Thill has evaluated noise impacts due to stadium lighting/expansion projects on over 15 public and private school projects within the last 10 years. Other notable stadium projects evaluated by Mr. Thill include Levi's Stadium in Santa Clara and Earthquakes Stadium in San Jose. He has vast experience explaining acoustical concepts and the results of his analyses in public forums to the general public and project decision-makers.

Mr. Thill has also led traffic noise investigations for major transportation projects including the Route 4 Bypass project and the I-680/Route 4 Interchange project in Contra Costa County, California. He managed the noise study reports for the US Highway 101 and State Route 85 Express Lanes projects for the Santa Clara County Valley Transit Authority, proposed along 66 miles, combined, of project study area between Mountain View and Morgan Hill, California. Current projects include the Caltrans Yolo 80 Bus/Carpool Lanes project proposed between Dixon, California and Sacramento, California, and the Caltrans SR51 / I 80 Business / Capital City Freeway Improvement Project.

Mr. Thill has participated in numerous projects since 2000 that have involved underwater sound impacts, and his expertise in this area includes the measurement of underwater sound. Recent hydroacoustic monitoring was conducted by Mr. Thill during the proofing of attenuated 24-inch temporary work trestle piles for the Jelly's Ferry Bridge Replacement Project in Tehama County and during impact driving of 18-inch steel pipe piles on land near the Stege Drain bridge in Contra Costa County.

PROFESSIONAL EXPERIENCE

2009 - Present	Principal, Illingworth & Rodkin, Inc., Cotati, CA
2005 - 2009	Senior Consultant, Illingworth & Rodkin, Inc., Petaluma, CA
1998 - 2005	Staff Consultant, Illingworth & Rodkin, Inc., Petaluma, CA

EDUCATION

1998	University of California at Santa Barbara B.S., Major: Environmental Science

PROFESSIONAL SOCIETIES

Institute of Noise Control Engineering
Association of Environmental Professionals

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Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *cjanello@illingworthrodkin.com*

CARRIE J. JANELLO

Ms. Janello joined Illingworth & Rodkin as a consultant in 2008. Since then, she has applied her expertise to projects related to highway tire/pavement, environmental noise and vibration impact assessment, and underwater hydroacoustics. Specific California Department of Transportation (Caltrans) projects include the on-going performance evaluation of asphalt test pavements on the LA 138, the Portland cement concrete (PCC) texture pavements study on the SR 58 Mojave Bypass, Grind and Groove PCC studies in the Sacramento area and in the Carpinteria area, and the I-80 Davis Open Graded Asphalt Concrete (OGAC) study that closely evaluated the long-term performance of OGAC on a California freeway. Additionally, Ms. Janello worked on the on-board sound intensity (OBSI) mapping along SR 85 in the Bay Area and the use of low berms for traffic noise reduction for Caltrans. Ms. Janello also worked on the Quiet Pavement Pilot Program (QPPP) project for the Arizona Department of Transportation (ADOT), which evaluated asphalt concrete overlays throughout the Phoenix area for a period of over 10 years. She worked on the data acquisition and analysis for the NCHRP 25-45 project, "Mapping Heavy Vehicle Noise Source Heights for Highway Noise Analysis," which used acoustic beamforming to visualize and quantify the noise source regions for heavy trucks in operation on highways in order to determine the vertical energy distribution of noise from trucks. Ms. Janello was the lead author for a paper on this research that was published in the *Transportation Research Record* in 2018. Recently, Ms. Janello worked on the NCHRP 15-68 project, "Effective Low-Noise Rumble Strips," which included acquiring and analyzing pass-by noise, interior noise and vibration, and on-board sound intensity (OBSI) measurements, report writing, and providing input for the final recommendations for a standard test procedure and low-noise rumble strip design. She also contributed to the recent NCHRP 1-44 (1) and 10-76 Projects completed by I&R. Ms. Janello has also completed a variety of environmental noise and vibration impact assessment projects in Northern California that have included wineries, car washes, highway expansion, and construction activities.

Ms. Janello has also been involved in the acquisition, data processing, analysis, and reporting of underwater noise levels created by pile driving and underwater blasting. She has done extensive work for the old east span of the San Francisco Oakland Bay Bridge, the US Navy, the Bon Air Road Bridge, and Port of Alaska. Ms. Janello has also developed acquisition programs using National Instruments' Labview software for underwater hydroacoustic monitoring and on-board sound intensity (OBSI), which is currently being used by several state government transportation agencies.

PROFESSIONAL EXPERIENCE

- Illingworth & Rodkin, Inc., Cotati, California – Acoustical Consultant, 10/2008 to present
- ITW Anchor Fasteners, Bedford Heights, Ohio – Applications Engineer, 8/2007 to 9/2008
- RNR Consulting, Cleveland, Ohio – Consultant I, 2/2007 to 7/2007
- Ford Motor Company, Dearborn Michigan – Product Development Engineer and Graduate Student Intern, 6/2004 to 1/2007

EDUCATION

- M.S., Mechanical Engineering, Ohio State University, Columbus, OH, 2005
- B.S., Mechanical Engineering, Ohio State University, Columbus, OH, 2004

PROFESSIONAL SOCIETIES: Institute of Noise Control Engineering

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Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *hbruce@illingworthrodkin.com*

HEATHER BRUCE

Ms. Bruce joined Illingworth & Rodkin, Inc. in 2020 and brings over 14 years of experience in acoustics and noise and vibration control. She has applied her expertise to projects related to highway tire/pavement noise, environmental noise and vibration impact assessment, and noise land-use compatibility assessments. She has successfully managed many types of studies including those for California Department of Transportation (Caltrans), car washes, residential and commercial developments, and those related to the assessment and mitigation of construction noise and vibration. She has conducted noise modeling and field noise measurements, analyzed and processed data, and performed public outreach. Ms. Bruce has been trained and is a regular user of FHWA's Traffic Noise Model (TNM) and GmbH's SoundPLAN.

Ms. Bruce began her career as a consultant performing environmental noise, vibration, and air quality modeling and analyses. Using her technical knowledge, she analyzed problems to identify significant factors, recognized solutions, planned and organized work, and effectively communicated results to provide guidance and solutions. She has developed and integrated mitigation strategies for noise from aircraft, railroads, roadways, highways, and various point sources and successfully controlled noise from emergency generators, car washes, and commercial equipment for various projects throughout California.

PROFESSIONAL EXPERIENCE

December 2020 to present Senior Consultant	Illingworth & Rodkin, Inc. Cotati, California
July 2018- June 2020 Senior Consultant	HMMH, Inc. Anaheim, California
March 2011-July 2018 Senior Environmental Specialist	BridgeNet International Newport Beach, California

EDUCATION

2011	University of California, Irvine B.S. Applied and Computational Mathematics

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RELEVANT PROJECTS

Project: **50 Los Gatos-Saratoga Road Multi-Family Housing Initial Study**
Client: **EMC Planning Group**
Contact: **Teri Wissler-Adam, wissler@emcplanning.com**

The project proposed replacing the nearly 70-year-old Los Gatos Lodge with over 100 condominiums adjacent to Los Gatos High School. Noise and air quality peer review memos were prepared to summarize the verification of the findings reached by the applicant's consultants. The noise and air quality studies were evaluated for approach, accuracy, and completeness. The main issues in the peer reviews were to ensure that the correct significance criteria were applied and that key issues were assessed correctly.

Project: **CenterPoint Industrial Project**
Client: **City of Hayward**
Contact: **Steve Kowalski, steve.kowalski@hayward-ca.gov**

The project proposed constructing a 103,406-square-foot industrial building, including approximately 97,646 square feet of warehouse space and a two-story, 5,760-square-foot office area. The noise and vibration report summarized the assessment of the project's potential to cause significant impacts under applicable California Environmental Quality Act (CEQA) guidelines. The report outlined relevant regulatory criteria, discussed ambient noise conditions near the project site, explained the significance criteria used to evaluate impacts, provided an analysis of each impact, and included mitigation measures, where needed, to reduce impacts to a less-than-significant level.

Project **3150 El Camino Real**
Client: **David J. Powers & Associates, Inc.**
Contact: **Connor Tutino, ctutino@davidjpowers.com**

I&R prepared noise, air quality, and greenhouse gas (GHG) assessments for the residential project proposed at 3150 El Camino Real in Palo Alto, California. The project involves demolishing the existing Fish Market and McDonald's buildings and constructing a new seven-story, 451,507 sq ft apartment building with 380 units on the 2.6-acre site. The noise and vibration report included quantifying existing ambient noise levels, calculating construction noise and vibration levels, and assessing operational noise levels at off-site receptors. It also evaluated noise and vibration impacts, land use compatibility, and developed mitigation measures. Cumulative noise impacts were examined as well. The air quality report addressed potential air quality, health risk, and GHG impacts related to the construction and operation of the proposed project. Air pollutant and GHG emissions from construction and operation were estimated using appropriate computer models. Additionally, the potential health risks and effects of existing toxic air contaminant (TAC) sources

on nearby and proposed sensitive receptors were evaluated according to guidance from the Bay Area Air Quality Management District (BAAQMD).

Project **Zoning Amendments to Facilitate the Installation of Electrification Equipment for Residential Development**
Client: **City of Palo Alto**
Contact: **Amy French, amy.french@cityofpaloalto.org**

I&R assisted City Staff in amending the City's Code in order to further facilitate the installation of electrification equipment in residential neighborhoods. City Staff and I&R studied the concept of 'presumed compliance', where setbacks would be established for the installation of electrification equipment based upon noise levels. I&R provided research and guidance related to the regulatory background, equipment and noise levels, estimated setbacks to 40 and 50 dBA limits, and setback recommendations based on noise limits.

Project: **789 Old County Road**
Client: **Lamphier-Gregory**
Contact: **Rebecca Auld, rauld@lamphier-gregory.com**

I&R prepared the noise, air quality, and GHG assessments for the proposed office/research & development (R&D) project located at 789 Old County Road in San Carlos, California. Working with the City of San Carlos, the project proposes to construct two office/R&D buildings totaling 349,066 square feet with 835 parking spaces. The noise and vibration report involved quantifying existing ambient noise and vibration levels, calculating construction and operational noise levels at off-site receptors, assessing noise and vibration impacts, evaluating land use compatibility, and developing mitigation measures. The air quality report included calculating emissions from construction and operational activities, assessing health risk impacts, evaluating GHG impacts, and developing mitigation strategies.

Project **Mill Valley Housing Element Update**
Client: **EMC Planning Group**
Contact: **Teri Wissler-Adam, wissler@emcplanning.com**

I&R evaluated potential noise and vibration impacts related to the proposed 2023-2031 Housing Element Update (HEU). The proposed 2023-2031 Housing Element acts as the City of Mill Valley's guiding policy document for addressing the city's future housing needs across all economic levels by supporting the development of approximately 554 additional housing units within the city limits. New density standards would allow for 1,156 units on up to 266 sites distributed throughout the city. The Noise and Vibration Assessment included a discussion of the results from ambient noise monitoring surveys conducted to document existing conditions and an evaluation of the noise environment at the housing opportunity sites. The Impacts and Mitigation Measures section outlined the significance criteria used to assess potential impacts, described each impact, and presented mitigation measures where needed to guide the implementation of the HEU for the City of Mill Valley.

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ATTACHMENT A

2025 HOURLY BILLING RATES

Our fees are based on the following schedule of hourly rates:

Principal	$250/hour
Senior Consultant	$225/hour
Consultant	$210/hour
Staff Consultant	$195/hour
Technical/Admin Support	$140/hour

Rates are subject to change on an annual basis. Document reproduction and shipping at cost. Mileage at IRS allowable rate; currently $0.70.

INSURANCE COVERAGE

GENERAL LIABILITY in the amount of $2,000,000 per occurrence/ $4,000,000 aggregate.

WORKERS COMPENSATION covering our own employees in the amount of $1,000,000 per occurrence.

AUTO (OWNED & NON OWNED) covering personal injury or death and property damage in the amount of $1,000,000 per claim.

PROFESSIONAL LIABILITY in the amount of $2,000,000 per claim and $2,000,000 annual aggregate.

> Limitation of Liability. To the maximum extent permitted by law, Illingworth & Rodkin, Inc. requests that the Client agrees to limit Illingworth & Rodkin, Inc.'s liability for Client damages to the sum of $250,000 or our fee, whichever is greater. This limitation shall apply regardless of the cause or legal theory asserted.

UMBRELLA LIABILITY in the amount of $2,000,000 per occurrence and aggregate.

Certificates of insurance will be issued upon request.

INVOICING AND PAYMENTS

I&R submits monthly progress billing invoices by the 15th of each month, for the prior month's services. Invoices are submitted directly via email in pdf format, to the email address provided by the client. ***Special invoicing requirements may result in administrative costs, billed at a rate of $125/hour, in addition to the proposed budget.***

I&R accepts payment in the form of cash, paper check, or credit card. ***I&R does not accept ACH/Electronic payments, or any other form of payment via 3rd party vendors or client portals.***

Firm Profile

Ninyo & Moore
A SOCOTEC COMPANY

Ninyo & Moore was established to provide exceptional geotechnical engineering, geologic, hydrogeologic, soil testing, materials testing and special inspection, and environmental consulting services to the public and private sectors. For the past 39 years, we have provided these services for the design and construction of municipal and commercial developments, industrial developments, highways and roadways, airports, bridges, dams, educational facilities, harbor and offshore structures, hospitals, landfills, light rail transit lines, pipelines, power stations, railroads, residential developments, reservoirs and tanks, transmission lines, tunnels, water and wastewater treatment plants, and other public and private development.

Locations

Ninyo & Moore has 17 locations throughout the western United States including San Jose, Alameda, San Francisco, Sacramento, San Diego, Irvine, Fontana, and Los Angeles, California; Las Vegas, Nevada; Phoenix, Prescott, Safford, and Tucson, Arizona; Denver, Colorado; Houston and Austin, Texas; and Salt Lake City, Utah.

Professional Staff

Ninyo & Moore's 700 professionals are licensed in their specific disciplines and are fully committed to providing the necessary resources for successful completion of projects. Ninyo & Moore's geotechnical staff brings a wealth of experience and diversity to any project and includes Licensed Civil Engineers and Geotechnical Engineers (PE, GE), Professional Geologists (PG, RG, CEG, CPG), Professional Hydrogeologists (HG), Certified Industrial Hygienists (CIH), Certified Safety Professionals (CSP), Certified Stormwater Professionals (QSD/P, QISP) and personnel with other applicable registrations, licenses, and certifications including Certified Asbestos Consultants (CAC), Certified Site Surveillance Technicians (CSST) and Certified Asbestos and Lead Professionals (AHERA, CDPH). Ninyo & Moore's field and laboratory staff are highly experienced and qualified to provide testing and inspection services for an extensive range of project requirements.

Services

Ninyo & Moore's geotechnical group provides services during the planning, design, value engineering, construction and post-construction phases of projects. These services include dam characterization, earthquake and fault studies, earthwork and grading, foundation design, geologic hazard evaluations, hydrogeologic evaluations, landslide evaluations, liquefaction, pavement design, seismic design and seismic hazard assessments, and slope stability. Our environmental group has extensive experience with Phase I and II environmental site assessments and audits, asbestos and lead paint surveys, underground storage tank assessments, hazardous waste investigations, regulatory compliance, water resource development, soil and groundwater contamination studies, and remediation services. Our materials testing and inspection group provides special inspection of asphalt, bolt torque, concrete field placement, batch plant, structural steel and steel shop fabrication, fireproofing, masonry, reinforcing steel, and prestressed concrete; compressive strength testing of concrete, grout, and masonry; field compaction testing; flexural strength of concrete beams; asphalt testing; concrete testing; soils testing; and reinforcing steel testing.

Laboratory

Ninyo & Moore offers fully equipped, well-staffed, state-of-the-art laboratory facilities performing a range of laboratory testing services under the supervision of a registered civil engineer. Ninyo & Moore's laboratories are capable of performing a wide variety of soil, concrete, masonry, asphalt, steel, fireproofing, and high strength bolt testing. Laboratory testing equipment is calibrated annually utilizing equipment traceable to the National Institute of Standards and Technology, and is regularly inspected by the Cement and Concrete Reference Laboratory (CCRL), AMRL, and DSA. Ninyo & Moore's San Jose testing laboratory has been accredited by AASHTO re:source, Caltrans, California Division of the State Architect, and U.S. Army Corps of Engineers.

On-Call Contract Experience

Ninyo & Moore's specialty is on-call, as-needed public works contracts. Our Northern California offices currently hold approximately 40 MSAs with various municipal entities. As a result of this experience, Ninyo & Moore has developed an effective project approach for contracts of this nature utilizing a task order driven project assignment process allowing for the successful completion of numerous concurrent task orders on multiple contracts. Our professional staff are credentialed in their respective fields and have extensive experience providing services to municipal entities such as the Amador Water Agency.

Brandon S. Wilken, PG, QSD/P

Principal Geologist

EDUCATION

B.S., Geology, 1996, University of Nebraska-Lincoln

REGISTRATIONS/ CERTIFICATIONS

PG 7564 (California)

Qualified SWPPP Developer/Practitioner, QSD/P, No. 28075 (California)

OSHA 8 hour Refresher

PROFESSIONAL AFFILIATIONS

California Groundwater Resource Association (GRA)

Geologic Society of America (GSA) – Hydrogeology Division

As a Principal Geologist for Ninyo & Moore, Mr. Wilken has extensive experience and started his career working in the field all over North America for a hard rock mineral exploration company. His experience in field geophysics led him to the contaminant assessment and remediation industry, providing professional geologic services including environmental hydrogeology, stormwater compliance, site investigation, remedial planning and implementation, health risk screening, due diligence, regulatory and stakeholder negotiations, and litigation support. Mr. Wilken has lead investigation and remediation projects driving risk-based solutions to successfully close environmental projects and reduce client's costs. He works closely with regulators, stakeholders, and clients to negotiate effective solutions utilizing sound science, strong technical expertise, and clear communication skills. Mr. Wilken has completed projects for a wide range of clients, including, school districts and universities, municipalities, manufacturing groups, major oil companies, and individual small business owners.

REPRESENTATIVE EXPERIENCE

Alameda County Flood Control and Water Conservation District, Laguna Creek, Zone 6 Line E, Storm Water Pollution Prevention Plan, Fremont, California: Principal Geologist during preparation of a SWPPP for the Laguna Creek Zone 6 Line E (Laguna Creek) storm channel widening project. The site area is approximately 7.3 acres and contains approximately 3,625 linear feet of channel which will be widened between South Grimmer Boulevard and Auto Mall Parkway in order to increase capacity, and contain and convey 100-year design storm flows. The site was classified as a Risk Level 2 based on sediment risk and receiving water risk factors. The SWPPP was developed to conform to the required elements of the Construction General Permit (2022-0057-DWQ, NPDES No. CAS000002) issued by the California State Water Resources Control Board (SWRCB). Responsibilities included a site reconnaissance, photo-documenting site conditions, preparing site plans and water pollution control drawings, and evaluating best management plan (BMP) options for sediment and erosion control, tracking control, non-stormwater site management, waste management, and construction materials pollution control. The SWPPP discussed post construction control and operation and maintenance practices, and included training documents, a project schedule, BMP guidelines and specifications, and several checklists including a Storm Water Site Inspection Report, Weather Forecast Monitoring Form, Weather Monitoring Data Sheets, Storm Water Best Management Practices Status Report and a Notice of Discharge Report.

County of Contra Costa, New Bay Point Fire Station 86, Pittsburg, California: Qualified Stormwater Developer and Practitioner for Storm Water Pollution Prevention Plan (SWPPP) implementation oversight for the Bay Point Fire station project, which consists of constructing a new fire station on a previously undeveloped property for the County of Contra Costa Department of Public Works. Construction activities disturbed approximately 2.9 acres including demolition/removal activities, grading, subgrade preparation, utility work, concrete work, building construction, paving, and landscaping. Pre-construction project site runoff will be conveyed to a storm drain system via sheet flow and swales. Post-construction project site runoff will be conveyed to a storm drain system via curb, gutter, storm drain inlets, and bioretention infiltration basins. Prior to construction activities, Ninyo & Moore reviewed the SWPPP developed by the construction contractor. Throughout the project, Ninyo & Moore oversaw the compliance of the SWPPP by reviewing all inspection reports, Rain Event Action Plans, and stormwater sampling by the General Contractor. Ninyo & Moore performed monthly onsite inspections during the dry season, prior/during/post rain event inspections, and developed inspection reports to ensure BMPs were properly implemented. Additional project management included client meetings and coordination, budget management, and meeting and coordinating with other county storm water developers and construction contractors.

Alameda County Public Works Agency, Alameda County, California: Principal Geologist assisting the ACPWA with stormwater services which included reviewing

and overseeing the implementation of Storm Water Pollution Protection Plans (SWPPP) and Erosion Control Plans (ECPs) prepared by contractors, applying for the California General Permit (CGP) Notice of Intent (NOI) and uploading information in the State's Storm Water Multiple Application and Report Tracking System (SMARTS) which have included erosivity waivers. Projects as part of this contract include:

- Estudillo Canal Erosivity Waiver
- Zone 5 Line D Newark SWPPP
- Laguna Creek Erosivity Waiver/SWPPP/CGP SWPPP Update
- Zone 3A Line A Stormwater Compliance
- Washington Creek Erosivity Waiver
- D Street SWPPP Compliance Review
- San Leandro Creek Erosivity Waiver/Compliance Review
- Haviland SP 2449 SWPPP Compliance Review
- Somerset SP 2383 SWPPP Compliance Review

Alameda County Public Works Agency, Alameda County, California: Principal Geologist providing environmental consulting services under an "as-needed" contract with the Alameda County Public Works Agency (ACPWA), which has been held by the firm for 4 contract renewals and currently runs through 2028. Services provided during the course of the contracts include preparation of Transaction Screens, Phase I and Phase II ESAs, landfill investigations, Illegal dumping or homeless encampment assessment and cleanup, California General Permit stormwater services, creek and flood zone sediment sampling, wetlands development, Remedial Action Plans, Regulatory Closure Reports, Hazardous Building Material Surveys, Hazardous Material Abatement Oversight, and Geotechnical surveys. Some of the project work included flood zone channel sediment sampling, which was conducted to analyze proposed dredged material for two purposes, including comparing the sediment sample analytical results to landfill waste acceptance criteria, and beneficial reuse criteria for levee and/or wetlands reuse.

Contra Costa County Flood Control & Water Conservation District, Brentwood, California: Qualified Stormwater Practitioner/Developer (QSP/QSD) for SWPPP preparation for the Lower Sand Creek Basin Expansion Interim Grading project. The site is a 22 acre polygonal basin that discharges to the adjacent Sand Creek and is ranked as a Risk Level 1 project. Prior to the start of construction, Ninyo & Moore will train QSP delegates to complete required routine inspections, paperwork, and reporting to the QSP/QSD. During construction, Ninyo & Moore's QSP/QSDs will complete the mandated inspections and reporting to SMARTS for GCP compliance.

Cummins & White, Stormwater and Industrial Process Water Litigation Support, Orange, California: Principal Geologist for the provision of litigation support for a car wash facility related to a Clean Water Act claim from a Non-Government Organization for purported stormwater and industrial process water violations. Reviewed claim, facilities permits, compliance documents, and related regulations. Attended meetings, representing the client as an environmental professional. Authored technical response letters and assisted in settling the matter.

City of Tracy, 12100 Valpico Road, Phase II Environmental Site Assessment, Tracy, California: Principal Geologist during a Phase II Environmental Site Assessment (ESA) in early 2025 for a 59-acre Site. A Phase I ESA of the Site completed in January 2024, identified that organochlorine pesticides (OCPs) related to current agricultural use of the Site was a recognized environmental condition (REC), and recommended performing a Phase II ESA. The sampling strategy for this Phase II ESA was generally consistent with the Department of Toxic Substances Control's (DTSC's) 2008 Interim Guidance for Sampling Agricultural Properties, and San Joaquin County Environmental Health Department's 2007 Checklist for Surface and Subsurface Contamination Projects. The objective of the Phase II ESA was to assess the possible presence of OCPs and arsenic concentrations in shallow soil. To accomplish the objective, Ninyo & Moore pre-marked 60 sample locations in a grid pattern with a global positioning system (GPS), collected 60 shallow soil samples for OCPs and field composited them in to 15 4-point composite samples, collected 15 discrete soil samples for arsenic, and submitted the soil samples to a State-Certified laboratory for chemical analyses. OCPs DDE and DDT were detected in all 15 samples analyzed. No other OCPs were detected above laboratory reporting limits. No DDE concentrations exceeded any screen levels (SLs). All DDT concentrations exceeded park land SLs, but no residential, commercial/industrial, or construction worker SLs were exceeded. Arsenic was detected in all 15 samples analyzed; however, arsenic concentrations were very consistent and appeared to represent regional background concentrations. Ninyo & Moore recommended: collecting additional soils samples to vertically delineate OCP concentrations; soil concentrations should be evaluated against the planned development scenario (i.e. residential, commercial, and/or industrial) to determine if any removal actions are needed; and a soil management plan should be drafted to outline the procedures to properly handle the shallow soils and minimize exposure.

Courtney J. Brooks, CEM

Principal Hydrogeologist

EDUCATION

M.S., Geohydrology, 2000, Illinois State University

B.S., Geology, 1989, Illinois State University

REGISTRATIONS/CERTIFICATIONS

CEM 2128 (Nevada)

Mr. Brooks has consulting experience overseeing hydrogeologic and environmental investigations, managing hazardous materials and wastes, and providing EHS training programs. His professional experience includes groundwater resources exploration and development, surface hydrology, groundwater compliance and modeling, environmental impact assessment, environmental auditing, and soil and groundwater assessment and remediation in various regions of the United States, Europe, Asia and Sub-Saharan Africa.

REPRESENTATIVE EXPERIENCE

Coyote Creek Parkway Perry's Hill, Morgan Hill, California: Principal Hydrogeologist a preliminary assessment for installation of an onsite septic system proposed for the County of Santa Clara Parks and Recreation Department's Perry's Hill Park Project in Morgan Hill, California. The proposed site improvements for Perry's Hill Park included a multiple use area with a restroom and parking lot at the northern end of the site, a nature center south of the multiple use area, a disc golf course, and a dog park, along with new trails and picnic areas. Services included review of geologic literature pertinent to the project area including geologic maps and reports, groundwater data and historical topographic maps and aerial photography; site reconnaissance to observe the general site conditions and to mark the proposed locations for subsurface exploration; coordination with Underground Service Alert (USA) to locate underground utilities in the vicinity of the proposed exploration; performance of a subsurface exploration consisting of one auger boring, three exploratory test pits and three percolation tests; excavation and logging of three exploratory test pits to depths of 5 feet at potential one on a septic system (OWTS) locations; performance of three percolation tests at depths of 5 feet in accordance with CSC guidelines at potential OWTS locations; backfilling of the auger borings with cement grout and test pits with earth materials generated during excavation of the trenches; laboratory testing on selected soil samples to evaluate soil dry density and moisture content, soil gradation, Atterberg limits, expansion index and soil corrosivity; compilation and engineering analysis of the field and laboratory data and the findings from our background review; and preparation of a geotechnical evaluation report presenting our findings and conclusions from our preliminary assessment and recommendations for siting and additional percolation testing requirements if installation of an OWTS is determined to be feasible.

San Jose State University, Water Well Rehabilitation, San Jose, California: Project Hydrogeologist supporting San Jose State University to permit and place a water supply well online as part of their campus water supply system. Tasks included video logging, well rehabilitation, water quality sampling and analysis, and permit application and processing with the appropriate agencies.

Cornucopia Solar Project, Fresno County, California: Project Hydrogeologist duriing a Hydrogeologic Study and Water Supply Assessment for the proposed Cornucopia 2937.74-acre Solar Facility. These surveys are required components of a use permit application or similar for development of the proposed solar generating facility in Fresno County. The project site is approximately 3,000 acres comprised of multiple private and county owned parcels. Services included a site reconnaissance to ascertain the surface conditions and drainage features across the area; development of FLO-2D surface hydrology models based on standards and protocols established in the Fresno County Regional Hydrology Guidance and Hydrology Manual; input of data for these models including onsite topographic survey data and project design plans provided from the project proponents, and empirical data from government sources; input of digital terrain model (DTM) elevation data, land cover, soil survey

classifications, and surface runoff curve numbers from USDA Soil Survey Geographic Database, and precipitation data from NOAA for a 100-year, 24-hour storm event; review of Flood Insurance Rate Maps prepared by Federal Emergency Management Agency (FEMA) for comparison with FLO-2D model output and to approximate the projected flood elevations within the project boundary for planning and design purposes; presentation of survey results in a digital report with figures, associated input/output data; preparation of WSA to the standards established in California Water Code, as amended by SB 610; and preparation of a Water Supply Assessment, which included an analysis of the potential impacts of the construction and operation of the proposed project with regard to surface and groundwater resources in the Pleasant Valley Sub-Basin. Services also included an evaluation of the viability of available water sources, which would be applicable during construction of the facility and later during operation; identification of knowledge data gaps and other uncertainties regarding the project area; presentation of the WSA findings and conclusions in a digital report, including figures, tables, and water budget calculations; and results and evaluation of the HS and WSA presented as draft reports, which include appropriate figures, charts and tables to support technical findings.

Dillon Beach Hydrogeologic Evaluation, Marin, California: Project Hydrogeologist providing support in the siting, design, and testing of a replacement municipal water supply well in Dillon Beach, California. The well was to replace an inefficient existing well that no longer met the supply demand. Ninyo & Moore needed to factor projected rising sea levels, a very limited shoestring aquifer, and an increased demand. Alternative design options were to be proposed, including horizontal gallery well, wider diameter shallow well(s), or a combination of the two.

County of San Diego, Cole Grade Road Bridge Project Over Keys Creek, Valley Center, California: Project Hydrogeologist during a Groundwater Dewatering Study (GDS) and Groundwater Resource Investigation (GRI) for the Cole Grade Road Bridge Over Keys Creek Project. The project was to provide a new bridge crossing of Cole Grade Road over Keys Creek intended to meet current roadway and bridge standards and accommodate the planned road widening. Due to the local property owner's concerns regarding the extraction of large volumes of groundwater, the County requested evaluation of two designs; one involving foundations requiring dewatering during installation and a second without foundation dewatering, but requiring dewatering during installation of articulated concrete block to address channel scour. The Groundwater Dewatering Study consisted of the installation and development of one pumping and two monitoring wells, groundwater sampling and analysis, aquifer testing, and dewatering calculations. The GRI was performed according to the requirements of the County Guidelines for Determining Significance and Report Format and Content Requirements for Groundwater Resources.

County of San Diego, Sycamore Drive Bridge Crossing Over Twin Oaks Valley Creek, San Marcos, California: Project Hydrogeologist during a Groundwater Dewatering Study for the County of San Diego Sycamore Drive Bridge Crossing Twin Oaks Valley Creek Project. As part of the Groundwater Dewatering Study, Ninyo & Moore installed three groundwater monitoring wells and performed an aquifer pump test to evaluate the quantity and quality of groundwater to be expected during construction of the culvert and retaining walls for a General Waste Discharge Permit by the California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0013. Following completion of the aquifer testing, a groundwater sample was collected and analyzed as part of the R9-2015-0013 reasonable potential analysis. Ninyo & Moore's groundwater study estimated groundwater dewatering conditions, including the nature and thickness of materials to be dewatered, hydraulic conductivity, potential boundary conditions, and anticipated extraction rates.

Nevada Division of Environmental Protection (NDEP), Source Water Protection Studies, Clark County, Nevada: Hydrogeologist responsible for updating the technical component of the wellhead protection guidance documents, preparing analytical groundwater simulations to predict the time of travel capture zones for municipal water supply systems located throughout the state. Duties included data validation; model preparation; and support to NDEP Bureau of Water Pollution Control staff.

Craig Ranch Park Well Rehabilitation and Replacement, Las Vegas, Nevada Hydrogeologist responsible for inspection, testing and evaluation of existing irrigation wells, design and drilling oversight of replacement irrigation well. Duties included evaluating the cause of a collapsed drilling borehole; providing a revised drilling plan and overseeing the operation to completion. In addition, he recommended rehabilitation measures for damaged irrigation wells to extend production until replacement wells could be constructed.

Peter C. Connolly, PE, GE

Principal Engineer

EDUCATION

M.E., Civil Engineering, 1997, University of California, Berkeley

B.S., Civil Engineering, 1995, Rensselaer Polytechnic Institute, Troy, New York

REGISTRATIONS

PE 61547 (California)

GE 2707 (California)

Nuclear Gauge Operator Certification, Radiation Safety Officer Certification

OSHA 40-Hour Health & Safety Training

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

As Principal Engineer for Ninyo & Moore, Mr. Connolly manages and conducts geotechnical evaluations for commercial and public facilities, including highways, railroads, pipelines, and bridges. He routinely performs slope stability analyses, flexible and rigid pavement and underground pipeline design, prepares and reviews geotechnical reports, develops geotechnical design parameters, and provides recommendations for shallow and deep foundations, retaining structures, in-situ ground remediation, and earthwork. In a Project Management role, he performs project administration and management, provides supervision of and technical support to staff-level engineers and geologists, and reviews laboratory results, project plans, and specifications.

REPRESENTATIVE EXPERIENCE

Canyon Lane Roadway Improvements Development Project, San Mateo California: Principal Engineer during a Geologic Impact Analysis for the Canyon Lane Roadway Improvements Development Project. The Canyon Lane Roadway Improvements Development Project consists of regrading and paving an existing gravel-surfaced road, installation of utilities, and the development of one single-family residence on two previously merged parcels. The project provides emergency vehicle access and utility infrastructure to support the future development of eleven additional parcels. The improved roadway extends approximately 880 feet west from Glenwood Avenue at Garrett Park. The improved roadway is wider than the existing gravel-surfaced road and retaining will be constructed where the widened road cuts into the adjacent slope. The new roadway includes a turn-around for emergency vehicles that utilizes a single-span bridge across an unnamed creek. The new utility infrastructure includes a 12 kilovolt electrical distribution line under the roadway and approximately 1,050 lineal feet of new water line. Services consisted of a site reconnaissance and a review of regional geologic maps, seismic hazard reports, seismic hazard maps, project plans, topographic data, soil surveys, and aerial imagery. The findings from this study were incorporated into an Environmental Impact Report (EIR) for the project. The purpose of this study was to evaluate the geologic and soil conditions at the project site based on available regional information, and to assess potential impacts related to geology and soils that may result from the proposed project.

Interstate 880 Operational and Safety Improvements at 29th Avenue and 23rd Avenue Overcrossings, Oakland, California: Project Manager during geotechnical and environmental services for the Project Study Report/Project Report/Environmental Documents on Interstate 880 (I-880) North Safety Improvements. The purpose of the project is to provide operational and safety improvements to northbound I-880 in the vicinity of 29th Avenue by reconfiguring the on and off-ramps, as well as mitigating any noise impacts of the project. The project will help the Alameda County Congestion Management Agency (ACCMA) kick off Regional Measure 2. Services included review of background information; visual reconnaissance of the project area; and compilation and analysis of the data obtained during our literature review and field reconnaissance to evaluate potential geologic and seismic hazards that may impact the project site and evaluate geotechnical aspects of the project for preliminary design and construction considerations. Ninyo & Moore also prepared a Geotechnical Impact Report, which presented our findings, impact analysis, conclusions, and recommendations regarding the geotechnical aspects of the project.

Tinker Avenue Extension, Alameda, California: Project Manager during geotechnical engineering services for the design of the proposed Tinker Avenue extension. The project consists of the construction of two, four-lane intersections and rerouted surface streets in addition to turn lanes, bicycle lanes, sidewalks, lighting, and landscaped medians. The purpose of our services was to provide geotechnical and seismic design parameters for use in the design of the proposed project. Our analysis conformed to California Department of Transportation (Caltrans) requirements as they relate to geotechnical design parameters and geologic hazard assessment.

Peter C. Connolly

Principal Engineer

Resources for Community Development, Ashland Housing Project, San Lorenzo, California: Principal Engineer during a geotechnical evaluation for the Ashland Housing Project, a low income housing development at the corner of Kent Avenue and East 14th Street. The project involved redevelopment of the site with a multi-family residential project consisting of four 3-story residential buildings and a community center with a gross building area of approximately 92,500 square feet with associated parking. The evaluation included mud rotary wash borings and geotechnical laboratory testing to assess the potential for liquefaction and dynamic settlement. We provided recommendations for mat foundations and remedial grading with lightweight cellular concrete fill, as a cost-saving alternative to deep foundations, to mitigate settlement due to soft ground conditions and to reduce the potential for sand-boil induced ground subsidence and loss of bearing capacity resulting from liquefaction.

Avesta Novato Assisted Living and Care Facility, Novato, California: Principal Engineer for geotechnical evaluation services for the rehabilitation of the former Hamilton Hospital. The project involved demolishing part of a former hospital, constructing a 4-story addition, and using footings and drilled piers for support. It also includes site improvements such as utility trenches, landscaping, driveways, parking areas, a trash enclosure, and a generator pad.

West Texas Street Bike/Pedestrian and Bus Pullout Improvements, Fairfield, California: Principal Engineer during Preliminary Site Investigation (PSI), Aerial Deposited Lead (ADL) Survey and prepared a Geotechnical Design and Materials Report (GDMR) relating to the construction of a pedestrian/bike pathway project. The project includes construction of a bike path and pedestrian walkway along eastbound West Texas between the westbound I-80 on-ramp and the eastbound I-80 off-ramp that involves cutting the toe of the embankments sloping down from the southern abutments for Bridges 23-0106L and 23 0106R; an earth retaining system to support the cut embankment slope along the southern edge of the new bike path and pedestrian walkway; a concrete bus pad on the shoulder of the I-80 westbound on-ramp; and a new sidewalk to connect the bus pad to Rockville Road at the intersection with West Texas Street.

City of Alameda North Loop Road Rehabilitation, Alameda, California: Project Manager during geotechnical evaluation for the improvements to North Loop Road. The project study area consists of North Loop Road, a collector street servicing a commercial development near the southern edge of Bay Farm Island. North Loop Road is a two-way street approximately 0.7 miles long that intersects with Harbor Bay Parkway at both the eastern and western terminus. Rehabilitation alternatives included conventional reconstruction with asphalt concrete and aggregate base sections, and reconstruction with lime/cement subgrade improvement to permit a reduced pavement section.

Contra Costa County Public Works, Reliez Valley Road Pedestrian Path, Lafayette, California: Project Manager during geotechnical evaluation with subsurface exploration and laboratory testing for the design of an approximately 200-foot long segment of pedestrian path along the western shoulder of Reliez Valley Road where the width of level ground along the shoulder was not adequate for a conventional sidewalk. The subsurface exploration consisted of four solid-stem auger borings advanced with a limited-access rig and laboratory testing to evaluate in-situ moisture and density, Atterberg limits, consolidation characteristics, direct shear strength, triaxial shear strength, subgrade R-value, and soil corrosivity. Ninyo & Moore evaluated the geotechnical feasibility of using a prefabricated steel pedestrian bridge and retaining-wall-supported embankments for the proposed pedestrian path, and prepared a geotechnical report with earthwork recommendations for embankments, recommendations for cantilever soldier-pile-and-lagging and concrete semi-gravity retaining walls, and drilled pier foundation recommendations for the prefabricated bridge.

State Route 12 and Church Road Intersection, Rio Vista, California: Principal Engineer during geotechnical consulting services for State Route 12 Church Road Intersection Improvement Project located in Solano County, California. The project included widening of an approximately 0.4 mile stretch of State Route 12 (SR12) on both sides of Church Road/Amerada Road and the intersection with Church Road in order to construct acceleration/deceleration lanes at the intersection for right turns, along with separate left turn pockets. The project also included correction of approximately 0.5 miles of non-standard shoulder width by providing standard eight foot shoulders.

Interstate-80 HOV Lanes, Various, California: Project Manager during a Preliminary Geotechnical and Foundations Report for the Interstate 80 High Occupancy Vehicle (HOV) Lanes and Turner Parkway Overcrossing. The project study area consisted of approximately a 5-mile portion of Interstate 80 located between the Carquinez Bridge and State Route 37 in Solano County near Vallejo, California. The improvements associated with the project included (1) widening Interstate-80 between the Carquinez Bridge and State Route (SR) 37 to accommodate HOV lanes in the eastbound (EB) and westbound (WB) directions, (2) constructing a new overcrossing (OC) or interchange with I-80 for Turner Parkway, (3) modifying the I-80/Redwood Parkway interchange, (4) construction of new Park-and-Ride lots near Redwood Parkway and Turner Parkway, and (5) modifications to the SR 37/Fairgrounds Drive interchange. The purpose of our study was to perform a preliminary evaluation of the geologic hazards and geotechnical conditions along the study alignment and to provide preliminary geotechnical recommendations for consideration during project planning.

Schedule of Fees

Hourly Charges for Personnel

Professional Staff

Principal Engineer/Geologist/Environmental Scientist/Certified Industrial Hygienist	$ 220
Senior Engineer/Geologist/Environmental Scientist	$ 210
Senior Project Engineer/Geologist/Environmental Scientist	$ 200
Project Engineer/Geologist/Environmental Scientist	$ 195
Senior Staff Engineer/Geologist/Environmental Scientist	$ 180
Staff Engineer/Geologist/Environmental Scientist	$ 165
GIS Analyst	$ 145
Technical Illustrator/CAD Operator	$ 120

Field Staff

Certified Asbestos/Lead Technician	$ 200
Field Operations Manager	$ 130
Nondestructive Examination Technician (UT, MT, LP)	$ 125
Supervisory Technician	$ 120
Special Inspector (Concrete, Masonry, Structural Steel, Welding, and Fireproofing)	$ 115
Senior Technician	$ 115
Technician	$ 110

Administrative Staff

Information Specialist	$ 100
Geotechnical/Environmental/Laboratory Assistant	$ 100
Data Processor	$ 80

Other Charges

Concrete Coring Equipment (includes technician)	$ 190/hr
Anchor Load Test Equipment (includes technician)	$ 190/hr
GPR Equipment	$ 180/hr
State of California Prevailing Wage Surcharge	$ 30/hr
Inclinometer	$ 100/hr
Hand Auger Equipment	$ 80/hr
Rebar Locator (Pachometer)	$ 25/hr
Vapor Emission Kit	$ 65/kit
Nuclear Density Gauge	$ 12/hr
X-Ray Fluorescence	$ 70/hr
PID/FID	$ 25/hr
Air Sampling Pump	$ 10/hr
Field Vehicle	$ 15/hr
Expert Witness Testimony	$ 450/hr
Direct Expenses	Cost plus 15 %

Special equipment charges will be provided upon request.

Notes

Our field services, are charged portal to portal at a 4-hour minimum, and 8-hour minimum for hours exceeding 4 hours. Overtime rates at 1.5 times the regular rates will be charged for work performed in excess of 8 hours in one day Monday through Friday and all day on Saturday. Rates at twice the regular rates will be charged for all work in excess of 12 hours in one day, all day Sunday and on holidays.

Field services that may be subject to prevailing wage in accordance with AB 1768 and Prevailing Wage Determinations, will be subject to a prevailing wage surcharge as shown in our Schedule of Fees. Our rates will be adjusted in conjunction with the increase in the Prevailing Wage Determination during the life of the project, as applicable.

The terms and conditions are included in Ninyo & Moore's Work Authorization and Agreement form.

Schedule of Fees for Laboratory Testing

SOILS

Atterberg Limits, D 4318, CT 204	$ 190
California Bearing Ratio (CBR), D 1883	$ 550
Chloride and Sulfate Content, CT 417 & CT 422	$ 175
Consolidation, D 2435, CT 219	$ 300
Consolidation, Hydro-Collapse only, D 2435	$ 150
Consolidation – Time Rate, D 2435, CT 219	$ 200
Direct Shear – Remolded, D 3080	$ 350
Direct Shear – Undisturbed, D 3080	$ 300
Durability Index, CT 229	$ 175
Expansion Index, D 4829, IBC 18-3	$ 190
Expansion Potential (Method A), D 4546	$ 170
Geofabric Tensile and Elongation Test, D 4632	$ 200
Hydraulic Conductivity, D 5084	$ 350
Hydrometer Analysis, D 6913, CT 203	$ 220
Moisture, Ash, & Organic Matter of Peat/Organic Soils	$ 120
Moisture Only, D 2216, CT 226	$ 45
Moisture and Density, D 2937	$ 55
Permeability, CH, D 2434, CT 220	$ 350
pH and Resistivity, CT 643	$ 185
Proctor Density D1557, D 698, CT 216, AASHTO T-180	$ 350
Proctor Density with Rock Correction D 1557	$ 400
R-value, D 2844, CT 301	$ 450
Sand Equivalent, D 2419, CT 217	$ 155
Sieve Analysis, D 6913, CT 202	$ 175
Sieve Analysis, 200 Wash, D 1140, CT 202	$ 130
Specific Gravity, D 854	$ 135
Thermal Resistivity (ASTM 5334, IEEE 442)	$ 925
Triaxial Shear, C.D, D 4767, T 297	$ 550
Triaxial Shear, C.U., w/pore pressure, D 4767, T 2297 per pt	$ 450
Triaxial Shear, C.U., w/o pore pressure, D 4767, T 2297 per pt	$ 350
Triaxial Shear, U.U., D 2850	$ 250
Unconfined Compression, D 2166, T 208	$ 180

MASONRY

Brick Absorption, 24-hour submersion, 5-hr boiling, 7-day, C 67	$ 70
Brick Compression Test, C 67	$ 55
Brick Efflorescence, C 67	$ 55
Brick Modulus of Rupture, C 67	$ 50
Brick Moisture as received, C 67	$ 45
Brick Saturation Coefficient, C 67	$ 60
Concrete Block Compression Test, 8x8x16, C 140	$ 70
Concrete Block Conformance Package, C 90	$ 500
Concrete Block Linear Shrinkage, C 426	$ 200
Concrete Block Unit Weight and Absorption, C 140	$ 80
Cores, Compression or Shear Bond, CA Code	$ 80
Masonry Grout, 3x3x6 prism compression, C 39	$ 45
Masonry Mortar, 2x2 cylinder compression, C 109	$ 55
Masonry Prism, half size, compression, C 1019	$ 120
Masonry Prism, Full size, compression, C 1019	$ 200

REINFORCING AND STRUCTURAL STEEL

Chemical Analysis, A 36, A 615	$ 135
Fireproofing Density Test, UBC 7-6	$ 90
Hardness Test, Rockwell, A 370	$ 80
High Strength Bolt, Nut & Washer Conformance, per assembly, A 325	$ 250
Mechanically Spliced Reinforcing Tensile Test, ACI	$ 175
Pre-Stress Strand (7 wire), A 416	$ 170
Reinforcing Tensile or Bend up to No. 11, A 615 & A 706	$ 75
Structural Steel Tensile Test: Up to 200,000 lbs., A 370	$ 90
Welded Reinforcing Tensile Test: Up to No. 11 bars, ACI	$ 80

CONCRETE

Compression Tests, 6x12 Cylinder, C 39	$ 35
Concrete Mix Design Review, Job Spec	$ 350
Concrete Mix Design, per Trial Batch, 6 cylinder, ACI	$ 950
Concrete Cores, Compression (excludes sampling), C 42	$ 130
Drying Shrinkage, C 157	$ 500
Flexural Test, C 78	$ 95
Flexural Test, C 293	$ 95
Flexural Test, CT 523	$ 95
Gunite/Shotcrete, Panels, 3 cut cores per panel and test, ACI	$ 360
Lightweight Concrete Fill, Compression, C 495	$ 90
Petrographic Analysis, C 856	$ 2,800
Restrained Expansion of Shrinkage Compensation	$ 550
Splitting Tensile Strength, C 496	$ 120
3x6 Grout, (CLSM), C 39	$ 65
2x2x2 Non-Shrink Grout, C 109	$ 65

ASPHALT

Air Voids, T 269	$ 90
Asphalt Mix Design, Caltrans (incl. Aggregate Quality)	$ 4,500
Asphalt Mix Design Review, Job Spec	$ 190
Dust Proportioning, CT LP-4	$ 95
Extraction, % Asphalt, including Gradation, D 2172, CT 382	$ 260
Extraction, % Asphalt without Gradation, D 2172, CT 382	$ 160
Film Stripping, CT 302	$ 130
Hveem Stability and Unit Weight D 1560, T 246, CT 366	$ 240
Marshall Stability, Flow and Unit Weight, T 245	$ 250
Maximum Theoretical Unit Weight, D 2041, CT 309	$ 160
Moisture Content, CT 370	$ 105
Moisture Susceptibility and Tensile Stress Ratio, T 238, CT 371	$ 1,000
Slurry Wet Track Abrasion, D 3910	$ 160
Superpave, Asphalt Mix Verification (incl. Aggregate Quality)	$ 4,900
Superpave, Gyratory Unit Wt., T 312	$ 110
Superpave, Hamburg Wheel, 20,000 passes, T 324	$ 1,200
Unit Weight sample or core, D 2726, CT 308	$ 110
Voids in Mineral Aggregate, (VMA) CT LP-2	$ 100
Voids filled with Asphalt, (VFA) CT LP-3	$ 100
Wax Density, D 1188	$ 150

AGGREGATES

Clay Lumps and Friable Particles, C 142	$ 190
Cleanness Value, CT 227	$ 190
Crushed Particles, CT 205	$ 180
Durability, Coarse or Fine, CT 229	$ 205
Fine Aggregate Angularity, ASTM C 1252, T 304, CT 234	$ 180
Flat and Elongated Particle, D 4791	$ 230
Lightweight Particles, C 123	$ 180
Los Angeles Abrasion, C 131 or C 535	$ 220
Material Finer than No. 200 Sieve by Washing, C 117	$ 100
Organic Impurities, C 40	$ 100
Potential Alkali Reactivity, Mortar Bar Method, Coarse, C 1260	$ 1,250
Potential Alkali Reactivity, Mortar Bar Method, Fine, C 1260	$ 950
Potential Reactivity of Aggregate (Chemical Method), C 289	$ 495
Sand Equivalent, T 176, CT 217	$ 130
Sieve Analysis, Coarse Aggregate, T 27, C 136	$ 130
Sieve Analysis, Fine Aggregate (including wash), T 27, C 136	$ 150
Sodium Sulfate Soundness, C 88	$ 450
Specific Gravity and Absorption, Coarse, C 127, CT 206	$ 120
Specific Gravity and Absorption, Fine, C 128, CT 207	$ 180

ROOFING

Roofing Tile Absorption, (set of 5), C 67	$ 250
Roofing Tile Strength Test, (set of 5), C 67	$ 250

Special preparation of standard test specimens will be charged at the technician's hourly rate.
Ninyo & Moore is accredited to perform the AASHTO equivalent of many ASTM test procedures.

Page & Turnbull, Inc.

Page & Turnbull

PAGE&TURNBULL imagines change in historic and contemporary environments to cultivate thriving, sustainable, and resilient communities. We understand the past, respect our clients and their stakeholders, and revitalize historic buildings and places to benefit current and future users.

For over 50 years, Page & Turnbull has led architecture, preservation, and planning projects for civic, cultural, educational, and commercial clients. Our work has impacted some of California's most significant buildings; and, more importantly, our projects have made a difference in people's lives. Page & Turnbull's staff of architects, architectural historians, cultural resource planners, and materials specialists believe that **preservation and adaptive reuse are about valuing a community's stories and envisioning a better future.**

Ferry Building, San Francisco

One Firm, Three Studios

CULTURAL RESOURCE PLANNING Architectural historians and cultural resources planners evaluate and analyze historic resources to assess their historic integrity. The studio authors a wide range of award-winning reports, develops and implements mitigation measures, and completes National Register and California Register documentation.

ARCHITECTURE + DESIGN As prime architect, architect of record, and design architect, we collaborate with clients and specialty consultants to design buildings, places, and spaces that are simultaneously contemporary and contextual.

HISTORIC ARCHITECTURE Our historic architecture team is comprised of architects, designers, and materials specialists who are experts at investigating and analyzing materials, securing entitlements, and designing for the adaptive reuse of historic buildings and places for the way we live today...and into the future.

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OFFICE CONDUCTING WORK
170 Maiden Lane, 5th Floor
San Francisco, CA 94108
Main: 415.362.5154

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SAN FRANCISCO 415.362.5154
LOS ANGELES 213.221.1200
SACRAMENTO 916.662.8532
SAN JOSE 415.593.3226
WASHINGTON, DC 703.459.9528

www page-turnbull.com
@pageturnbull
pageturnbull

Christina Dikas Brobst

Principal in Charge

Christina is an Architectural Historian and Principal of Page & Turnbull's Cultural Resources Planning Studio. With her extensive expertise in surveying, researching, and evaluating historic properties, Christina stands out for her exceptional communication skills and keen sensitivity to clients' needs, prioritizing flexibility and open dialogue. In her work, she values the sense of place, historical perspective, and sustainability inherent in cultural resource management and historic preservation. As a Principal, she has led the majority of Page & Turnbull's large-scale survey projects, and conducted numerous Historic Resource Evaluations (HREs), CEQA documentation, Section 106 Technical Reports, General Plans, Specific Plans, Design Guidelines, and other planning documents. She has also developed and managed a number of interpretive programs, which typically are required as an outcome of CEQA review. Christina meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) for Architectural History.

California College of the Arts CEQA Technical Report

Potrero Power Station Historic Resource Evaluation

Deer Hollow Farm Historic Resource Evaluation

RELEVANT PROJECT EXPERIENCE

- **CityView Plaza CEQA Historic Resource Mitigation.** San Jose, CA
- **Mt. Umunhum CEQA & Section 106 Consultation.** Santa Cruz Mountains, CA
- **San Francisco Department of Public Works Environmental On-Call.** San Francisco, CA
- **San Luis Obispo Environmental On-Call.** San Luis Obispo, CA
- **California Department of General Services Real Estate Division CEQA On-Call.** CA
- **Fremont On-Call Historic Preservation Services**. Fremont, CA
- **East Agnews CEQA Mitigation.** San Jose, CA
- **Potrero Power Station CEQA Historic Resource Mitigation Measures.** San Francisco, CA
- **California College of the Arts Oakland Campus CEQA Technical Report and EIR**. Oakland, CA
- **San Bruno Veterans Memorial Recreation Center CEQA Cultural Resource Mitigation Measures.** San Bruno, CA
- **Palo Alto Historic Preservation On-Call Consultations.** Palo Alto, CA
- **PG&E Headquarters Preliminary Evaluation Memorandum**. San Francisco, CA
- **Stanford Research Institute Campus CEQA Project Analysis, Preservation Alternatives Analysis, and Historic Resource Evaluation.** Menlo Park, CA
- **Potrero Power Station CEQA Project Analysis, Mitigation Measures, and Historic Resource Evaluation**. San Francisco, CA

EDUCATION

University of Virginia, Master of Architectural History, Certificate in Historic Preservation,

University of California, Los Angeles, Bachelor of Arts in Sociology, Minor in Museum Studies

CERTIFICATION

AICP Certification

AFFILIATIONS

California Preservation Foundation, Former Member of Board of Trustees

San Francisco Architectural Heritage, Member

American Planning Association (APA), Member

Association of Environmental Professionals (AEP), Member

Stacy Kozakavich PhD, RPA

Project Manager

Stacy has worked as a historian and archaeologist in cultural resources management and planning for over twenty years, including more than ten years in California. She is experienced in the cultural resource review process for Section 106 and CEQA compliance, has successfully led and conducted archaeological field surveys and data recovery projects, material culture analyzes, historic resource evaluations, and project impact analyzes for a wide variety of property types. Stacy is a skilled researcher, and has conducted records searches and archival research at numerous repositories, undertaken oral history interviews, and enthusiastically seeks the stories of significant places in our midst. Stacy meets the Secretary of the Interior's Professional Qualification Standards (SF 36 CFR Part 61) for Architectural History.

RELEVANT PROJECT EXPERIENCE

- **1431 Franklin Street CEQA Addendum.** Oakland, CA
- **California College of the Arts Oakland Campus CEQA Technical Report and EIR**. Oakland, CA
- **415 20th Street CEQA Addendum.** Oakland, CA
- **5801 Christie Avenue CEQA Technical Analyses.** Emeryville, CA
- **VA Medical Center Section 106 Consultation.** San Francisco, CA
- **Moffett Federal Airfield Section 106 Consultation.** Mountain View, CA
- **900 Innes Avenue and 700 Innes Avenue Developments Section 106 Consultations.** San Francisco, CA
- **Fremont On-Call Services.** Fremont, CA
- **Santa Clara Valley Open Space Authority On-Call.** Santa Clara, CA
- **San Luis Obispo Environmental On-Call.** San Luis Obispos, CA
- **San Mateo Historic Preservation Planning On-Call.** San Mateo, CA
- **Salinas Historic Preservation Planning On-Call.** Salinas, CA
- **Fresno SPRR Depot Rehabilitation Section 106 and PRC 5024 Consultation.** Fresno, CA
- **East Santa Clara and South 4th Street CEQA Technical analyses.** San Jose, CA
- **1111 Aladdin Avenue Evaluation.** San Leandro, CA
- **1453 23rd Avenue CEQA Technical Analyses and Consultation.** Oakland, CA
- **Touro University Building H1 Project Analysis.** Vallejo, CA
- **5725 Harrison Street CEQA Mitigation Measures.** San Francisco, CA
- **Langsam Building CEQA Initial Study.** Sausalito, CA

VA Medical Center Section 106 Consultation

Moffett Federal Airfield Section 106 Consultation

India Basin (900 Innes)

EDUCATION

University of California, Berkeley, Ph. D, Anthropology

University of Saskatchewan, Master of Arts, Anthropology and Archaeology

University of Saskatchewan, Bachelor of Arts, Anthropology and Archaeology

AFFILIATIONS

Professional Archaeologist No. 433620

Society for Historical Archaeology

California Preservation Foundation

Oakland Heritage Alliance

On-Call Term Contracts

Page & Turnbull frequently performs on-call, as-needed services for various institutions and municipalities. As such, we have excellent working relationships with many local and state entities as well as a solid understanding of their review processes.

With many of our public projects, we consider ourselves extensions of our client's staff. Our collaborative spirit establishes effective working relationships with client administrative and technical staff, user representatives, sub-consultants, construction managers, and contractors. With 50 years of experience working with the civic agencies and departments, we have a keen understanding of how to successfully collaborate to realize a client's goals while respecting schedule and budget.

When liaising with community groups and other stakeholders, we work with our clients to develop appropriate approaches. Examples include: developing Public Outreach Plans to educate as many residents as possible; assembling Advisory Groups; facilitating community meetings, workshops, and focus groups; conducting presentations to illustrate project alternatives and addressing comments in follow-up presentations. We use online community engagement tools to document stakeholders' concerns and solicit feedback.

Buena Vista Park Historic Resource Evaluation

SELECT TERM CONTRACT CLIENTS

City of Napa
City of Larkspur
City of Burlingame
City of Oakland
City of Fremont
City of Gilroy
City of Palo Alto
City and County of San Francisco
County of Alameda
County of Orange
City of Los Angeles
City of Santa Monica
City of Torrance
City of Ventura
City of San Diego
City of Long Beach
City of Riverside
City of Anaheim
City of Fullerton
San Francisco Department of Public Works
California Department of Parks and Recreation
Midpeninsula Regional Open Space District
Monterey Peninsula Regional Park District
Santa Clara County Department of Parks & Recreation
Sacramento Housing and Redevelopment Agency
University of California, Los Angeles
Judicial Council of California
US General Services Administration
US Department of State

Location

Oakland, CA

Size

4 acres campus, 12 buildings, 270,000 GSF

Timeline

2019-2022

Scope

CEQA Technical Report, Historic Resource Survey, Historic Resource Evaluation, SOI Standard Analysis, Environmental Impact Report

Cost

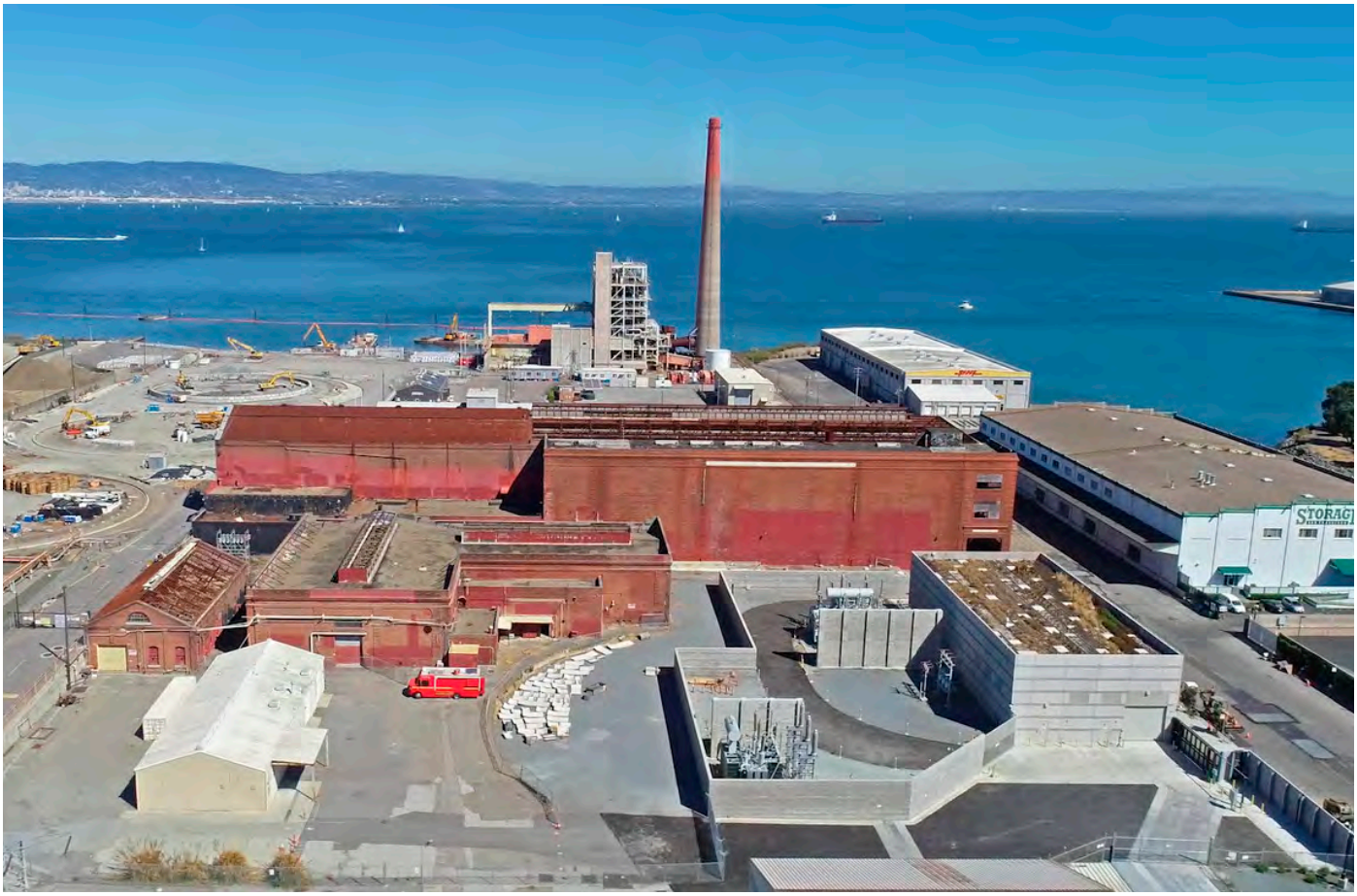
$66,612

California College of the Arts CEQA Environmental Impact Report

Consolidating operations to its San Francisco campus, Page & Turnbull provided research, evaluation, project analysis, and contributed to the CEQA EIR to review the redevelopment CCA's Oakland campus.

Page & Turnbull prepared a comprehensive Historic Resource Evaluation for the site; evaluating 12 campus buildings and landscape features according to the eligibility criteria for the City of Oakland, California Register, and National Register. The site is eligible for the National Register of Historic Places and California Register of Historical Resources as a historic district, and includes the Treadwell Estate, which is a City of Oakland Landmark and is listed on the National Register of Historic Places.

As the California College of the Arts prepared to move all operations to its San Francisco campus, Page & Turnbull's Cultural Resources Studio provided research, evaluation, and worked closely with City of Oakland planning staff and prime environmental consultant to prepare an EIR Cultural Resources chapter to analyze the impacts of a redevelopment proposal.



Location
San Francisco, CA

Size
42,000 sq ft

Timeline
2017-2021

Scope
Project Impact Analysis, Preservation Alternatives Analysis

Cost
$236,500

Potrero Power Station CEQA Historic Resource Services

The former industrial site is being reimagined as a vibrant waterfront neighborhood with a mix of residential, commercial, office, and art uses.

Potrero Power Station is a 29-acre former industrial site that was once the home to a variety of manufacturing companies and contains extant buildings related to PG&E's gas and electric generation. The site is in the process of being redeveloped as a mixed use site with residential, commercial, office, PDR, and arts uses. Page & Turnbull initially was involved by producing a Historic Resource Evaluation for the buildings on the site, and has subsequently produced a Preservation Alternatives Analysis for the proposed project EIR and provided content for the Design for Development controls related to historic resources. Page & Turnbull is currently working on a range of CEQA Mitigation Measure scopes of work, including HABS-style documentation (written report, photography, and measured drawings), video recordation, an interpretive and salvage plan, historic preservation plan, and construction monitoring, and managing related sub-consultants.

Location
Palo Alto, CA

Size
Citywide

Timeline
2016-2024

Scope
Historic Resource Survey, Historic Resource Evaluation, SOI Standard Analysis

Cost
N/A

Palo Alto Historic Preservation On-Call

Page & Turnbull is contracted by the City of Palo Alto to provide On-Call Historic Preservation Consulting services.

Services included reviewing project plans for compliance with the City's design guidelines, context-based design criteria, compatibility requirements, and consistency with the Secretary of the Interior's Standards. We prepare State of California Department of Parks and Recreation (DPR) historic survey forms and Historic Resource Evaluation reports. Additionally, we provide commentary on proposed projects to city planners and support the planners' work in preparing analyses. We support city planning staff by attending Architectural Review Board or Historic Board hearings. During the course of our contract, we have worked on reviewing proposed projects or over 40 different properties, including residences in the National Register-listed Professorville Historic District and commercial buildings on University Avenue.

Location
San Francisco, CA

Size
38 acres, 1,464 Sq ft cottage

Timeline
2015-2025

Scope
CEQA Mitigation Measures, Historic Resource Evaluation,

Cost
$236,500.00

India Basin Park CEQA Historic Resource Services

Page & Turnbull provided an array of preservation services for a historic boatyard site in southeastern San Francisco redeveloped for residential and commercial use alongside a new municipal park.

Page & Turnbull's initial work included a Historic Resource Evaluation (HRE) to assess the historic status of properties within the 38-acre site and a Feasibility Study for the preservation of the Shipwright's Cottage - a designated San Francisco landmark built in 1875. Subsequent project work involved the implementation of Cultural Resource Mitigation Measures required by CEQA, including HABS documentation, salvage, interpretive programming, a Historic Preservation Plan, and vibration monitoring during construction. In addition to our consultations, Page & Turnbull served as Preservation Architect for the rehabilitation of the Shipwright's Cottage which now serves as a welcome center for the park.

The interior of the cottage has been thoughtfully curated to showcase the interpretive elements of historic tools, wallpaper, and salvaged artifacts. A robust interpretive program links adjacent buildings and cultural landscape features to the community of wood boat builders that were active at the shoreline site since the 1870's.

References

1 **CITY OF PALO ALTO**

Steven Switzer, Historic Preservation Planner
650.329.2493 | steven.switzer@cityofpaloalto.org

City of Palo Alto On-Call Historic Preservation Planning Services

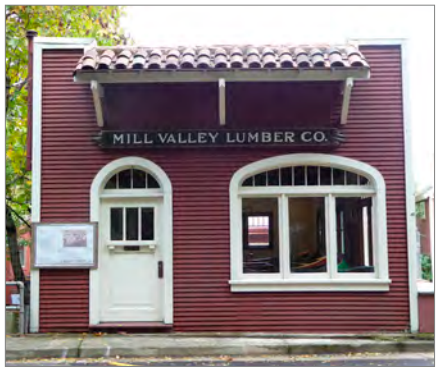
Page & Turnbull has provided on-call Historic Preservation services, including HREs, DPR Forms, SOI Standards Review, Peer Review, and Character-Defining Feature Memorandums, for the City of Palo Alto since 2016.

2 **CITY OF FREMONT**

James Willis, Senior Planner
510.494.4449 | jwillis@fremont.gov

City of Fremont On-Call Historic Preservation Services

Page & Turnbull has provided on-call Historic Preservation services, including HREs, DPR Forms, SOI Standards Review, Peer Review, and Character-Defining Feature Memorandums, for the City of Fremont since 2015.



3 **CITY OF MILL VALLEY**

Steven Ross, Senior Planner
415.384.4895 | sross@cityofmillvalley.org

City of Mill Valley Historic Context Statement, Historic Resources Survey Update, and Historic Resource Evaluations

Page & Turnbull conducted archival research and reviewed extensive previous documentation to produce the Historic Context Statement, which provides a history of physical development in the city and an evaluation framework for understanding historic resources of various property types. We also conducted a survey update of properties previously identified as potentially significant, and we have prepared property-specific Historic Resource Evaluations and SOI Stanards Reviews for CEQA purposes.

Fee Schedule

STAFF HOURLY RATES

Founding Principal	$315.00	Sr Preservation Specialist / Sr Project Manager	$195.00
Principal	$265.00-$305.00	Preservation Specialist 2 / Project Manager	$170.00
Director	$170.00-$245.00	Preservation Specialist 1	$140.00
Senior Architect / Senior Project Manager	$225.00	Junior Senior Preservation Specialist	$125.00
Architect 2 / Project Manager	$185.00	Interns	$115.00
Architect 1	$155.00	Marketing Director	$230.00
Senior Designer / Senior Project Manager	$195.00	Marketing Manager	$195.00
Designer 2 / Project Manager	$160.00	Marketing Coordinator 2	$170.00
Designer 1	$135.00	Marketing Coordinator 1	$150.00
Junior Designer	$125.00	Controller	$230.00
Senior Cultural Resources Planner	$170.00	Senior Project Accountant	$190.00
Cultural Resources Planner 2	$150.00	Project Accountant 2	$170.00
Cultural Resources Planner 1	$135.00	Project Accountant 1	$140.00
Junior Cultural Resources Planner	$120.00	Office Administrator	$125.00

REIMBURSABLES

Reimbursable expenses shall include the following:

- Cost of printing or duplication of drawings, specifications, reports, and cost estimates.
- Tolls, parking fees, and local travel charged in accordance with IRS code.
- Long distance telephone service and facsimile charges.
- Cost of models, special renderings, photography, special printing of publications, maps, and other supplies required for the project.
- Postage and delivery charges.
- Fees for local licenses and permits required to perform professional services.
- Travel, lodging, subsistence, and out-of-pocket expenses for authorized travel in connection with contract services.

ADMINISTRATIVE FEES

Fees for consultant services and subcontractors retained with approval of client shall be billed at cost plus 10%.

EFFECTIVE 01/2025
Subject to annual review and adjustment

WJV Acoustics, Inc.

wjv acoustics

-CORPORATE RESUME-

WJV Acoustics, Inc. (WJVA), formerly Brown-Buntin Associates, Inc. (BBA), is a full-service acoustical consulting firm which specializes in the measurement, modeling and evaluation of environmental and transportation noise and architectural acoustics. BBA was originally established in 1981 by Robert E. Brown and Jim Buntin in Visalia, California. Beginning January 1, 2015, BBA began operating as WJV Acoustics, Inc. (WJVA).

WJVA utilizes state-of-the-art sound measurement and analysis equipment, coupled with computer data management and modeling capabilities, to quantify noise from construction, aircraft, traffic, rail, industrial/commercial and other sources. WJVA has prepared hundreds of acoustical analyses over the past 30 years. WJVA has prepared general plan noise elements and/or noise element updates for approximately 50 California jurisdictions. Additionally, WJVA prepares environmental noise assessments for CEQA and NEPA documents, prepares noise exposure studies for airports of all sizes, and consults with architects concerning the acoustical design of schools, office buildings and performing arts facilities. WJVA has made numerous public presentations.

WJVA has completed noise studies for a number of projects that were considered controversial by local citizens. Many of these projects have included extensive public testimony, demonstrations of noise monitoring procedures, and a thoughtful approach to study design, analysis and document preparation so that complex technical information could be effectively presented to non-technical persons. WJVA has fostered a strong reputation within the environmental community as a consultant able to provide sound and defensible work while maintaining a high level of client attentiveness that separates WJVA from other firms.

WALTER J. VAN GRONINGEN
President
WJV Acoustics, Inc.

Experience:

Mr. Van Groningen is the founding consultant of WJV Acoustics, Inc. His technical skills include the prediction and analysis of aircraft, traffic, railroad and construction noise and the evaluation of community noise problems and litigation support. He has prepared technical noise studies for a variety of projects requiring CEQA or NEPA documentation and has developed noise level criteria and implementation programs for addressing noise-related conflicts and long-range noise compatibility planning. Mr. Van Groningen has particular expertise in preparing traffic noise assessments for federally funded roadway improvement projects using the Caltrans Protocol. Mr. Van Groningen has also prepared general plan noise elements and noise element updates for several California jurisdictions.

Mr. Van Groningen became involved in community noise control in 2005, when he joined the consulting staff at Brown-Buntin Associates, Inc. Since that time, he has conducted short- and long-term aircraft noise monitoring and acoustical testing for federally funded aircraft sound insulation programs and conducted and/or managed numerous environmental noise analyses, including the following:

- Environmental noise assessments addressing aircraft, traffic, rail, commercial, industrial and construction sources for projects requiring CEQA/NEPA documentation. Many of these studies have involved controversial projects and significant public interest in the agency review process.
- Aircraft noise analysis and preparation of noise exposure maps and summary reports for Las Vegas McCarran and Reno-Tahoe International Airports.
- Federally funded school and/or residential sound insulation programs for Los Angeles, Reno-Tahoe, Phoenix Sky Harbor and Anchorage Ted Stevens International Airports.
- General Plan Noise Elements for numerous California jurisdictions.
- Acoustical analyses and noise monitoring for numerous mining operations and construction projects.

Professional Affiliations:

- Member, Institute of Noise Control Engineering.
- Member, Acoustical Society of America.

Software Skills and Certifications:

- FHWA Traffic Noise Model Certified
- FAA Integrated Noise Model (INM)
- Aviation Environmental Design Tool (AEDT2B)
- Larson Davis Laboratories, AutoCAD, Microsoft Word, Microsoft Excel, SoundPLAN
- SoundPLAN Software & Noise Modeling Seminar

Education:

- B.A. Physical/Environmental Geography, Humboldt State University, 1999.
- Post Graduate studies in Hydrology, California State University Chico, 1999-2002.

ROBERT E. BROWN
Consultant
WJV Acoustics, Inc.

Experience:

Bob Brown was a founding partner of Brown-Buntin Associates, Inc. (BBA). Beginning January 1, 2015, BBA became WJV Acoustics, Inc. (WJVA). Mr. Brown continues to work with WJVA on individual projects and also serves in an advisory role with the firm. His technical skills include the prediction and analysis of aircraft, traffic, rail and industrial/commercial noise, the evaluation of architectural noise problems and litigation support. He has prepared technical noise studies for a variety of projects requiring CEQA or NEPA documentation and has developed noise level criteria and implementation programs for addressing noise-related noise conflicts and long-range noise compatibility planning. Mr. Brown has made numerous presentations to organizations, political decision-making boards and citizen groups, and has served as an expert witness.

Mr. Brown became involved with community noise control in 1972 as a member of the public sector. He developed and coordinated community noise programs for two California counties (Tulare and Fresno) and served as a technical advisor to the State of California Office of Noise Control. Since the establishment of BBA in 1981, Mr. Brown has conducted and/or managed numerous aviation and environmental noise studies and architectural acoustics analyses, including the following:

- Environmental noise assessments addressing aircraft, traffic, rail and commercial/industrial sources for projects requiring CEQA/NEPA documentation. Many of these studies have involved controversial projects and significant public interest in the agency review process.
- Aircraft noise analysis and preparation of noise exposure maps and summary reports for Las Vegas McCarran, Reno-Tahoe, San Jose and Fresno Yosemite International Airports.
- Technical noise analyses for FAR Part 150 Studies and/or Environmental Assessments for airfield improvement projects at Portland (Oregon), Little Rock, Las Vegas McCarran, San Antonio, Reno-Tahoe, San Jose and Fresno Yosemite International Airports.
- Federally funded school and/or residential sound insulation programs for Reno-Tahoe, Port Columbus (OH), San Jose, Fresno-Yosemite and Phoenix Sky Harbor International Airports.
- General Plan Noise Elements for numerous California jurisdictions.

Professional Affiliations:

- Member, Aircraft Noise Subcommittee, National Research Council, TRB
- Member, Institute of Noise Control Engineering.
- Member, Acoustical Society of America.

Publications and Presentations:

Defining Adequate Noise Reduction, AAAE Aircraft Noise and Land Use Planning Conference, San Francisco, California, August 1996.
An Overview of Aviation Acoustics, Asilomar Noise Conference, February, 1990.
Quantifying Aircraft Noise Exposure, Airport Noise Abatement Seminar, Irvine, California, 1990.
An Assessment of Noise Impacts Resulting From a Proposed Conversion of F106 to F4D Aircraft at Fresno Air Terminal, California, Inter-Noise 84, Honolulu, Hawaii, December, 1984.

Education:

- B.A., 1971, Biological and Physical Sciences, Chico State College.
- Graduate studies in noise control and environmental health, Calif. State University, Fresno.
- Graduate courses in noise control at U.C. Berkeley, Santa Cruz and San Francisco.

wjv acoustics

-REPRESENTATIVE PROJECTS-

- ***Chamisal Tennis Club, Monterey County (2025)***: The project included the assessment of noise levels resulting from activities occurring at the tennis club, as they may impact nearby residential land uses. WJVA conducted 24-hour noise level measurements at numerous locations in the vicinity of closest residential land uses to the project site. WJVA prepared an analysis and report documenting the Club's compliance with applicable Monterey County noise standards
  Contact: Mr. Luis Reis, phone 831-484-1135, email luis@chamisal.com

- ***Ferrasci Business Center Specific Plan, Salinas (2023)***: The project included the development of a Specific Plan to serve as guidance for future development within the Specific Plan boundary. The project included residential, commercial, retail, and various mixed-use land uses. WJVA conducted ambient noise monitoring throughout the Specific Plan area, conducted traffic noise modeling, and preparation of an Environmental Noise Assessment for the project.
  Contact: Mr. Ron Sissem, EMC Planning Group, phone 831-649-1799, email sissem@emcplanning.com

- ***Carmel High School Stadium Lights Project, Carmel, California (2021)***: The project included the installation of stadium lighting at an existing high school stadium facility. The addition of new stadium lighting would result in an increase in on-site events, increased attendance at events and nighttime games and activities at the stadium site (previously restricted to daytime only). WJVA conducted ambient noise monitoring throughout the nearby residential areas, reference noise level measurements, traffic noise modeling, and preparation of an Environmental Noise Assessment for the project.
  Contact: Ms. Teri Wissler Adam, EMC Planning Group, phone 831-649-1799, email wissler@emcplanning.com

wjv acoustics

FEE SCHEDULE

WJV Acoustics, Inc.
January 1, 2025

Labor: Time spent on behalf of a client is charged as follows:

Principal Consultant:	$185/hour
Consultant:	$160/hour
Technician:	$95/hour
Clerical:	$85/hour

Time spent includes travel to/from WJVA's Visalia office.

A surcharge of 50% over the above rates will be charged for expert witness testimony.

Direct Charges: Direct charges include actual costs for travel, lodging, meals, mileage, equipment fees, computer services, printing and similar costs. Mileage is charged at the standard IRS rate.

Retainer: A retainer of up to 50% of the total fee may be required for new clients or jobs where initial expenses are anticipated to exceed $500.

Note: A Finance Charge of 1% per month, which is 12% per annum, may be charged on accounts not paid within 30 days of invoice.

Sample Work

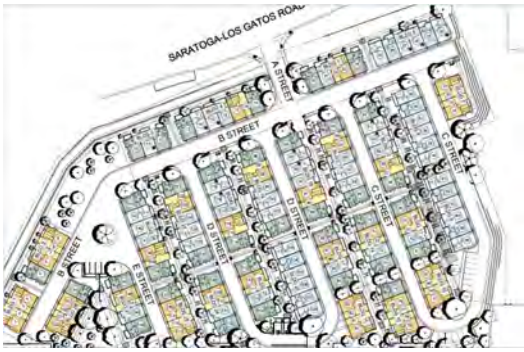
C

ATTACHMENT

Final Initial Study

50 Los Gatos-Saratoga Road Townhome-Style Condominiums

December 26, 2024



Prepared by

EMC Planning Group

FINAL INITIAL STUDY

50 Los Gatos-Saratoga Road Townhome-Style Condominiums

PREPARED FOR

Town of Los Gatos

Sean Mullin, AICP, Planning Manager

110 E Main Street

Los Gatos, CA 95030

Tel 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

www.emcplanning.com

December 26, 2024

TABLE OF CONTENTS

Appendices

Figures

Tables

A. BACKGROUND

Project Title	50 Los Gatos-Saratoga Road Townhome-Style Condominiums
Lead Agency Contact Person and Phone Number	Sean Mullin, AICP, Planning Manager 408.354.6823
Date Prepared	December 2024
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	50 Los Gatos-Saratoga Road, Los Gatos
Project Sponsor Name and Address	John Hickey SummerHill Homes 777 S. California Avenue Palo Alto, CA 94304
Town of Los Gatos 2020 General Plan Land Use Element Designation	Mixed-Use Commercial
Zoning	Highway Commercial – Planned Development – Housing Element Overlay Zone

Setting

The 8.82-acre project site is located at 50 Los Gatos-Saratoga Road in the Town of Los Gatos, which is approximately 13.5 miles south of the San Francisco Bay and approximately 16.5 miles north of the City of Santa Cruz. Surrounding cities include Campbell to the north, San Jose to the north and east, Monte Sereno and Saratoga to the west, and unincorporated hillside areas and the mountains of Santa Clara County to the south. Figure 1, Location Map, provides a regional view of the project site.

Surrounding the project site is Los Gatos-Saratoga Road, commercial uses, and pending future residential development to the north, the Los Gatos High School campus and sports fields to the south, a wooded slope and residential uses to the east, and the Los Gatos-Saratoga Road (State Route 9) and State Route 17 interchange to the west. Figure 2, Aerial Map, provides an aerial view of the project site and the surrounding uses.

The project site is currently occupied by the Los Gatos Lodge, a "garden hotel" built in the late 1950's and early 1960's. Onsite operations consist of temporary lodging of hotel guests, meeting and event rooms, recreational areas, dining areas, routine facility maintenance, accessory office uses, and a duplex dwelling unit for hotel staff. In addition to the buildings and other structures, the project site is improved with paved drives and parking areas, patios and walkways, a swimming pool, and landscaped areas. The eastern edge of the site is wooded and steeply sloped. Figure 3, Site Photographs, provides a visual of the project site from a pedestrian's viewpoint.

The *Town of Los Gatos 2020 General Plan Land Use Element* ("2020 General Plan Land Use Element") designates the project site as Mixed-Use Commercial. The site is zoned Highway Commercial – Planned Development – Housing Element Overlay Zone.

Description of Project

The proposed project includes an application for 155 townhome-style condominium units in 28 buildings with landscaping and common area amenities. The project proposes a mix of two-, three-, and four-bedroom floorplans with an average living area of approximately 1,880 square feet. The two-bedroom floorplans have approximately 1,527 square feet of living area with an attached two-car garage with a side-by-side configuration. The three-bedroom floorplans have a range in size from approximately 1,339 to 1,941 square feet of living area. Half of the three-bedroom homes have an attached two-car garage with a side-by-side configuration, and half have an attached two-car garage with a tandem configuration. The four-bedroom floorplans have a range in size of approximately 1,988 to 2,260 square feet and have an attached two-car garage with a side-by-side configuration. The project features approximately 17,700 square feet of community recreation spaces. Approximately 27,500 square feet of wooded hillside along the east side of the project site would be preserved as open space. With the exception of the existing duplex dwelling unit adjacent to the eastern border of the site, all existing structures and improvements would be removed. The duplex is not part of the proposed project and will remain.

Vehicular circulation is provided through an entry drive from Los Gatos-Saratoga Road and on-site private alleys. The project would provide 330 off-street parking spaces. Guest parking would be provided throughout the site. Bike storage for residents would also be provided in each garage, and 16 bike racks would be provided for guests.

The proposed project also provides 26 affordable units, with 16 affordable to Low Income households and 10 affordable to Moderate-Income households to comply with the Town of Los Gatos' ("Town") Below Market Price (BMP) Program and to qualify for benefits under the State Density Bonus Law and other relevant provisions of the Government Code. By designating ten percent (i.e., 16) of the units as affordable to Low Income households, the project qualifies for one incentive or concession, unlimited waivers or reductions of development standards, and parking reductions under the State Density Bonus Law. The applicant is requesting an incentive or concession to allow a multi-family residential development without a mixed-use component. Additionally, the applicant is requesting multiple waivers related to the following:

- Building height;
- Setbacks;
- Private open space dimensions;
- Width of private alleys;
- Fence/wall located in setbacks;
- Parking configuration;
- Parking aisle with; and
- Objective design standards related to:

- Short-term bicycle parking;
- Pedestrian path lighting spacing;
- Third-floor step back;
- Utility screening; and
- Façade design and articulation.

Figure 4, Site Plan, illustrates the proposed site plan for the project. The full set of project plans can be found in Appendix A.

Town of Los Gatos General Plan

The Los Gatos Town Council adopted the *Town of Los Gatos California 2040 General Plan* (2040 General Plan) and certified the *2040 General Plan Final Environmental Impact Report* (2040 General Plan EIR) on June 30, 2022. On April 2, 2024, the Town Council voted to rescind the land use element and community design element of the 2040 General Plan (Town of Los Gatos 2022a).

Therefore, the Town's current general plan consists of the land use element and community design element of the *Town of Los Gatos 2020 General Plan* (2020 General Plan), and the remaining elements of the 2040 General Plan. The *Town of Los Gatos 2020 General Plan EIR* (2020 General Plan EIR) is the effective EIR for the land use element and the community design element.

Methodology

General Plan and Housing Element Residential Unit Growth

Residential development of the project site was anticipated in the 6th Cycle Housing Element Update and was considered in the 2040 General Plan's growth projections that were evaluated in the 2040 General Plan EIR. The 2020 General Plan EIR evaluated the project site as Mixed-Use Commercial, which allows for a mixed of commercial and residential uses. The 2040 General Plan EIR evaluated the project site with a land use designation of "Mixed Use," which allows for 30-40 units per acre or 262-348 residential units, (Town of Los Gatos 2021). Additionally, preparation of the Town's 6th Cycle Housing Element Update overlapped with the preparation of the 2040 General Plan and 2040 General Plan EIR, allowing for the documents to work together on topics such as density to assist in meeting the Town's Regional Housing Needs Assessment requirement. The project site was identified in the site inventory located within the 6th Cycle Housing Element Update (referred to as the Los Gatos Lodge) for a minimum residential development of 262 units (30 units per acre) (Town of Los Gatos 2024, p. D-19). The 2040 General Plan EIR evaluated the potential impacts of up to 3,738 additional dwelling units, and evaluated housing and population growth projections identified within the 6th Cycle Housing Element Update (Town of Los Gatos 2022b). The project includes approximately 18 units per acre, which falls below the density identified for the site within the 6th Cycle Housing Element Update and evaluated in the 2040 General Plan EIR. Therefore, the growth projections analyzed in the 2040 General Plan EIR adequately considered the population increase associated with the proposed project.

Cumulative Residential Development

The 2040 General Plan EIR evaluated the potential growth for up to 3,738 dwelling units. The Town has not approved any of these dwelling units as of December 2024. The proposed project includes 155 dwelling units. Therefore, the proposed project residential units were included within the scope of the 2040 General Plan EIR and 6th Cycle Housing Element Update.

The 6th Cycle Housing Element Update included 2,371 units. The Town has not approved any of these dwelling units as of December 2024. The proposed project includes 155 dwelling units. Therefore, the proposed project residential units were included within the scope of the 2040 General Plan EIR and 6th Cycle Housing Element Update.

Purpose of Initial Study – CEQA Guidelines Section 15183 Streamlining

The purpose of this initial study is to determine if the proposed project's environmental impacts were adequately addressed in the 2020 General Plan EIR and/or 2040 General Plan EIR, as applicable. If so, the Town would only be required to make the findings that no additional environmental review is necessary pursuant to CEQA Guidelines section 15813 streamlining process. If it is determined that the project was not adequately addressed in the 2020 General Plan EIR and/or the 2040 General Plan EIR, as applicable, the preparation of a mitigated negative declaration or supplemental EIR (supplemental to the general plan EIR) would occur.

Conditions of Approval

The 2020 General Plan EIR and the 2040 General Plan EIR identify general plan policies and mitigation measures that would reduce environmental impacts to a less-than-significant level. Those policies and mitigation measures are identified as conditions of approval in this initial study. Additional conditions of approval are also included herein where additional detail regarding implementation of the policies and mitigations (conditions of approval) are necessary.

Other Public Agencies Whose Approval May Be Required

- San Francisco Bay Area Regional Water Quality Control Board

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The Town sent out AB 52 notification letters on May 22, 2024 via email and certified mail. As of August 26, 2024, two responses have been received; one from the Muwekma Ohlone Tribe and one from the Amah Mutsun Tribal Band of San Juan Bautista. However, neither tribe requested consultation. See Section 18, Tribal Cultural Resources, for additional information.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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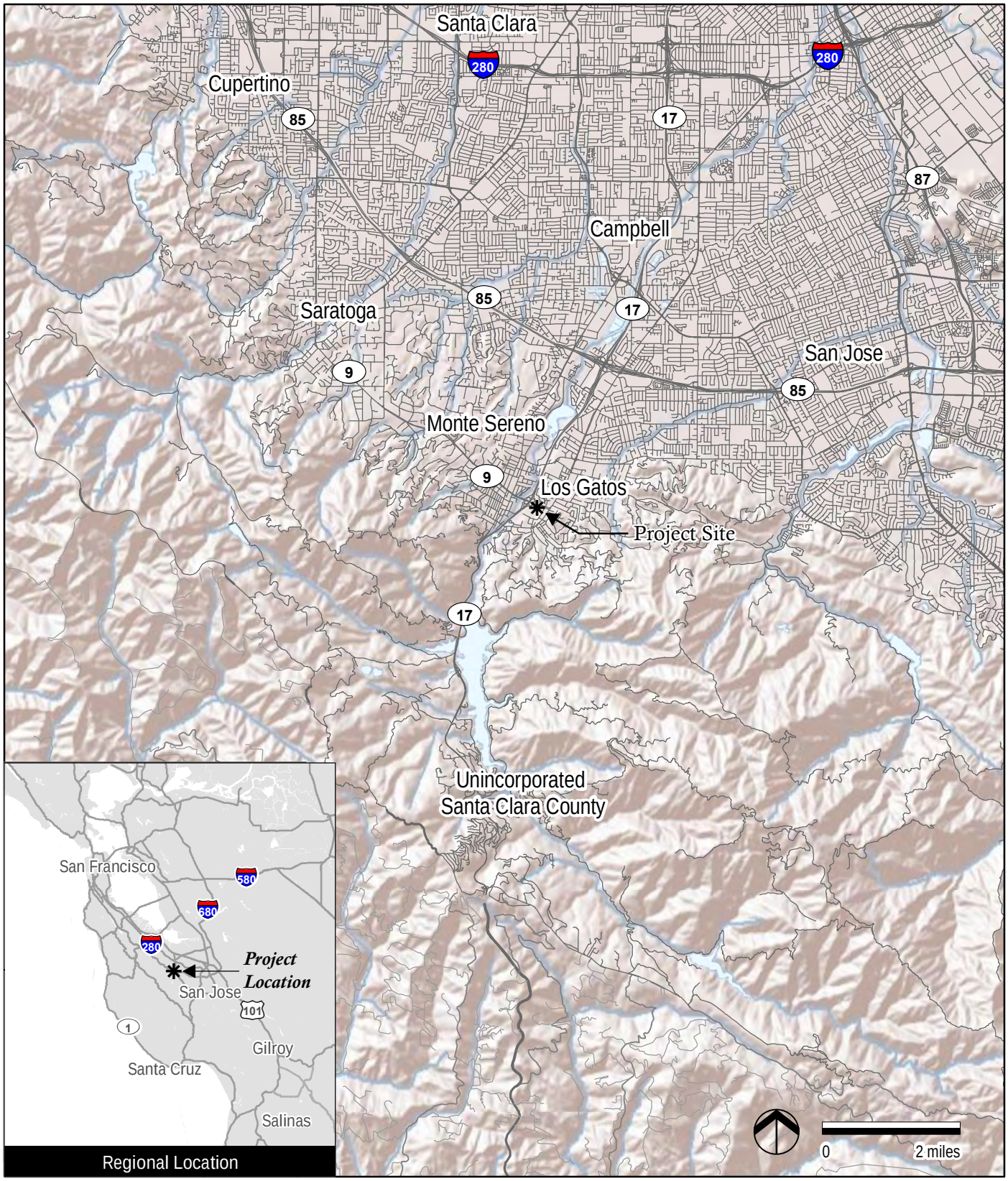

Source: ESRI 2024

Figure 1

Location Map

50 Los Gatos-Saratoga Road Townhome-Style Condominiums Initial Study

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0 300 feet

Project Site

Source: Santa Clara County GIS 2024, Google Earth 2024

Figure 2

Aerial Photograph

50 Los Gatos-Saratoga Road Townhome-Style Condominiums Initial Study

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1 View of the property entrance on the north side of the project site, looking southwest.

2 View of the east side of the project site, looking northwest.

Project Site

Source: Google Earth 2024
Photographs: Google Earth 2024

3 View of the south side of the project site, looking northwest.

4 View of the west side of the project site, looking southeast.

Figure 3
Site Photographs

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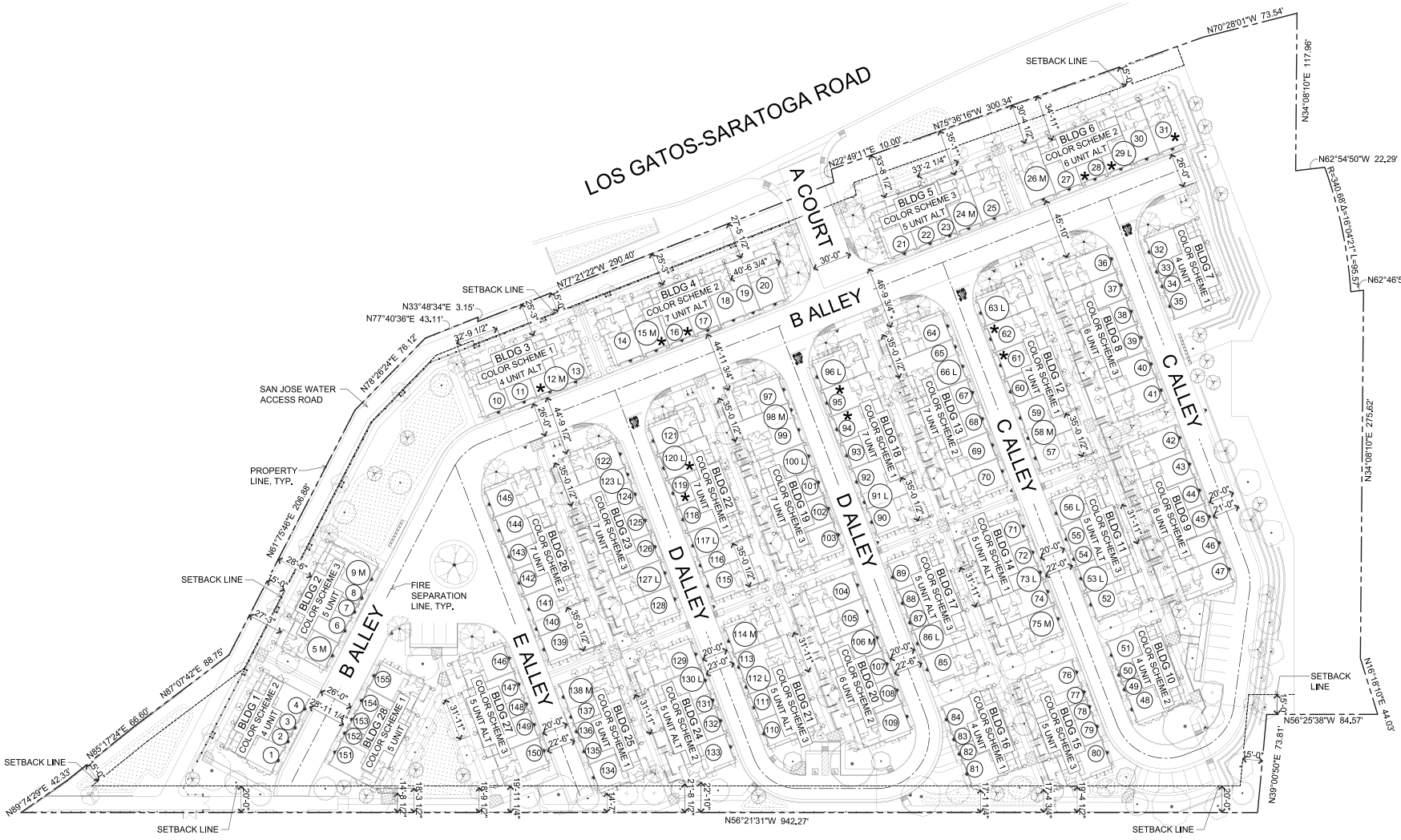

Source: SDG Architects, Inc. 2024

Figure 4

Site Plan

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B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

C. DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Sean Mullin, AICP, Planning Manager Date

D. 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:

		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?	☒	☐	☒	☐
b.	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☒	☐	☒	☐
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☒	☐	☒	☐

Comments:

a. A scenic vista is a view from a public place that is expansive and considered locally important. The Town of Los Gatos is located at the base of the Santa Cruz Mountains and many southbound streets offer striking views of the slopes, ridgelines, and wooded areas of those mountains. These views are defining attributes of Los Gatos and shape the visual experience for visitors and residents who would have a high sensitivity to those views (Town of Los Gatos 2021). The 2040 General Plan EIR concluded that the 2040 General Plan goals and policies would minimize visual intrusion and assist in reducing obstructions to the scenic vistas associated with the open space areas of Los Gatos. Development facilitated by the 2040 General Plan would occur in existing urbanized areas of the Town of Los Gatos and implementation of these policies would encourage vistas and visibility of scenic open space. Therefore, impacts were found to be less than significant (Town of Los Gatos 2021, p. 4.1-16).

Public views at the project site are available on Los Gatos-Saratoga Road and the State Route 17 exit towards Los Gatos-Saratoga Road. Travelers on the State Route 17 exit towards Los Gatos-Saratoga Road do not have views of distant mountains as it is completely obscured by the heavily wooded western edge of the project site. These trees along the western border would be removed as part of the project. However, the project

proposes to plant more than 100 trees along the edges and throughout the project site, which would enhance the wooded coverage that currently obscures the views of the distant mountains from this viewpoint (refer to Sheet L1.0 for the conceptual landscape plan found in Appendix A).

Eastern travelers on Los Gatos-Saratoga Road fronting the project site do not have any scenic vista views, while western travelers on Los Gatos-Saratoga Road have some views of the distant mountains, but they are mostly obscured due to the existing tree coverage, street lights, and the entry sign. The project would be required to comply with the Town's Objective Design Standards. Because the project site is located within an existing urbanized area of the Town, and the project would the Town's Objective Design Standards, it can be concluded that the project's potential impacts to scenic vistas have been adequately addressed in the 2040 General Plan EIR.

b. The 2040 General Plan EIR concluded that no impacts on scenic resources within a state scenic highway would occur because new development would not be facilitated near the only state designated highway near to, and not within, the Town of Los Gatos (State Route 9).

The proposed project is located approximately 0.7 miles southeast of the state designated scenic highway portion of State Route 9 (Google Earth 2024). Therefore, the project would not have an impact on a scenic highway.

c. The proposed project is located within an urbanized area on a currently developed site that is zoned Highway Commercial – Planned Development – Housing Element Overlay Zone and contains existing development. According to the Town Code Section 29.20.185, Table of conditional uses, residential uses are allowed within this zoning district with a conditional use permit. The project plans will undergo development review with the Town Community Development Department to ensure that the project meets the Town's Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development.

Adherence to the Town's objective standards would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, the project would not result in new impacts that have not already been addressed within the 2040 General Plan EIR and other objective standards included in the Town Code and other documents.

d. Although the existing lodge at the project site produces light, the proposed project would increase the development intensity at the site, thereby introducing new sources of light, the project would be required to comply with the residential lighting requirements in the Town's Objective Design Standards and therefore, the impact would be less than significant.

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:

		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?	☐	☐	☐	☒
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a-e. The project site is a developed, infill site and is located within land designated by the California Department of Conservation as Urban and Built-Up Land (California Department of Conservation 2024), is not in a Williamson Act contract and contains no timberland or forest resources. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), conflict with the Williamson Act, or result in an impact to timberland or forest resources.

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:

		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?	☒	☐	☐	☒
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?	☒	☐	☐	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
d.	Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	☒	☐	☐	☒

Comments:

a. The proposed project is redevelopment of an infill parcel with residential uses and is not expected to conflict with the applicable air quality plan.

b. **Construction Criteria Air Pollutant Emissions:** Ramboll prepared a CEQA Air Quality, Greenhouse Gas, Health Risk, and Energy Analysis for the proposed project (2024). The report was peer reviewed by Illingworth & Rodkin. Both the report and the peer review are included in Appendix B.

The proposed project will involve construction activities that generate air pollutants. These activities include demolition, grading, transportation of workers and materials, and fuel combustion from on-site equipment, leading to the emission of reactive organic gases (ROG), nitrogen oxides (NO_x), PM_{10}, and $PM_{2.5}$. The volume of these emissions will vary based on the type, duration, and intensity of construction activities.

While construction emissions typically have temporary impacts over a limited time, their acute effects can lead to significant localized air quality issues. However, these emissions generally do not contribute to long-term cumulative air quality impacts.

The 2040 General Plan did not identify measures to reduce construction emissions, but instead relied on best management practices for construction described in the air district's

CEQA Guidelines. The Guidelines establish project-level thresholds for construction emissions. If a project's construction emissions are below these thresholds, its impact on regional air quality is considered less than significant. In addition to maintaining emissions below the air district's significance threshold, individual projects must implement all Basic Construction Mitigation Measures outlined in Table 8-2 of the CEQA Guidelines.

These basic construction measures were expanded when the air district updated its guidelines. These measures, also known as best management practices (BMP), now include the following measures:

Condition of Approval

The following shall be implemented during construction activities to reduce $PM_{2.5}$ concentrations:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site;
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel; and
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

The 2040 General Plan EIR includes these requirements as a mitigation measure (2040 General Plan EIR Mitigation Measure AQ-1) to address temporary construction impacts from new development. The mitigation requires implementing the air district's Basic Construction Mitigation Measures, or equivalent, expanded, or modified measures (Town of Los Gatos 2021, 4.3-16). The conditions of approval should require the project to comply with this mitigation measure to ensure that construction emission impacts are reduced to a less-than-significant level.

Therefore, any potential impacts associated with the project construction emissions have been adequately addressed in the 2040 General Plan EIR.

Operational Criteria Air Pollutant Emissions: The 2040 General Plan EIR uses a threshold approach for criteria air pollutant impacts that is recommended by the air district. Relative to baseline conditions, where the percent increase in vehicle miles traveled (VMT) at plan buildout does not exceed the percent change in population generated at buildout, the plan would have less than significant criteria air pollutant emissions impacts. The 2040 General Plan EIR found that this would be the case at plan buildout and, therefore, implementing the 2040 General Plan would have less than significant criteria emissions impacts.

The proposed project is consistent with the 2040 General Plan reviewed in the 2040 General Plan EIR. Consequently, the VMT and population generations were evaluated in the General Plan EIR analysis of criteria air emissions impacts. Therefore, criteria air emissions impacts of the project have been adequately addressed in the 2040 General Plan EIR.

c. **Project Construction – Toxic Air Contaminants.** The Ramboll health risk assessment concluded that with implementation of the condition of approval above that reduces $PM_{2.5}$ concentrations, the construction health risk impacts associated with construction of the project are less than significant.

Project Operations (Cumulative) - Toxic Air Contaminants. The proposed project includes air filtration systems rated at MERV-13 for all residential buildings. The Ramboll health risk assessment concluded that the project would not expose sensitive receptors to substantial pollutant concentrations with inclusion of these air filtration systems.

d. The proposed project is a residential development that is consistent with the land use evaluated in the 2040 General Plan EIR and is not the type of use that would produce objectionable odors that would affect a substantial number of people. Therefore, the project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

		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?	☒	☐	☐	☐
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?	☐	☐	☐	☒
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, filing, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐
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?	☐	☐	☐	☒

Comments:

A Biological Evaluation was prepared by Live Oak Associates, Inc. in April 2, 2024 ("Biological Evaluation," which can be found in Appendix C). The Biological Evaluation was peer reviewed by EMC Planning Group; the peer review is also available in Appendix C.

Additionally, an arborist report was prepared by Moki Smith Tree Specialists, Inc., dated March 6, 2024, and was peer reviewed by Monarch Consulting Arborists on March 26, 2024. The arborist report and peer review documentation can be found in Appendix D.

A reconnaissance-level biological field survey of the project site to verify conditions described in the report was conducted by EMC Planning Group biologist Rose Ashbach, M.S. on June 20, 2024. Biological resources were documented in field notes, including plant and wildlife species observed, dominant plant communities, wildlife habitat quality, disturbance levels, and aquatic resources.

Prior to conducting the survey, Mrs. Ashbach reviewed the Biological Evaluation, project plans, aerial photographs, natural resource database accounts, and other relevant scientific literature. This included searching the U.S. Fish and Wildlife Service (USFWS) *Endangered Species Database* (USFWS 2024a), California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2024a, CDFW 2024b), and California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2024a) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project. A review of the USFWS National Wetlands Inventory database was also conducted to identify jurisdictional aquatic features (wetlands, drainages, and/or riparian areas) on or adjacent to the project site (USFWS 2024b).

Existing Conditions

The project site consists of two parcels (APNs 529-24-032 and 529-24-001), located at 50 Los Gatos-Saratoga Road in the Town of Los Gatos. The project site is bounded by Los Gatos-Saratoga Road to the north, State Route 17 to the west, Bella Vista Avenue to the east, and Los Gatos high school to the south. Adjacent uses include residential properties to the east and commercial establishments to the north. The parcels have been developed as a multi-building "garden" hotel with diverse ornamental trees, meeting rooms, and associated parking.

Topography of the parcel is flat with exception of the eastern boundary of the site, where Bella Vista Avenue (elevation at 123 feet) slopes west within a forested woodland to parcel parking (elevation at 107 feet) to the east. Soil types on the site include the Urban land-Stevenscreek complex, Urban land-Flaskan complex, and Flaskan sandy loam (NRCS Web Soil Survey 2024). These soils are not hydric nor do they contain ultramafic, alkaline, or other edaphic conditions that support rare plant and wildlife species.

Plant and Wildlife Habitats

The project site was developed in the late 1950's and early 1960's. Habitats on the site are predominantly developed and landscaped with ornamental non-native plants. Coast live oak mixed woodland is located along the eastern slope at Bella Vista Avenue and the northeast corner of the property.

Developed Landscaped Areas

The majority of the parcel has been developed with a multi-building hotel, meeting rooms, outdoor seating areas, associated parking, lawns, swimming pool, and landscaped areas. Vegetation around the hotel includes, but is not limited to oleander (*Nerium oleander)*, African

daisy (*Osteospermum* sp.), woolly contoneaster (*Cotoneaster pannosus*), myoporum (*Myoporum laetum)*, eucalyptus (*Eucalyptus* sp.), sweet pea bush (*Polygala myrtifolia*), Japanese camellia (*Camellia japonica*), saucer magnolia (*Magnolia X soulangeana*), Canary Island date palm (*Phoenix canariensis*), camphor (*Cinnamomum camphora*), Chinese pistache (*Pistacia chinensis*), and sweetgum (*Liquidambar styraciflua*). The parking area on the east portion of the parcel includes a diversity of ornamental trees including, but not limited to, sugar pine (*Pinus lambertiana*), persimmon (*Diospyros kaki*), and deodar cedar (*Cedrus deodara*). Additionally, the perimeter of the parcel is planted with a number of ornamental plants including, but not limited to, eucalyptus species, deodar cedar, coast redwood (*Sequoia sempervirens*), oleander, coast live oak (*Quercus agrifolia*), olive (*Olea europaea*), English walnut (*Juglans regia*), and stone pine (*Pinus pinea*).

Wildlife observed within the developed and landscaped areas of the site include pocket gopher (*Thomomys* sp.), western fly catcher (*Empidonax difficilis*), house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), oak titmouse (*Baeolophus inornatus)*, dark eyed junco (*Junco hyemalis*). Cracks and crevasses in buildings as well as trees and vegetation provide nesting habitat for nesting birds and roosting bats.

Coast Live Oak Mixed Woodland

Steep forested slopes on the eastern edge of the property contain a mix of native and non-native mixed woodland vegetation. The dominate species within the upper slope is coast live oak with understory dominated by English ivy (*Hedra helix*). Other species within the lower slope include woolly contoneaster, coast redwood, and toyon (*Heterolmeles arbutifolia*).

In the northeast corner of the property mixed woodland vegetation includes a greater diversity of understory species and non-native trees. Dominant species include coast live oak, coast redwood, and oleander. Other plants include French broom (*Genista monspessulana*), common fumitory (*Fumaria officinalis*), stork's bill (*Erodium* sp.), Italian thistle (*Carduus pycnocephalus*), Chinese privet (*Ligustrum sinense*), English ivy, Mexican fan palms (*Washingtonia robusta*), silver wattle (*Acacia dealbata*), and smilo grass (*Stipa miliacea* var. *miliacea*).

Wildlife observed in this portion of the site include dark eyed junco, chestnut backed chickadee (*Poecile rufescens*), American crow, Bewick's wren (*Thryomanes bewickii*), brown creeper (*Certhia americana*), and fox squirrel (*Sciurus niger*). This area could also host nesting birds and raptors, deer (*Odocoileus virginianus*), skunk (*Mephitis mephitis*), racoon (*Procyon lotor*), dusky-footed woodrats (*Neotoma* sp.), slender salamanders (*Batrachoseps* sp.), and other common fauna.

Wetlands and Aquatic Features

The National Wetland Inventory shows a riverine system along the eastern boundary. Because of scale, the primary intended use of the National Wetlands Inventory is for regional and watershed data display and analysis rather than specific project data analysis. The map products were neither designed nor intended to represent legal or regulatory products and field surveys by qualified biologist are often required to verify the presence or absence of features recorded in the National Wetlands Inventory. Indicators of the presence of aquatic features, such as riparian or wetland vegetation or evidence of drainage patterns, were not observed by Live Oak Associates, Inc. in April 2024 or by EMC Planning Group in June 2024. The feature mapped near the eastern boundary was not observed and is considered absent from the project area.

An off-site drainage system was observed outside of the northern boundary of the project site. To the east, the drainage system includes a grated storm drain at the base of the slope with no observed wetland or riparian vegetation. To the west, the drainage appears to be a constructed channel. Neither feature held water at the time of the June 2024 survey. The offsite drainage is shown on Figure 5, Habitat Map.

a. **Special-Status Species**. A search of the California Department of Fish and Wildlife *California Natural Diversity Database* (CNDDB) was conducted for the site and the surrounding eight U.S. Geological Survey (USGS) quadrangles in order to generate a list of potentially occurring special-status species for the project vicinity. Records of occurrences for special-status plants were reviewed for those quadrangles in the CNPS *Inventory of Rare and Endangered Plants of California* (CNPS 2024). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for the project parcel, and the USFWS *Critical Habitat for Threatened & Endangered Species* online mapper was reviewed (USFWS 2024a & USFWS 2024c). Special-status species in this report are those listed as Endangered, Threatened, or Rare or as candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by CNPS. Tables 1A, 1B, 2A and 2B, Special-Status Species that Could Occur in the Project Vicinity, can be found in Appendix C, 50 Los Gatos Lodge Project Biological Evaluation, and presents tables with special-status species search results, which lists the special-status species documented within the project vicinity, their listing status, suitable habitat description, and their potential to occur on the project site. Figure 6, Special-Status Species Map, presents a map of the CNDDB results.

Special-Status Plant Species. Special-status plant species were evaluated for probability to occur on the project site in the Biological Evaluation and during the June 2024 site visit. No special-status plants were observed during the biological survey. Suitable habitat for special-status plant species recorded as occurring within the project vicinity was not found.

Special-Status Wildlife Species. Special-status wildlife species were evaluated for probability to occur on the project site in the Biological Evaluation and during the June 2024 site visit. Special-status wildlife species with potential to occur on the project site include San Francisco dusky-footed woodrat, nesting birds, and roosting bats. These species are addressed below.

San Francisco Dusky Footed Woodrat. San Francisco dusky-footed woodrats (*Neotoma fuscipes annectens*), a California Species of Special Concern, are generalist herbivores consuming a wide variety of nuts, fruits, fungi, and foliage. They are dependent on live oaks in grassland, shrub, or wooded areas. They build complex multichambered houses in trees or on the ground that may be used for over twenty years. Marginal habitat for the San Francisco dusky-footed woodrat is present within the mixed woodland habitat on the project parcels. Although CNDDB records do not indicate the presence of San Francisco dusky-footed woodrat within the three-mile vicinity of the project site, there are multiple observations around the project parcel in iNaturalist (iNaturalist 2024).

0 175 feet

Project Site | Mixed Woodland | Offsite Drainage

Source: EMC Planning Group 2024, Google Earth2024

Figure 5

Habitat Map

50 Los Gatos-Saratoga Road Townhome-Style Condominiums Initial Study

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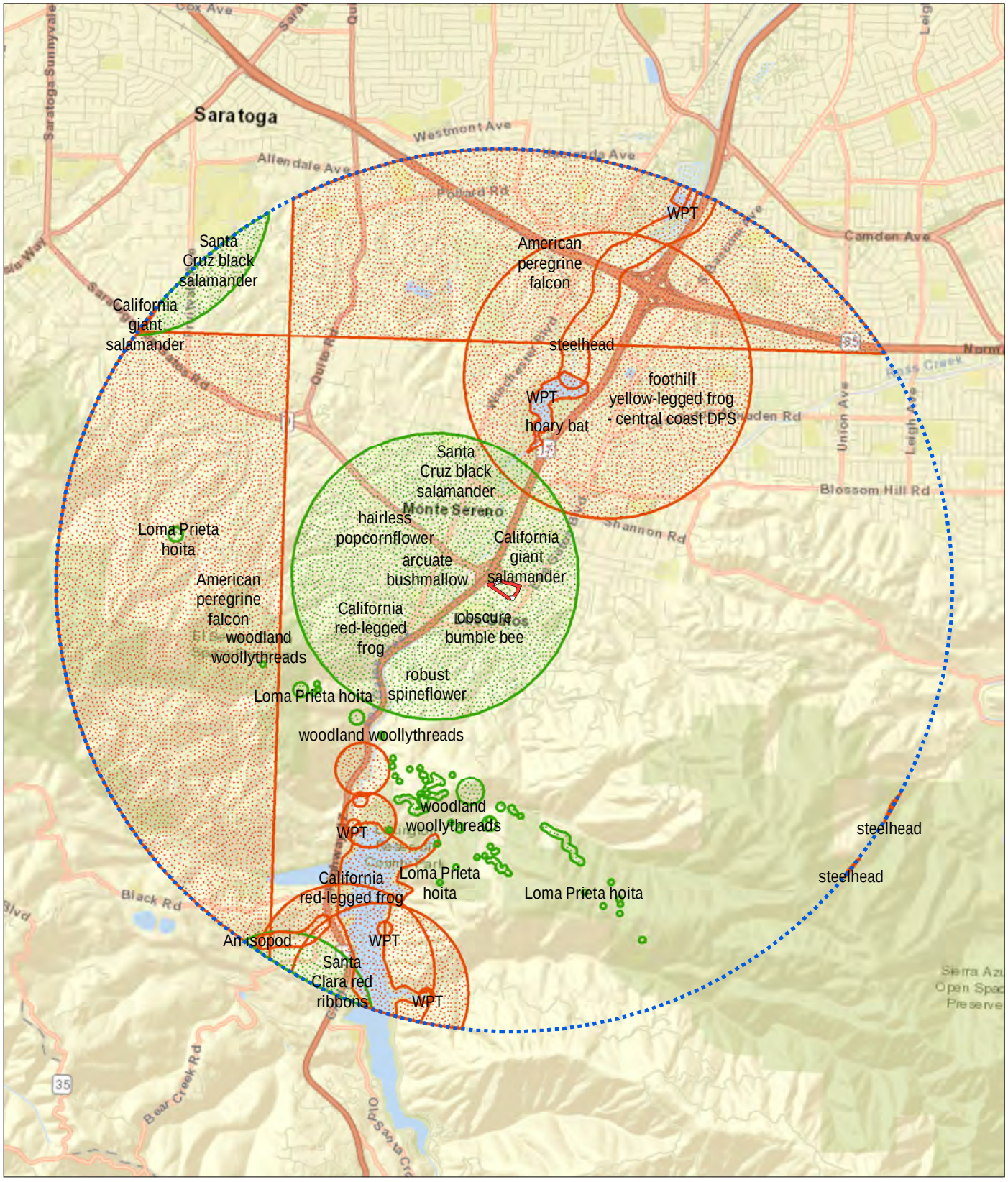

0 5000 feet

Project Site

3-Mile buffer

Special-Status Plants

Special-Status Wildlife

Source: CDFW CNDDB 2024, ESRI 2024
steelhead - central California coast DPS
WPT- western pond turtle

Figure 6

Special-Status Species Map

50 Los Gatos-Saratoga Road Townhome-Style Condominiums Initial Study

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Loss or harm to the San Francisco dusky-footed woodrat is considered a significant adverse impact. The 2040 General Plan EIR concludes that implementation of 2040 General Plan Policy ENV-7.1, which states that public and private projects shall not significantly deplete, damage, or alter existing wildlife habitat or populations, among other policies, would protect special-status wildlife species and their habitat from adverse impacts of public and private projects. Therefore, 2040 General Plan Policy ENV-7.1 is implemented by the following condition of approval to ensure that impacts to San Francisco dusky-footed woodrats are less than significant. This potential impact by the project, therefore, has been adequately addressed by the 2040 General Plan EIR.

Condition of Approval

> Worker Environmental Awareness Training. Prior to issuance of tree removal, demolition, and grading permits, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, San Francisco dusky-footed woodrat, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which disturbance activities will occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. A letter report documenting the completion of training shall be prepared and submitted to Town of Los Gatos, where it shall be kept on file.

Special-Status Bats. Bats were not observed during the reconnaissance-level biological field survey. However, palms, trees, and/or buildings or structures on the project site could provide roosting habitat for special-status bat species known to occur in the vicinity of the project site, including the California Species of Special Concern hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), and Townsend's big eared bat (*Corynorhinus townsendii*).

Bat species inhabit a wide variety of habitats including grasslands, woodlands, and forests. Project development and construction activities at the project site could result in the disturbance of roost and/or natal sites occupied by special-status bats on or adjacent to the project site, if present. Loss or harm to special-status bats is considered a significant adverse impact.

The 2040 General Plan EIR concludes that, among other policies, Policy ENV-7.5, which states that nesting sites in new development and within existing development shall be conserved unless a mitigation plan is approved, would prevent direct impacts to special-status species, such as bats. Therefore, 2040 General Plan Policy ENV-7.5 is implemented by the following condition of approval, which will ensure that potential impacts to special-status bats are less than significant. This potential impact by the project was adequately addressed in the 2040 General Plan EIR.

Condition of Approval

Special-Status Bat Species. The following measures shall be implemented to avoid loss of or harm to special-status bat species:

1. Prior to issuance of tree removal, demolition, and grading permits, approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

2. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to Town of Los Gatos, where it shall be kept on file, and no further measures are required.

3. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.

4. The nursery season is typically from May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department

of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

Nesting Birds. Protected nesting bird species and raptors have the potential to nest on open ground, or in any type of vegetation, including trees, during the nesting bird season (January 15 through September 15). The project site and surrounding properties contain a variety of trees and shrubs suitable for nesting. Construction activities can impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction. If protected bird species are nesting adjacent to the project site during the bird nesting season, then noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests.

The 2040 General Plan EIR states that, among other policies, Policy ENV-7.5, described previously, would prevent direct impacts to migratory nesting birds. Therefore, 2040 General Plan Policy ENV-7.5 is implemented by the following condition of approval, which would ensure that the potential impact to nesting birds is less than significant. This potential impact by the project was adequately addressed in the 2040 General Plan EIR.

Condition of Approval

Protected Nesting Birds. Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests shall occur within 14 days prior to start of ground disturbance, with the final survey conducted within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to the Town of Los Gatos and no further protective measures are required.

b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline

monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report shall be prepared and submitted to the Town of Los Gatos.

b. **Sensitive Natural Communities.** Sensitive natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. CDFW's *List of California Terrestrial Natural Communities* is based on the best available information, and indicates which natural communities are considered sensitive (CDFW 2024c). There are no sensitive natural communities within the project parcel. The project would not result in new impacts beyond those that have already been adequately addressed by the 2040 General Plan EIR.

c. **Wetlands and Waters of the U.S**. Potentially jurisdictional aquatic features were evaluated for probability to occur on the project site in the Biological Evaluation and during the June 2024 site visit. A review of the National Wetland Inventory online database was also conducted to identify potential jurisdictional aquatic features on or adjacent to the project site (USFWS 2024b). The results show an unnamed aquatic feature (identified on the NWI as "Riverine" habitat (R4SBC)) located on the east boundary the project parcel. This aquatic feature is not present on the project site or found anywhere within the eastern slope of the project site.

There are two drainage channels that are located approximately ten feet from the northern boundary of the project site. These channels are bisected by the entrance to the hotel. Both channels do not appear to hold water or support wetland vegetation and are outside of the project boundary (refer back to Figure 5, Habitat Map).

Dominant vegetation on the north boundary of the project parcel included coast redwood, coast live oak, oleander, English ivy, French broom, smilo grass. Due to the lack of connectivity to other aquatic features, the offsite aquatic drainage channel is likely not considered jurisdictional by the USACE. In addition, due to the lack of riparian vegetation, the aquatic drainage channel is likely not considered jurisdictional by the CDFW. However, it may be considered jurisdictional by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB).

The proposed project is not expected to directly impact the drainage channel north of the project site. However, construction related grading could result in indirect impacts such as sedimentation of the drainage channel. The 2040 General Plan EIR states that 2040

General Plan Policy ENV-6.1 (development shall not damage riparian areas, wetlands, and intermittent or ethereal streams) and Policy ENV-6.3 (require setbacks and measures as appropriate to protect riparian corridors) would prevent development within wetlands. Therefore, 2040 General Plan Policies ENV-6.1 and ENV-6.3 are implemented by the following condition of approval, which would ensure that impacts to potentially jurisdictional aquatic features are less than significant. This potential impact by the project has been adequately addressed by the 2040 General Plan EIR.

Condition of Approval

Protection of Offsite Waters/Wetlands. Prior to issuance of demolition and grading permits, the applicant shall provide evidence that waterways adjacent to the project site through the use of best management practices for erosion control and vehicle/equipment fueling shall be protected. This shall include the installation of silt fencing between the project site and the adjacent drainage channel. The silt fencing shall prevent soil from washing off the project site into offsite waterways.

Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering the adjacent drainage channel. Designated fueling areas should be on a level grade and must be at least 50 feet from any waterway.

d. **Wildlife Movement.** The 2040 General Plan EIR states that wildlife movement corridors in Los Gatos are generally limited to the hillside areas in the southern and eastern sections of the planning area and the creeks in the planning area. Development under the 2040 General Plan is not planned in these areas. The 2040 General Plan EIR concludes that implementation of 2040 General Plan policies would promote the conservation of wildlife movement corridors, which consist primarily of waterways and adjacent riparian areas. Because development under the 2040 General Plan would not facilitate development in areas where wildlife movement are more likely to occur and because the 2040 General Plan policies reduce impacts to stream corridors and protect wildlife movement corridors and open space, impacts would be less than significant (p. 4.4-20).

The potential for wildlife movement through the project site was evaluated by the Biological Evaluation and during the June 2024 site visit. Wildlife movement corridors provide connectivity between habitat areas, enhancing processes like nutrient flow, gene flow, seasonal migration, pollination, and predator-prey relationships. Increasing connectivity is a critical strategy for addressing habitat loss and fragmentation, which are a top threat to biodiversity.

The project site is located outside of previously defined essential connectivity areas as mapped by the *California Essential Habitat Connectivity Project* (CDFW 2024c). The project site is not likely to facilitate major wildlife movement due to the lack of natural habitat linkages and the presence of existing barriers (e.g., roads, developed areas) around the parcel.

The proposed project would not result in new impacts beyond those evaluated in the 2040 General Plan; therefore, the project's potential impacts associated with interfering with wildlife movement was adequately addressed in the 2040 General Plan EIR.

e. **Local Biological Resource Policies/Ordinances.** The 2040 General Plan Environment and Sustainability Element outlines the following goals and policies for physical development throughout Los Gatos that apply to the project.

> Policy ENV-2.1. Tree Protection. Ensure tree removal and replacement during development is consistent with the latest in tree conservation standards to support the Town's Arbor Day Foundation status as a Tree City USA.
>
> Goal ENV-4 Protect, conserve, and enhance natural and urban habitat and ecosystems to sustain the biodiversity and natural resources of Los Gatos.
>
> Policy ENV-4.1 Ecosystem Protection. Protect and enhance public and private open space ecosystems in Los Gatos.
>
> Policy ENV-4.3 Habitat Management. Encourage management of private open space areas, agricultural land, and residential gardens as habitat that supports wildlife in a way that enhances that habitat, reinforces natural wildlife management, and is consistent with opens pace management plants.
>
> Goal ENV-5 Conserve and protect native plants and plant communities in Los Gatos and promote appropriate use of local, native plants in habitat restoration and landscaping.
>
> Policy ENV-5.1 Use Native Plants. Require all development to use native plants or other appropriate non-invasive plants that are indigenous to Los Gators and Santa Clara County to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitats.
>
> Policy ENV-5.2. Special-Status Native Plant Species Protection. Require public and private projects to protect special-status native plant species.
>
> Policy ENV-5.3. Impacts on Special-Status Plants. Prohibit development that significantly depletes, damages, or alters existing special-status plants.
>
> Policy ENV-5.4. Prohibit Invasive Plant Species. Prohibit the use of invasive plant species listed by the California Invasive Plant Council (Cal-IPC) for all new construction.
>
> Goal ENV-7. Conserve and Protect Wildlife Populations.

Policy ENV-7.1 Protecting Wildlife. Ensure that public and private projects shall not significantly deplete, damage, or alter existing wildlife habitat or populations.

Policy ENV-7.2 Coordination with State and Federal Agencies. Coordinate with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and other appropriate agencies to protect wildlife species and habitats.

Policy ENV-7.3. Habitat and Movement Corridors. Maintain wildlife habitat and movement corridors for native wildlife species, specific to Santa Clara County.

Policy ENV-7.5. Nesting Sites. Conserve nesting sites in new development and within existing development unless a mitigation plan is approved.

The Town of Los Gatos has the following local ordinances that apply to this project.

Tree and Shrub Ordinances (Chapter 26)

Section 26.20.010. - Required for planting, removal, etc. (a)No person shall plant, move, remove or replace any tree in the public streets or public places within the Town, or cause the same to be done, until a permit, in writing, to do so shall have been first obtained from the Director. (b)No person shall place or permit any trees, shrubs or plants in boxes on any street or sidewalk without first having applied for and received a permit from the Director. The Director may issue a written permit upon such terms and conditions as the Director may provide, after having determined that such use will not constitute a public nuisance, which permit shall be revocable at the will of the Director.

Section 26.20.015. - Conditions on removal permits. As a condition to the issuance of any permit to remove any trees, the Director may require that the person to whom such permit to remove is granted either deposit per tree an amount established by the Council from time to time by resolution with the Director, who shall then plant approved trees in the place of those removed, subject to the control of the Director as provided in section 26.10.025. Whenever such trees have been removed in accordance with such conditional permit, it shall be a violation of this chapter for the holder of such permit to refuse or neglect to plant another tree if such conditional permit shall so specify.

Tree Removal Ordinances (Chapter 29, Article 1, Division 2 of the Municipal Code)

Section 29.10.0960. - Scope of protected trees. This division shall apply to every property owner and to every person, corporation, partnership, sole proprietorship or other entity responsible for removing, maintaining or protecting a tree. The trees protected by this division are:

1. All trees which have a twelve-inch or greater diameter (thirty-seven and one-half-inch circumference) of any trunk or in the case of multi-trunk

trees, a total of eighteen inches or greater diameter (fifty-six and one-half-inch circumference) of the sum of all trunks, where such trees are located on developed residential property.

2. All trees which have an eight-inch or greater diameter (twenty-five-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eight inches or greater diameter (twenty-five-inch circumference) of the sum of all trunks, where such trees are located on developed Hillside residential property.
3. All trees of the following species which have an eight-inch or greater diameter (twenty-five-inch circumference) located on developed residential property.
    a. Blue Oak (*Quercus douglasii*);
    b. Black Oak (*Quercus kellogii*);
    c. California Buckeye (*Aesculus californica*); and
    d. Pacific Madrone (*Arbutus menziesii*).
4. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.
5. Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (6) of this section (e.g., landscape or site plans).
6. Any tree that was required by the Town to be planted or retained by the terms and conditions of a development application, building permit or subdivision approval in all zoning districts, tree removal permit or code enforcement action.
7. All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on property other than developed residential property.
8. All publicly owned trees growing on Town lands, public places or in a public right-of-way easement, which have a four-inch or greater diameter (twelve and one-half-inch circumference) of any trunk.
9. A protected tree shall also include a stand of trees, the nature of which makes each dependent upon the other for the survival of the stand.

    The following trees shall also be considered protected trees and shall be subject to the pruning permit requirements set forth in section 29.10.0982 and the public noticing procedures set forth in section 20.10.0994:

a. Heritage trees; and
b. Large protected trees.

Section 29.10.0965. – Prohibitions. Except as provided in section 29.10.0970, it shall be unlawful:

1. To remove or cause to be removed any protected tree in the Town without first obtaining a permit pursuant to this chapter.
2. To prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five (25) percent or more of any protected tree without first obtaining a permit pursuant to this chapter.
3. To prune, trim, or cut any branch or root greater than four (4) inches in diameter (twelve and one-half (12.5) inches in circumference) of a Heritage tree or large protected tree without first obtaining a permit pursuant to this chapter.
4. To conduct severe pruning as defined in section 29.10.0955 without first obtaining a permit pursuant to this chapter.
5. For any person or business entity engaged in the business of removing trees or tree care to perform work requiring a permit under this division without first obtaining a permit under this division. The permit shall be posted on-site at all times during the removal or permitted pruning of a tree and must be made available upon request from the Chief of Police, Code Compliance Officer, Director of Parks and Public Works Department, or their designee. After a second violation, the Los Gatos business license of the violating person or entity shall be suspended for a period of one (1) year.

Section 29.10.0970. – Exceptions. The following trees are excepted from the provisions of this division and may be removed or severely pruned without Town approval or issuance of a tree removal permit:

1. A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).
2. Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):
    a. Black Acacia (Acacia melanoxylon)
    b. Tulip Tree (*Liriodendron tulipifera*)
    c. Tree of Heaven (*Ailanthus altissima*)
    d. Blue Gum Eucalyptus (*E. globulus*)
    e. Red Gum Eucalyptus (*E. camaldulensis*)
    f. Other Eucalyptus (*E.* spp.)-Hillsides only
    g. Palm (except *Phoenix canariensis*)
    h. Privet (*Ligustrum lucidum*)

Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 - Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Section 29.10.0960 - Scope of Protected Trees.

Section 29.10.0980. - Applications for a tree removal or severe pruning permit. Applications for a protected tree removal or severe pruning permit for trees on private property shall be available from and filed with the Town as indicated on the application. Application submittals for the removal of trees on public property (street trees) are provided for in section 26.10.060 of the Town Code. Applications for tree removal or severe pruning on private property may be granted, denied or granted with conditions. Application submittals for removal or severe pruning of trees on private property shall include the following minimum information for staff review:

1. A completed tree removal application form, signed by the property owner.
2. A written explanation of why each tree(s) should be removed or pruned and how it meets the Town's Standards of Review.
3. Photograph(s) of the tree(s).
4. If required by the Director, a certified or consulting arborist's written assessment of the tree's disposition shall be provided for review by the Town. The report shall be signed by the arborist and include tree size (diameter, height, crown spread); location on the site; numbered on a site plan or arborists tree survey (if there is more than one (1) tree); condition of health; condition of structure; and if tree risk findings apply, a Tree Risk Assessment and Rating must be completed using the most recent version of the Tree Risk Assessment Best Management Practices or any successor document published by the International Society of Arboriculture. Other information, images, etc. may be included in the report.
5. If structural damage to a building, major landscape feature, or appurtenance, including utilities is the basis for the request, a report from a licensed architect or engineer may also be required in addition to an arborist report. This additional report shall describe what modifications to buildings, structures, improvements or utilities would be required to mitigate the damage(s) directly caused by the tree.
6. Payment of permit fee, as established by Town resolution.

(Ord. No. 2240, § I(Exh. B), 6-2-15)

Section 29.10.0985. Determination and conditions of permit. The Director or the deciding body shall impose, except when removal is permitted if the tree is dead or a Tree Risk Rating of Extreme or High is present, as a condition on which a protected tree removal permit is granted that two or more replacement trees of a species and a size designated by the Director or designee, shall be planted in the following order of preference:

(1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 1 The Tree Canopy—Replacement Standard, shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.

Table 1 Tree Canopy – Replacement Standard

Canopy Size of Removed Tree	Replacement Requirements
10 feet or less	Two 24-inch box trees
More than 10 feet to 25 feet	Three 24-inch box trees
More than 25 feet to 40 feet	Four 24-inch box trees; or Two 36-inch box trees
More than 40 feet to 55 feet	Six 24-inch box trees; or Three 36-inch box trees
Greater than 55 feet	Ten 24-inch box trees; or Five 36-inch box trees

(2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:

a. Add or replace trees on public property in the vicinity of the subject property;

b. Add or replace trees or landscaping on other Town property; or

c. Support the Town's urban forestry management program.

(Ord. No. 2114, §§ I, II, 8-4-03)

Protected Trees. The Town has adopted ordinances which protect trees within the Town based on the location, diameter, and species of tree. The project proposes to remove approximately 263 trees within the parcel, some of which are Town protected trees, while preserving approximately 65 trees along the perimeter of the site and woodland area on eastern boundary (refer to Sheet L4-0 for the tree removal plan found in Appendix A). The project will plant an additional 148 trees along the edges and throughout the project site.

Table 2, Summary of Trees to be Removed, to Remain, and to be Planted presents the number of trees to be removed, to remain, and to be planted on and around the project site.

Table 2 Summary of Trees to be Removed, to Remain, and to be Planted

Name	Quantity
Number of trees onsite[1]	330
Protected Trees (Town of Los Gatos)	251
Existing dead trees onsite[1]	4
Existing trees to be removed[2]	264
Existing trees to remain[2]	66
New trees to be planted	278
Coast live oak trees to remove[2]	70
Coast live oak trees to remain[2]	49
Total of trees to remain & proposed onsite	344

SOURCE: Van Dorn ABED Landscape Architects, INC.

NOTE: EMC estimate based on Van Dorn ABED.

Impacts to protected trees are considered significant adverse environmental impacts. A tree removal permit and coordination with the Town of Los Gatos will be required in order to proceed with tree removal within the site and of street trees around the site.

The 2040 General Plan EIR states that adherence to the Town Code and 2040 General Plan policies, such as Policy ENV-2.1 described previously, would ensure less than significant impacts regarding conflicting with any local policies or ordinances protecting biological resources. Therefore, 2040 General Plan Policy ENV-2.1 and the Town Code are implemented by the following condition of approval, which would ensure that impacts associated with tree removal are less than significant.

Condition of Approval

Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within an updated arborist report. (Appendix D)

f. **Critical Habitat, Habitat Conservation Plans, Natural Community Conservation Plans.** The General Plan EIR states that the Town is not subject to the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan and there are no other plans applicable to the planning area. Therefore, the 2040 General Plan EIR concludes there would be no impact associated with conflicting with the provisions of an adopted habitat conservation plan, natural conservation plan, or other approval local, regional, or state habitat conservation plan.

As stated above, there are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site (CDFW 2024d, USFWS 2024a). Critical habitat for the marbled murrelet is located 6.6 miles west of the project site (USFWS 2024c). However, suitable marbled murrelet habitat is not present at the project site and dispersal of marbled murrelet to the project parcel is unlikely. Bay checkerspot butterfly and California tiger salamander critical habitat is located over eight miles east of the project site. Suitable habitat for these species is also not present within or around the project parcel.

The project would not result in new impacts than what was evaluated in the 2040 General Plan EIR; therefore, this issue was adequately addressed by the 2040 General Plan EIR.

5. CULTURAL RESOURCES

Would the project:

		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 *historical resource* pursuant to section 15064.5?	☒	☐	☐	☐
b.	Cause a substantial adverse change in the significance of a *unique archaeological resource* pursuant to section 15064.5?	☒	☐	☐	☐
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?	☒	☐	☐	☐

Comments:

a/b. According to the 2040 General Plan EIR (Section 4.5, Cultural and Tribal Cultural Resources), effects on cultural resources are only knowable once a specific project has been proposed because the effects are dependent on the individual project site conditions, project activities that may alter the character of an environment's resources, and/or the characteristics of the proposed ground-disturbing activity (p. 4.5-10). Ground-disturbing activities associated with development have the potential to damage or destroy previously unknown historic or prehistoric archaeological resources that may be present on or below the ground surface. The 2040 General Plan EIR determined that in addition to compliance with applicable 2040 General Plan policies, future development would be required to complete a Phase I Cultural Resources Inventory of the site, as required by the 2040 General Plan EIR Mitigation Measure CR-1. Implementation of this mitigation measure would reduce impacts to historical and unique archaeological resources to a less-than-significant level (Town of Los Gatos 2021, p. 4.5-12).

Historic Structures. The Northwest Information Center (NWIC) was contacted to determine if there were any known cultural resources within the project vicinity. The NWIC returned with reply letter 23-0118 indicating that while no resources have been recorded, but two resources were found within the 0.25 of a mile of the project:

- P-43-001234 which is Los Gatos High School which was recommended for listing on the National Register of Historic Places; and
- P-43-001265 is a one-story residence that was previously recommended ineligible for listing in the National Register of Historic Places and California Register of Historical Resources.

The results of the archival search states that two historic structural resources are located in the project vicinity (P-43-001234 and P-43-001265). However, these resources would not be impacted from implementation of the proposed project because they are located off-site. The high school is adjacent to the southern border of the project site. The residence is 0.20 of a mile southwest of the project site.

A historic resource evaluation was prepared by Urban Programmers in September 2024 and was peer-reviewed by JRP Historic Consulting LLC in August 2024. The evaluation (Appendix E) concluded that the Los Gatos Lodge does not meet the criteria of the National Register of Historic Places nor the California Register of Historical Resources and is not a historic resource under the definition in CEQA. The Los Gatos Lodge was determined to be of generic architecture in a pleasant setting and it is unlikely that important information from pre-history exists on the site.

Archaeological Resources. An archaeological pedestrian survey of the project area was completed on September 14, 2007 by Lisa Holm PhD (Pacific Legacy). Ms. Holm surveyed every three to five meters of all areas of the project site not covered by structures to identify surface traces of historic or prehistoric materials in the project area.

The archaeological pedestrian survey results were negative. There was no surface evidence of cultural resources such as ground stone, shell, or lithics. There was no surface evidence of historic or unique archaeological resources.

However, unknown buried prehistoric, historic or unique archaeological resources could be present at the site. While unlikely, the project has the potential to uncover or disturb unknown cultural resources, causing a substantial change in the significance of the resource. This would be considered a significant impact. The proposed project would be required to adhere to 2040 General Plan Policy ENV-12.1, which requires that archaeological and/or cultural resources are evaluated early in the development review process through consultation and use of contemporary professional techniques, and Policy ENV-12.5, which requires that if cultural resource, including archaeological or paleontological resources, are uncovered during ground-disturbing activities, construction will stop until appropriate mitigation is implemented. These policies are implemented through Conditions of Approval TCR-1 and TCR-2; Condition of Approval TCR-2 is recommended by the archaeological survey prepared by Pacific Legacy. Implementation of both conditions of approval is required by the project applicant in order to reduce impacts associated with buried archaeological resources to a less-than-significant level. Refer to Section 18.0, Tribal Cultural Resources, for the conditions of approval.

The 2040 General Plan EIR adequately addressed the project's potential impacts on historic and archaeological resources.

c. The 2040 General Plan EIR (Section 4.5, Cultural and Tribal Cultural Resources) determined that although much of the Town of Los Gatos is built out, the potential still exists for these resources to be present. Excavation during construction activities in Los Gatos would have the potential to disturb these resources, including Native American

burials. The 2040 General Plan EIR found that human burials, in addition to potentially being associated with archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered. Public Resources Code §5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

The 2040 General Plan requires compliance with existing regulations relating to the treatment of human remains in Goal ENV-12, specifically policies ENV-12.4 and ENV-12.6. Implementation of this these policies would help ensure that development would have a less than significant impact from potential disturbance of human remains, including those interred outside of formal cemeteries (Town of Los Gatos 2021, p. 4.5-13).

Conditions of approval should be applied to require the project to comply with existing regulations relating to the treatment of human remains and with 2040 General Plan Goal ENV-12, ENV-Policy 12.4, and Policy ENV-12.6, which would ensure impacts are less than significant. The 2040 General Plan EIR adequately addressed the project's potential impacts on historic and archaeological resources.

See also Section 18, Tribal Cultural Resources.

6. ENERGY

Would the project:

		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?	☒	☐	☐	☐
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☒	☐	☐	☐

Comments:

a. As stated in the 2040 General Plan EIR (Section 4.6, Energy), population growth and development associated with buildout of the 2040 General Plan would result in an overall increase in energy consumption. This rise in energy demand would primarily stem from transportation fuel consumption resulting from new vehicle trips traveling to and from development areas, alongside higher natural gas and electricity usage during daily operations. To address the additional energy demand, the 2040 General Plan included various land use strategies, policies, and implementation programs that promote energy conservation and energy efficiency. These initiatives focus on optimizing land use, enhancing public transportation options, promoting energy-efficient building practices, and encouraging renewable energy sources. The 2040 General Plan included a multitude of policies across multi-disciplinary topics that directly and indirectly address building energy conservation and efficiency and reducing mobile source transportation fuel demand through land use, transportation planning, and individual project design measures. The 2040 General Plan EIR concludes that with implementation of associated policies, energy impacts of development under the 2040 General Plan would be less than significant.

The proposed project is consistent with the 2040 General Plan. Conditions of approval should be applied to ensure that the project is consistent with the below 2040 General Plan policies that address project-specific measures to reduce building- and transportation-source energy demand.

- Policy PFS-6.1. Energy Conservation in Development. Encourage the use of energy conservation techniques and technology in existing and proposed developments to improve energy conservation;
- Policy PFS-6.2. Renewable Energy Sources. Encourage the use of renewable energy sources and alternative fuels;

- Policy PFS-6.4. Passive Solar Heating and Cooling. Require new subdivisions to examine the feasibility of incorporating site layouts that allow for passive solar and heating and cooling;
- Policy PFS-6.5. Solar Orientation. Require new development to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping and sun screens;
- Policy PFS-7.1. Sustainable Practices in Design and Construction. Require new construction and remodels to use energy- and resource-efficient and ecologically sound designs, technologies, and building materials, as well as recycled materials to promote sustainability;
- Policy PFS-7.2. Energy Efficiency Requirement. Require higher levels of energy efficiency as house size increase. Policy PFS-7.3. Reduce Use of Nonrenewable Resources. Encourage reductions in the use of nonrenewable resources in building construction, maintenance, and operations;
- Policy PFS-7.4. Green Roofs and Community Gardens. Encourage new multi-family construction to include green roofs and common space for community gardens; and
- Policy PFS-7.10. LEED Certification and Alternative Methods. Encourage new construction, including municipal building construction, to achieve third-party green building certification, such as the GreenPoint Rated program, LEED rating system, Living Building Challenge, or an equivalent.

Compliance with these conditions of approval will ensure that energy impacts of the project will have been adequately evaluated in the 2040 General Plan EIR.

b. A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and enhancing energy conservation. A number of these are referenced in the 2040 General Plan EIR. Fundamental examples include the California Building Code, which includes the CALGreen Code (Title 24, Part 11) and the State Building Energy Efficiency Standards (Title 24, Part 6). All new development in the Town must be consistent with these regulations, which are enforced by the Town through the building permit process. The 2040 General Plan does not contain energy plans for energy efficiency or renewable energy that are independent of the noted state regulations. Because the proposed project is consistent with the 2040 General Plan, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the 2040 General Plan EIR has adequately evaluated the project's potential conflicts with state for energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

		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?	☒	☐	☐	☐
	(2) Strong seismic ground shaking?	☒	☐	☐	☐
	(3) Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐
	(4) Landslides?	☒	☐	☐	☐
b.	Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
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?	☒	☐	☐	☐
d.	Be located on expansive soil, creating substantial direct or indirect risks to life or property?	☒	☐	☐	☐
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?	☒	☐	☐	☐
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐

Comments:

According to the 2040 General Plan, the project is within a geologic hazard zone, as discussed below. The 2040 General Plan EIR determined that in addition to compliance with the mandatory California Building Code requirements, implementation of 2040 General Plan goals

and policies would further reduce the potential for loss, injury, or death following a seismic event (Town of Los Gatos 2021, p 4.7-20). The following 2040 General Plan policies requiring preparation of a geotechnical report and implementation of seismic design features would be applicable to the project and may be imposed as conditions of approval.

> HAZ-4.1 Geologic Hazard Zone Development. Require new development to be sited away from high risk geologic and seismic hazard zones or, if located in a high-risk zone, incorporate construction techniques or specialized technologies to reduce risk. Restrict new development and redevelopment based on the levels of risk and potential severity of geologic hazards.
>
> HAZ-4.2 Geotechnical Report – Seismic Hazards. Require a geotechnical report by a licensed engineering geologist and/or geotechnical engineer for new developments proposed in hazard zones mapped by the State or identified by the Town, as shown in Figures 9-2 through 9-5 of this Hazards and Safety Element. The report shall identify all site geologic, seismic, and geotechnical engineering conditions and potential hazards and include appropriate design measures to mitigate potential fault ground rupture/deformation impacts to acceptable levels.
>
> HAZ-4.3 Geotechnical Report – Grading. Require a geotechnical report by a licensed engineering geologist and/or geotechnical engineer for new developments proposed with significant grading, potential erosion, and sedimentation hazards.
>
> HAZ-4.4 Geotechnical Report – Construction Methods. Require a geotechnical report by a qualified engineering geologist and/or geotechnical engineer for new developments proposed in areas with identified geologic hazards. The report shall specify construction methods to protect existing and future residences, from identified hazards
>
> HAZ-4.8 Geologic Hazards Checklist. Require that a licensed geologic/geotechnical engineer complete the Town Geologic Hazards Checklist for all new proposed development to demonstrate that potential hazards have been identified and that proposed structures, including grading cuts and fills, will be designed to resist potential earthquake effects.

Consistent with the above 2040 General Plan policies, the *50 Los-Gatos Saratoga Road, California Preliminary Geotechnical Exploration* ("geotechnical report") was prepared for the proposed project by ENGEO Incorporated in February 2024. The geotechnical report was peer reviewed by the Town's Geotechnical consultant, Cotton, Shires and Associates, Inc. on April 1, 2024. The geotechnical report contains engineering and design recommendations that would be incorporated as conditions of project approval. The full geotechnical report, as well as the peer review report, can be found in Appendix F.

a. **Fault Rupture**. The 2040 General Plan EIR states that fault rupture is unlikely to affect new or existing structures in the Town because the only Alquist-Priolo Earthquake Fault Zone is located east of the Town's western limits (p. 4.7-19).

According to the California Department of Conservation's Earthquake Zones of Required Investigation, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation 2024). The geotechnical report noted a trace of the Shannon fault across the site. However, it was concluded that this trace was not active (ENGEO Incorporated 2024, p. 4).

The project would not result in new impacts and, therefore, the 2040 General Plan EIR adequately addressed this issue.

Seismic Ground-Shaking. The Town of Los Gatos is within a seismically active region and earthquakes have the potential to cause ground-shaking of significant magnitude. Los Gatos is subject to particularly strong ground-shaking effects because it is within the "near source" zone of both the San Andreas and Monte Vista Faults (Town of Los Gatos 2021, p. 4.7-10). The General Plan EIR found that the 2040 General Plan would encourage infill development, which would in many cases replace older structures subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground-shaking. The 2040 General Plan EIR determined that implementation of the 2040 General Plan policies as well as mandatory compliance with the California Building Code, which would ensure that the structures are designed to resist or absorb damaging forces from strong ground-shaking, would reduce the potential for loss, injury, or death following a seismic event.

The proposed project is located within an area of generally high intensity for ground-shaking according to the 2040 General Plan, Figure 9-4. However, the project is a redevelopment project and would be replacing older buildings with newer structures built to current seismic standards, which may reduce the risks associated with strong seismic shaking. Additionally, through conditions of approval, the project would be required to implement applicable 2040 General Plan polices including HAZ-4.1, which requires new development to be sited away from high risk geologic and seismic hazard zones or to incorporate construction techniques or specialized technologies to reduce risk. The project would also be required to implement the recommendations of the geotechnical report as conditions of project approval, as well as the provisions of the California Building Code, which would ensure that the buildings were designed to resist damaging forces from ground shaking.

The proposed project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR; therefore, the 2040 General Plan EIR adequately addressed the project's potential impacts associated with seismic ground-shaking.

Liquefaction. The 2040 General Plan EIR determined that development under the 2040 General Plan would result in additional residential and nonresidential development within the Town of Los Gatos that could be exposed to liquefaction during a seismic event. The

2040 General Plan EIR found that implementation of the 2040 General Plan goals and policies would require a detailed review of design and construction plans and incorporation of additional structural safety features that would be required on a project-by-project basis, as necessary, for structures that would be located in high-risk liquefaction areas of Los Gatos. The 2040 General Plan EIR concluded that implementation of these goals and policies, in addition to compliance with California Building code seismic standards, would minimize the potential for loss, injury, or death following a seismic event and would reduce this potential impact to a less than significant level.

According to the geotechnical report prepared for the proposed project, the Seismic Hazard Zones Map for the Los Gatos Quadrangle shows that the western and central portions of the site are located within a liquefaction hazard zone (ENGEO Incorporated 2024, p. 9). The project involves redevelopment of the site and would be replacing older buildings with newer structures built to current seismic standards. The project would be required to adhere to the 2040 General Plan Policies identified at the beginning of this section of the initial study. The project would also be required to adhere to recommended engineering design and construction measures of the geotechnical report and California Building Code to ensure that the foundations and other structural support features would resist or absorb damaging forces from liquefaction. Implementation of the 2040 General Plan policies, compliance with the California Building Code, as well as the recommendations from the geotechnical report would reduce the project's potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction. The proposed project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR. Therefore, potential impacts associated with liquefaction were adequately addressed in the 2040 General Plan EIR.

Landslides. The 2040 General Plan EIR states that there is a potential for landslides throughout the southern and eastern portions of the Town extending as far north as Blossom Hill Road. There is also a potential for landslides along the steep banks of drainages and street graded slopes associated with excavations. Landslide potential is minimal in the gently sloping west central and northernmost portions of the Town (p. 4.7-19). The 2040 General Plan EIR concludes that with implementation of the 2040 General Plan goals and policies that require more detailed review of design and construction plans, risks associated with landslides would be less than significant (p. 4.7-21).

The project site is not located within a Landslide Zone (California Department of Conservation 2024). As stated above, landslide potential is minimal in the northernmost portions and the gently sloping west central portions of Los Gatos, such as the project site. The project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR. The 2040 General Plan EIR adequately addressed impacts associated with landslides.

b. The 2040 General Plan EIR concludes that adherence to the National Pollutant Discharge Elimination System (NPDES) permitting requirements, inclusive of the requirements of the stormwater pollution prevention plan, as well as compliance with the Town Code and applicable 2040 General Plan goals and policies would minimize the potential for erosion and loss of topsoil during construction of projects within the Town of Los Gatos and indicates that impacts would be less than significant (p. 4.7-22 and 23).

The proposed project would involve ground-disturbing construction activities that may result in loose or disturbed soils, which can increase the potential for erosion and loss of topsoil. The project would involve construction activities that disturb one or more acres of land and, therefore, is subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Lan Disturbance Activities (Order No. 2012-0006-DWQ) ("General Permit"). As required under the General Permit, the project will develop a stormwater pollution prevention plan and submit to the Town for review and approval. The stormwater pollution prevention plan will illustrate the project's use of erosion and sediment control best management practices. The project is also required to adhere to Town Code Chapter 12, Grading, Erosion, and Sediment Control, which provides regulatory standards to ensure grading, erosion, and sediment associated with development are minimized. The following 2040 General Plan policies are also applicable to the project:

> ENV-15.1 Erosion Control Plans - Require all new developments in areas subject to soil erosion and slippage to provide an effective erosion control plan to minimize soil erosion. The erosion control plans shall be implemented prior to construction operations and maintained throughout the construction process.
>
> ENV-15.2 Minimize Grading - Require grading permits to ensure that the grading of slopes and sites proposed for development will be minimized.
>
> ENV-16.7 Parking Lot Drainage - Implement bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground.

Implementation of the abovementioned 2040 General Plan policies as well as compliance with the Town Code will minimize the potential for erosion and loss of topsoil during construction of the proposed project. With the implementation of these policies as conditions of approval, the proposed project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR; therefore, the 2040 General Plan EIR has adequately addressed the project's potential impacts associated with erosion and loss of topsoil.

c. The 2040 General Plan EIR concludes that implementation of applicable general plan goals and policies as well as compliance with the California Building Code's engineering design and construction measures would help to resist the adverse effects of unstable

geologic units. The 2040 General Plan EIR concludes that impacts from project that is located on a geologic unit or soil that is unstable or that would become unstable as a result of the project are less than significant (p. 4.7-21).

As indicated previously, the project is located on a site that is susceptible to liquefaction. Structures constructed on soils which are prone to liquefaction are subject to damage and possible collapse as a result of settlement and lateral spreading due to liquefaction (Town of Los Gatos 2021). Therefore, the project may be located on a site with unstable soils, or soils that may become unstable with implementation of the proposed project. The project would be required to comply with the California Building Code and recommendations of the geotechnical report including engineered fill, post-tensioned mat foundations, and pavement design to reduce the potential for impacts (Engeo Incorporated 2024, p. 11-14). The proposed project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR; therefore, the 2040 General Plan EIR has adequately addressed impact associated with soil instability.

d. According to the 2040 General Plan EIR, the clay minerals within the soil of Los Gatos are prone to expansion and have moderate to high shrink-swell potential (p. 4.7-5). Soils with these characteristics can damage foundations and pavement unless recognized and properly handled through the appropriate design measures. The 2040 General Plan EIR concluded that compliance with the 2040 General Plan policies and requirements of the California Building Code would reduce impacts related to expansive soils to a less-than-significant level (p. 4.7-23).

The geotechnical report determined that the on-site soils have moderate expansion potential (ENGEO Incorporated 2024, p. 7). The project would be required to implement the recommendations within the geotechnical report including engineered fill, structural reinforcement of foundations, and pavement design to address impacts associated with expansive soils. The project would be required to comply with applicable 2040 General Plan policies including those listed at the beginning of this section of the initial study. Compliance with the 2040 General Plan policies, the California Building Code, and the recommendations contained within the geotechnical report would reduce the potential for impacts associated with soil expansion. The proposed project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR.

e. The 2040 General Plan EIR concludes that new development would occur where existing roads, water, and sewer systems are in place, minimizing the need to develop new wastewater disposal systems and no significant impacts would occur (p. 4.7-24).

The proposed project would connect into the Town of Los Gatos's existing wastewater collection system and, therefore, would not require soils that support the use of septic tanks. The proposed project would not result in new impacts than those evaluated in the 2040 General Plan EIR.

f. According to the 2040 General Plan EIR, the Pleistocene sedimentary deposits in Los Gatos have a high potential to yield paleontological resources (p. 4.7-25). The 2040 General Plan EIR concluded that compliance with 2040 General Plan Policy ENV-12.5, which requires that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, would ensure that construction impacts related to paleontological resources and unique geologic features would be less than significant. The 2040 General Plan EIR also concluded that implementation of 2040 General Plan EIR Mitigation Measure GEO-1, which requires the preparation of paleontological resource studies for projects that involve ground disturbance in project areas mapped as high paleontological sensitivity, would ensure less than significant impacts (p. 4.7-25).

The proposed project is a redevelopment project on previously disturbed soils. However, because the project involves grading and excavation activities, it has the potential to uncover or accidentally destroy unique paleontological resources. Therefore, conditions of approval should require implementation of 2040 General Plan EIR Mitigation Measure GEO-1 and compliance with 2040 General Plan Policy ENV-12.5 to ensure that potential project impacts associated with paleontological resources and unique geologic features would be less than significant. The project would not result in any impacts beyond those already evaluated in the 2040 General Plan EIR.

Condition of Approval

GEO-1 In the event that paleontological resources are accidentally discovered during construction activities, construction activities in the area shall be suspended until a qualified paleontologist can be retained by the developer to examine the site, and protective measures can be implemented to protect the resource.

8. GREENHOUSE GAS EMISSIONS

Would the project:

		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?	☒	☐	☐	☐
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

Comments:

a. The proposed project will generate greenhouse gas (GHG) emissions primarily from transportation, energy, water and wastewater, and solid waste disposal sources. These emissions will contribute to the overall accumulation of GHG emissions in the atmosphere.

The 2020 General Plan EIR utilized various models to assist with evaluating GHG emissions and used the air district's CEQA Guidelines to assess the significance of plan-level GHG impacts. The General Plan EIR concluded that implementation of the 2020 General Plan would result in the threshold of significance being exceeded and that the impact would be significant and unavoidable (Town of Los Gatos 2010, p. 4.6-56).

Individual projects must be consistent with applicable General Plan policies, including energy- and transportation-related policies that would reduce GHG emissions from individual land use projects. Transportation is typically the dominant source of GHG emissions in the emissions inventory of land use projects. These policies include:

> MOB-1.1. Require all development and redevelopment proposals with more than 10 housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable Transportation Demand Management (TDM) program with accountability requirements to ensure the TDM measures are achieved.
>
> MOB-1.3. Development near transit stops shall provide TDM programs or facilities that encourage transit use for all types of trips.

ENV-8.4. Require installation of electric vehicle charging stations as a ratio of total required parking for new and redeveloped commercial, multi-family, residential subdivision, and condominium projects.

The proposed project is consistent with the land use designation and development density for the site that was evaluated in the 2020 General Plan EIR. The 2020 General Plan EIR, therefore, accounts for the project contribution to the significant and unavoidable GHG impact from implementing the 2020 General Plan Land Use Element. The GHG impacts of the project have been adequately evaluated in the 2040 General Plan EIR. Conditions of approval requiring consistency of the project with applicable 2040 General Plan policies will lessen its contribution to the impact. The proposed project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

b. The 2040 General Plan EIR evaluated the 2040 General Plan for consistency against the 2017 Scoping Plan, a plan prepared by the California Air Resources Board to identify the state's roadmap of actions to reduce GHG emissions to meet the state's GHG reduction goals. The 2017 Scoping Plan was considered to be the applicable plan for reducing GHG emissions. The 2040 General Plan EIR concluded that implementation of the 2040 General Plan would conflict with the 2017 Scoping Plan. The impact was determined to be significant and unavoidable.

As noted in checklist question "a" above, the proposed project would contribute to the significant and unavoidable 2040 General Plan GHG impact. Consequently, it would also contribute to the significant and unavoidable impact from conflict with the 2017 Scoping Plan. The impact of the project regarding conflict with the applicable plan for reducing GHG emissions has been adequately evaluated in the 2040 General Plan EIR. The proposed project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

		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?	☒	☐	☐	☒
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?	☒	☐	☐	☐
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
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?	☒	☐	☐	☒
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?	☐	☐	☐	☒
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☒	☐	☐	☒
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☒	☐	☐	☒

Comments:

a. The proposed multifamily housing development would not result in new uses that would be expected to regularly use, transport or dispose hazardous materials and, therefore, the project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

b. The 2040 General Plan EIR determined that infill development throughout the Town of Los Gatos, could require the demolition of existing uses to facilitate future development

and if such buildings identified for demolition were constructed prior to the 1970s, lead and asbestos could be present and released into the environment during demolition activities. California Code of Regulations Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed California Department of Industrial Relations, Division of Occupational Safety and Health Administration standards. The control of asbestos during demolition or renovation of buildings is regulated under the Federal Clean Air Act. Compliance with the mandatory requirements of California Code of Regulations and the Federal Clean Air Act would reduce the potential hazards and risks associated with release of lead and asbestos. The 2040 General Plan EIR concluded that the required oversight by the appropriate agencies would ensure that impacts related to the potential accident conditions involving the release of hazardous materials into the environment would be less than significant (Town of Los Gatos 2021, p. 4.9-19).

The geotechnical report determined that there may be fragments of serpentinite material in a portion of the exposed pavement base rock. Serpentinite is known to contain the fibrous mineral chrysotile, which is considered an asbestos mineral. Asbestos is a group of silicate minerals that readily separate into thin, strong, and flexible fibers that can become airborne when it is agitated (ENGEO Incorporated 2024, p. 7-8). The geotechnical report recommends laboratory testing of the existing base rock be performed during the design-level study to assess the potential for asbestos-laden material; this is consistent with 2040 General Plan Policy HAZ-7.2, which requires that phase I site assessments are prepared for all development proposed on land that may be contaminated with hazardous materials or waste.

Development of the project would include demolition of the Los Gatos Lodge, which was developed prior to 1970. If asbestos material is discovered, the project will be required to adhere to the rules and regulations outlined in the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying and Surface Mining Operations established by the Bay Area Air Quality Management District under California Code of Regulations, Title 17, Section 93015.

The project would not result in any impacts beyond those already evaluated in the 2040 General Plan EIR.

c. The 2040 General Plan EIR concluded that hazardous materials and waste generated from future development would not pose a health risk to nearby schools because any uses that handle or store hazardous materials on-site would be required to comply with the provisions of the California Fire Code and the Santa Clara County Fire District CUPA requirements (p. 4.9-20).

The project site is located adjacent to the Los Gatos High School; however, the project proposes residential uses that do not handle nor emit hazardous or acutely hazardous materials, substances, or waste. Therefore, the proposed project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

d. The 2040 General Plan EIR states that existing sites in Los Gatos may contain hazardous land uses that were previously used as gas stations, dry cleaners, or industrial uses. None of these uses are relevant to the project site. Development facilitated by the 2040 General Plan on these sites could expose construction workers and future occupants of the site to hazardous materials. The 2040 General Plan EIR concludes that compliance with existing state and local regulations and applicable 2040 General Plan policies would reduce impacts to a less-than-significant level (p. 4.9-22).

The following lists were reviewed in relation to the project site:

- Hazardous Materials Waste and Substances Sites from the Department of Toxic Substances Control EnviroStor Database (Department of Toxic Substances Control 2024);
- Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker Database (State Water Resources Board 2024);
- Solid Waste Disposal Sites Identified by Water Board with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit (California Environmental Protection Agency 2024a);
- "Active" Cease and Desist Order and Cleanup and Abatement Orders from Water Board (California Environmental Protection Agency 2024b); and
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by the Department of Toxic Substances Control (California Environmental Protection Agency 2024c).

The project site is not located on any of these lists compiled pursuant to Government Code section 65962.5 and, as a result, the project would not create a significant hazard to the public or the environment. Therefore, the project would not result in new impacts beyond those already adequately addressed in the 2040 General Plan EIR.

e. According to the 2040 General Plan EIR, there are no public or private airports within or adjacent to Los Gatos and Los Gatos is entirely outside the area of influence for the airport. Therefore, the 2040 General Plan EIR concludes no impacts associated with airports or their influence areas (Town of Los Gatos 2021, p. 4.9-22).

The proposed project would not result in new impacts beyond what has already been adequately evaluated in the 2040 General Plan EIR.

f. The Town adopted an Emergency Operations Plan, which provides guidance on effective emergency response approaches and the Santa Clara County Office of Emergency Services developed an Operational Area Hazard Mitigation Plan, which details target programs for improving emergency preparedness and response. The 2040 General Plan EIR determined that development facilitated by the 2040 General Plan could lead to increased congestion during emergency evacuations. However, the 2040 General Plan includes policies that address emergency response as well as policies and programs outlined in the local emergency plans associated with emergency planning and response

that would ensure impacts related to implementation of adopted emergency response and evacuation plans would be less than significant (Town of Los Gatos 2021, p. 4.9-23).

The project is consistent with the growth projections and development type evaluated in the 2040 General Plan EIR. The 2040 General Plan EIR evaluated the site's residential development at a greater density than what is proposed by the project and concluded that implementation of the 2040 General Plan would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Therefore, the project would not result in new impacts that weren't already adequately addressed by the 2040 General Plan EIR.

g. The project would not result in new impacts than those addressed adequately in the 2040 General Plan EIR. Refer to Section 20.0, Wildfire, for more information associated with wildfire concerns at the site.

10. HYDROLOGY AND WATER QUALITY

Would the project:

		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?	☒	☐	☐	☐
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☒	☐	☐	☐
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;	☒	☐	☐	☐
(2)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☒	☐	☐	☐
(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	☒	☐	☐	☐
(4)	Impede or redirect flood flows?	☒	☐	☐	☐
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☒	☐	☐	☐
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☒	☐	☐	☐

Comments:

a. **Construction Water Quality**. The 2040 General Plan EIR found that development would result in an increase in pollutants in stormwater and wastewater and alter drainage patterns, but concluded that compliance with the National Pollutant Discharge Elimination System (NPDES) permit, the Town Code, and the 2040 General Plan goals and policies would minimize erosion and siltation and reduce the risk of discharge of

pollutants during construction. Therefore, violations of water quality standards or waste discharge requirements would be avoided and impacts would be less than significant.

Construction activity associated with the project would result in the alteration of existing drainage patterns and soil erosion due to earth-moving activities. This could result in sediment transport via stormwater runoff from the construction site and ultimately into collecting waterways contributing to the degradation of water quality.

The project would disturb more than one acre of soil and, therefore, would be subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2012-0006-DWQ (construction general permit). The construction general permit requires the development of a stormwater pollution prevention plan that describes the site's erosion and sediment control measures and runoff water quality monitoring. Compliance with the construction general permit is reinforced through the Town Code (Chapter 22), the Town's Storm Drain Master Plan, and adherence to the San Francisco Bay Regional Water Quality Control Board's Basin Plan, whose water quality objectives are incorporated into individual NPDES permits (Town of Los Gatos 2021, p. 4.10-10). The Town is also required, as part of the construction general permit, to incorporate construction site storm water runoff control elements into a stormwater management program as a means to control polluted discharges.

Compliance with the abovementioned regulations and applicable 2040 General Plan policies such as ENV-16.1, which requires that all applicants demonstrate that new development will not contaminate surface water and/or groundwater, would reduce the risk of water degradation within the Town of Los Gatos from construction activities to a less-than-significant level (Town of Los Gatos 2021, p. 4.10-13). Applicable 2040 General Plan policies should be adopted as conditions of approval.

The 2040 General Plan EIR adequately addressed the project's potential impacts to water quality and potential violation of water quality and wastewater discharge requirements during construction activities.

Post-Construction Water Quality. The 2040 General Plan EIR determined that development would result in long-term alterations to drainage patterns in Los Gatos. If uncontrolled, operation of future development facilitated by the 2040 General Plan could result in the addition of sediment and silt, and contaminants such as oil, grease, metals, and landscaping chemicals (pesticides, herbicides, fertilizers, etc.) into the stormwater drainage system, and ultimately untreated discharge into San Francisco Bay and the Pacific Ocean. Such a discharge could be a potential violation of the NPDES General Permit for Storm Water Discharges, Order No. 2009-0009-DWQ (MS4 general permit). To ensure compliance with the permit requirements and conditions of the MS4 general permit, Town Code Chapter 22 outlines regulations regarding illicit discharge and stormwater management control in the Town's building regulations. Town Code Section 22.30.015 states that no person shall discharge or cause to be discharged into the storm drain system any materials that cause or contribute to violation of applicable water quality

standards, other than stormwater, to the maximum extent practicable. Town Code Section 22.30.035 requires implementation of best management practices during project construction or as measures for post-construction stormwater control, including maintenance to ensure proper operation. Compliance with these requirements would also minimize erosion and siltation that could adversely affect water quality in the Town. The 2040 General Plan EIR found that impacts would be less than significant.

The proposed development would result in the increase in impervious surfaces on the site, which could result in long-term alterations to the drainage pattern and result in sediment transport via stormwater runoff from the project site into collecting waterways, contributing to the degradation of water quality. Stormwater will be treated on-site as required to meet Town Code Chapter 22 requirements. Stormwater will be conveyed by gravity and pump to bioretention areas and other low impact development (LID) treatment measures before being discharged to existing public storm drains and swales that currently serve the site. Hydromodification measures will be used to detain project stormwater so that post-project flows are equal to or less than pre-project flows, which would minimize erosion and siltation that could adversely affect water quality within the Town of Los Gatos.

Conditions of approval should also be applied to require the project to comply with the following applicable 2040 General Plan policies:

> ENV-16.1 Avoid Water Contamination from New Development. Require all applicants to demonstrate that new development will not contaminate surface water and/or groundwater;
>
> ENV-16.7 Parking Lot Drainage. Implement bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground; and,
>
> ENV-17.8 Low-Impact Development. Encourage Low-Impact Development (LID) measures to limit the amount of impervious surface in new development and to increase the retention, treatment, and infiltration of urban stormwater runoff. LID measures should also apply to major remodeling projects and to public and recreation projects where possible.

Adherence to these policies, along with the regulations identified in Town Code Chapter 22, would ensure that the project does not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality post-construction. The project would not result in new impacts beyond those already adequately addressed in the 2040 General Plan EIR.

b. **Groundwater Supply.** The 2040 General Plan EIR states that the development associated with the 2040 General Plan would increase the demand for water from the Santa Clara Valley Subbasin. However, the growth evaluated in the 2040 General Plan EIR was considered in the *2015 Urban Water Management Plan*, which determined that the

future water demand in Los Gatos is projected to be met by the current water supply. Therefore, the 2040 General Plan EIR determined that projected growth evaluated in the 2040 General Plan EIR would not result in a depletion of groundwater supplies in the Santa Clara Valley Subbasin.

Since certification of the 2040 General Plan EIR and adoption of the 2040 General Plan, the San Jose Water Company updated and adopted its *2020 Urban Water Management Plan*. The *2020 Urban Water Management Plan* concluded that the San Jose Water Company anticipates adequate supplies to meet system demand, even during prolonged drought conditions, through 2045 (San Jose Water Company 2021, p. 7-11). The Santa Clara Subbasin has not been identified by the California Department of Water Resources as being in critical overdraft. San Jose Water Company also plans to continue following all state and federal drinking water requirements and will work with Santa Clara Valley Water District (Valley Water), the California Division of Drinking Water, other groundwater basin stakeholders, and the public to ensure that groundwater remains safe and a reliable source of supply (San Jose Water Company 2021, p. 6-5). Therefore, the conclusions of the 2040 General Plan EIR would not change based on the urban water management plan update.

The 2040 General Plan EIR evaluated the project site with a land use designation of "Mixed Use" which allows for 30-40 residential units per acre. This is also consistent with the 2020 General Plan land use designation of Mixed-Use Commercial. The project proposes approximately 18 units per acre, which falls below the growth projections analyzed in the 2040 General Plan EIR. Therefore, the project's potential impacts on the Santa Clara Valley Subbasin were adequately evaluated in the 2040 General Plan EIR.

Groundwater Recharge. The 2040 General Plan EIR concludes that the amount of new impervious surfaces from new development and redevelopment under the 2040 General Plan would be reduced through low impact development-related 2040 General Plan goals and policies and would not substantially interfere with groundwater recharge. Therefore, the 2040 General Plan EIR determined that the development under the 2040 General Plan would result in less than significant impacts related to groundwater recharge (Town of Los Gatos 2021, p. 4.10-14).

Conditions of approval should be imposed to require the project to comply with the 2040 General Plan goals and policies that would encourage groundwater infiltration and promote the use of recycled water and other conservation efforts. For example, Policy ENV-17.8 encourages low impact development measures to maintain or increase retention, treatment, and infiltration of runoff from pre-development conditions.

Development associated with the proposed project is consistent with the growth projections and development type evaluated in the 2040 General Plan EIR and, therefore, its impacts on the Santa Clara Valley Subbasin were adequately evaluated in the 2040 General Plan EIR. The project would not result in impacts beyond those adequately addressed in the 2040 General Plan EIR.

c. **Erosion**. Refer to Section 7.0, Geology and Soils, checklist question "b."

Flooding and Runoff. The 2040 General Plan EIR states that development in the Town could be subject to flood hazards and that compliance with applicable provisions of the Town Code would minimize the risk and exposure to flood hazards. Implementation of applicable 2040 General Plan goals and policies and compliance with the Town Code would ensure that the risk of loss, injury, or death involving flooding in the planning area is not exacerbated by development (p. 4.10-17).

As discussed in checklist question "a," the project will be required to comply with the requirements of the MS4 general permit and implement best management practices (per Town Code Chapter 22), including low impact development measures, which would reduce imperviousness, decrease surface water flows, and/or slow stormwater runoff rates. Compliance with the MS4 general permit and the Town Code would ensure impacts associated with on- or off-site flooding and runoff would be less than significant. The project would not result in new impacts beyond what was already adequately addressed in the General Plan EIR.

Flood flows. According to the 2040 General Plan EIR, most of Los Gatos is within the 500-year flood zone with a few portions, such as those areas west of State Route 17 and adjacent to creeks, in the 100-year flood zone. Development in these areas could be subject to flood hazard and/or could impede or redirect flood flows to adjacent areas. Development within these areas would be required to comply with applicable provisions of the Town Code, which would minimize the risk and exposure to flood hazards. Town Code Chapter 29, Article IX includes requirements and provisions for reducing losses from flooding and for construction in flood-prone areas. Compliance with applicable sections of the Town Code would ensure that new structures would not impede or redirect flows. The 2040 General Plan EIR concluded that compliance with applicable laws and regulations of the Town Code would reduce impacts associated with the risk of loss, injury or death involving flooding. Therefore, impacts would be less than significant (Town of Los Gatos 2021, p. 4.10-17).

The project site is located in the Federal Emergency Management Agency's (FEMA) Flood Zone X (500-year flood zone), which is a moderate flood hazard area and where there is a 0.2 percent annual chance of flood hazard (FEMA 2024). Town Code Chapter 29, Article IX – Floodplain Management, does not apply to the site because it is not located within a floodplain subject to a one percent or greater chance of flooding (i.e., Zones A, AO, A1-A30, AE, A99, or AH), which the Town calls "special flood hazard areas." Conditions of approval will be imposed to require the project to implement 2040 General Plan Policy HAZ-5.4, which requires major new development and redevelopment to provide mitigation to ensure that the cumulative rate of peak stormwater run-off is maintained at pre-development levels. Implementation of this policy would ensure that potential impacts associated with the project impeding or redirecting flood flows are reduced. The project would not result in new impacts beyond what was already addressed in the 2040 General Plan EIR.

d. The Town of Los Gatos is not located in a tsunami or seiche zone. As determined in the 2040 General Plan EIR (Section 4.10, Hydrology and Water Quality), there would be no impact related to flood flows or project inundation (Town of Los Gatos 2021, p. 4.10-18). Therefore, the proposed project would not risk release of pollutants due to tsunami or seiche inundation of Los Gatos.

As discussed above, the project site is located within Flood Zone X; therefore, the project will be required to implement the 2040 General Plan policies previously listed under checklist question "c" Flood Flows. This would reduce the project's potential to risk the release of pollutants due to project inundation. The project would not result in new impacts beyond what was already addressed in the 2040 General Plan EIR.

e. Refer to the discussion under checklist question "a." According to the 2040 General Plan EIR (Section 4.10, Hydrology and Water Quality), development under the 2040 General Plan would comply with the general permit, the Town's Storm Drain Master Plan, applicable 2040 General Plan policies, and adhere to the San Francisco Bay Regional Water Quality Control Board's Basin Plan. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan.

The Sustainable Groundwater Management Act lists Valley Water as the exclusive groundwater management agency for Santa Clara County. The Sustainable Groundwater Management Act requires that groundwater management agencies prepare a groundwater sustainability plan or an alternative to achieve sustainability. Pursuant to the Sustainable Groundwater Management Act, Valley Water prepared its *2016 Groundwater Management Plan for the Santa Clara and Llagas Subbains* as an alternative. Since the certification of the 2040 General Plan EIR and adoption of the 2040 General Plan, the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins* ("groundwater management plan") was adopted by Valley Water. The projected demands in the Santa Clara and Llagas subbasins discussed in the groundwater management plan are based on data used to develop the Valley Water's *2020 Urban Water Management Plan.* Valley Water maintains diverse water supply sources to meet countywide demands, including local surface water and groundwater, imported water, and recycled water. Valley Water developed a Water Shortage Contingency Plan as part of its *2020 Urban Water Management Plan* to establish actions and procedures for managing water supplies and demands during water shortages due to droughts and other emergencies. As stated within the groundwater management plan, Valley Water will be able to meet countywide demands through 2045 under normal, a single dry, and five consecutive dry year conditions. If a five-year drought were to occur in the next five years, Valley Water would employ a range of response actions, including water conservation and calling for short-term water use reduction (Santa Clara Valley Water District 2021, p. 4-21).

As discussed under checklist question "b" above, the 2040 General Plan EIR reviewed applicable 2040 General Plan policies and goals encouraging groundwater infiltration, promoting the use of recycled water, and other water conservation efforts to reduce the potential for depletion of groundwater resources resulting in less than significant impacts

on the Santa Clara Subbasin. The project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, the project's consistency with the Sustainable Groundwater Management Act has already been adequately evaluated in the 2040 General Plan EIR.

Therefore, the 2040 General Plan EIR adequately addressed the project's potential to conflict with a sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

		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?	☐	☐	☐	☒
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?	☒	☐	☐	☐

Comments:

a. The project is an infill site and the proposed redevelopment of the existing lodge is consistent with the policies that promote growth through infill development, such as 2020 General Plan LU-1.4, which requires that infill projects be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area. The project would not physically divide an established community and, therefore, would not result in new impacts that were not already adequately addressed in the 2020 General Plan EIR.

b. Section 4.11, Land Use and Planning, of the 2040 General Plan EIR identifies three regionally and locally adopted land use plans that apply to development under the General Plan: *Plan Bay Area 2040* (ABAG 2017), *Final 2017 Clean Air Plan* (Bay Area Air Quality Management District 2017), and *Los Gatos Sustainability Plan* (Town of Los Gatos 2012).

Plan Bay Area 2040 is a long-range land use and transportation plan for the San Francisco Bay Area region that promotes healthy and safe communities by reducing impacts from air pollution, protecting open space and agriculture, and increasing active transportation. The 2040 General Plan EIR provides a breakdown of the consistency between the 2040 General Plan and the Plan Bay Area 2040 goals in relation to climate protection, adequate housing, health and safe communities, open space and agricultural preservation, equitable access economic vitality, and transportation system effectiveness (refer to Table 4.11-4 of the 2040 General Plan EIR). As discussed in the 2040 General Plan EIR, the 2040 General Plan would be consistent with the goals contained in the *Plan Bay Area 2040* (Town of Los Gatos 2021, p. 4.11-18).

As discussed in Section 3.0, Air Quality, the project is consistent with the 2040 General Plan, which the 2040 General Plan EIR determined was consistent with the applicable *Clean Air Plan* through implementation of the applicable 2040 General Plan elements and policies.

The 2040 General Plan EIR provides a breakdown of the consistency between the sustainability measures associated with transportation, land use, energy, water, solid waste, and open space within the 2040 General Plan and the *Los Gatos Sustainability Plan* (refer to Table 4.6-5 of the 2040 General Plan). The 2040 General Plan EIR also discusses consistency with the California Green Building Standards Code and Title 24 of the California Energy Code. As discussed in Section 6.0, Energy, because the proposed project is consistent with the 2040 General Plan, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; this includes the *Los Gatos Sustainability Plan* and the energy efficiency strategies contained therein as well as Title 24 of the California Energy Code.

Development of the project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, would also be consistent with all of the above-mentioned plans (i.e., *Plan Bay Area 2040, Clean Air Plan, Los Gatos Sustainability Plan*, the state's Title 24 of the Energy Code).

The 2040 General Plan EIR adequately addressed the project's potential to conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental impact. The project would not result in new impacts beyond those already addressed in the 2040 General Plan EIR.

12. MINERAL RESOURCES

Would the project:

		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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a, b. As discussed in Section 4.18, Effects Found Not to be Significant of the 2040 General Plan EIR, no mining occurs within the Town of Los Gatos (Town of Los Gatos 2021, p. 4.18-1, 2).

The Lexington Quarry is in operation and produces construction aggregate, but is located over 1.5 miles southeast of the project site. Development of the project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.

13. NOISE

Would the project result in:

		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?	☒	☐	☐	☐
b.	Generation of excessive ground-borne vibration or ground borne noise levels?	☒	☐	☐	☐
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?	☒	☐	☐	☐

Comments:

Salter prepared a noise assessment for the proposed project, included in Appendix G of this initial study. This report was used to determine if new significant noise impacts will be produced by the project that were not adequately addressed in the 2040 General Plan EIR. The noise assessment was peer reviewed by Illingworth and Rodkin, which is also included in Appendix G.

a. **Temporary Noise Levels**. The 2040 General Plan EIR determined that the construction of individual projects facilitated by the 2040 General Plan would temporarily generate increased noise levels, potentially affecting nearby noise-sensitive land uses. Provisions in the Town Code and policies in the 2040 General Plan would limit noise disturbance. However, the 2040 General Plan EIR determined that Mitigation Measure N-1, which requires implementation of noise attenuation measures during construction activities for projects that have sensitive receptors within 25 feet, would be necessary to reduce potential construction noise impacts to a less-than-significant level (Town of Los Gatos 2021, 4.12-9-12).

Construction activities associated with the project would occur at various locations on the project site and could result in a short-term, significant increase in ambient noise levels. Existing sensitive receptors are also located approximately 50 feet from where construction activities are proposed; therefore, the project would be required to comply with Town Code Section 16.20.035, which identifies timing and noise level requirements for construction equipment. Through conditions of approval, the project would also be

required to implement the applicable 2040 General Plan policies and goals such as Policy ENV-18.2, which requires that all interior residential noise levels be 45 dB or less; Policy ENV-18.3, which requires that all exterior noise levels adhere to the compatibility criteria shown on the General Plan's Figure 8-6; and Policy ENV-18.4, which requires that appropriate site and building design, sound walls, minimum landscape buffers of five feet, and/or the use of noise attenuating construction techniques and materials be used in order to protect existing and proposed residential areas from noise, in order to reduce project construction noise and associated impacts. With imposition of these conditions, the project would not result in any new significant construction noise impacts that were not previously evaluated in the 2040 General Plan EIR.

Permanent Noise Levels. The 2040 General Plan EIR determined that development facilitated by the 2040 General Plan would introduce new on-site noise sources associated with residential land uses. The 2040 General Plan EIR concluded that continued regulation of on-site noise, consistent with the Town Code, and implementation of goals and policies of the 2040 General Plan would minimize disturbance to adjacent land uses. Impacts associated with a permanent increase in noise levels were determined to be less than significant (Town of Los Gatos 2021, p 4.12-12, 13).

The proposed project includes air-conditioning (AC) units located at-grade, adjacent to the proposed residences that could affect existing nearby sensitive receptors. The noise assessment determined that the noise generated by the AC units would be within the Town's maximum exterior noise levels. Therefore, the project would not result in any significant operational impacts that were not previously analyzed and adequately addressed in the 2040 General Plan EIR.

Traffic Noise Exposure. The 2040 General Plan EIR determined that development facilitated by the 2040 General Plan would result in over 27,000 new daily vehicle trips on area roadways, as well as increased vehicle miles traveled (VMT). However, the 2040 General Plan EIR determined that development under the 2040 General Plan would result in less than a ten percent increase in vehicle trips on area roadways as a whole. A 40 percent increase in trips equates to a noise increase of less than 1.2 decibels. A 3-dBA increase is considered noticeable. Therefore, this increase in traffic noise would not be perceptible and impacts were found be less than significant (Town of Los Gatos 2021, p. 4.12-14).

Development of the project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, was considered in the daily vehicle trip increase and resultant noise increase in the 2040 General Plan EIR. Additionally, the transportation analysis prepared for the project concluded that the project would result in a net increase of 88 trips in AM and PM hours. According to this data, the project would result in a net increase in overall traffic noise of one dB or less (Salter 2024, p. 8), which is not perceptible to the human ear. The project's contribution to existing and cumulative traffic noise exposure levels would be less than significant. The 2040 General Plan EIR adequately addressed the project's potential to generate substantial temporary or permanent increases in ambient noise levels.

b. The 2040 General Plan EIR determined that construction of individual projects facilitated by the 2040 General Plan could intermittently generate groundborne vibration on and adjacent to construction sites. The 2040 General Plan EIR concluded that vibration levels during daytime construction activity could potentially exceed Town thresholds at nearby sensitive uses and that the 2040 General Plan would have potentially significant impacts regarding vibration. However, it was determined that implementation of Mitigation Measure N-2, which requires measures as standard conditions of approval to minimize exposure to construction vibration, would reduce impacts to less than significant (Town of Los Gatos 2021, p. 4.12-17).

Development of the proposed project would result in the generation of vibration during construction activities. According to the noise assessment, the nearest and most sensitive adjacent receivers include a residence to the east, approximately 50 feet from the east project property line. Project construction may include activities such as the use of concrete saws, excavation and grading, and the use of rolling stock equipment (tracked vehicles, compactors, etc.). As indicated in the noise assessment, the limit related to risk of damage to nearby structures is 0.50 PPV. As shown in Table 6, Construction Equipment Reference Vibration Levels of the noise assessment, estimated vibration levels at the nearest adjacent structures meet the structural damage criteria and would not result in significant impacts related to vibration (Salter 2024, p. 11-12). The project would be required to implement 2040 General Plan EIR Mitigation Measure N-2, which would require standard conditions of approval to minimize exposure to construction vibration. The project would not result in new significant impacts that were not already evaluated in the 2040 General Plan EIR.

Condition of Approval

The following conditions shall be included in construction documents:

a. Avoid the use of vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.

b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration, identifies as sensitive to daytime vibration (FTA 2005).

c. Notify neighbors of scheduled construction activities that would generate vibration which would require standard conditions of approval to minimize exposure to construction vibration.

c. Refer back to Section 9.0, Hazards and Hazardous Materials, checklist question "e."

14. POPULATION AND HOUSING

Would the project:

		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)?	☒	☐	☐	☐
b.	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments:

a. The 2040 General Plan EIR concludes that a fundamental purpose of the 2040 General Plan is to direct future development to infill areas. Compliance with applicable 2040 General Plan policies would ensure that impacts are less than significant.

The project includes the redevelopment of an existing lodge with 155 multifamily residential units, which would result in the population increase of the Town of Los Gatos. However, this population increase was considered and evaluated in the 2040 General Plan EIR. The project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, would not result in substantial unplanned population growth in an area, either directly or indirectly. Therefore, the 2040 General Plan EIR adequately addressed the project's potential impacts associated with population growth.

b. The 2040 General Plan EIR concludes that the 2040 General Plan promotes infill development and preservation of existing neighborhoods and that the new future growth would not be in areas that would displace existing residents.

The proposed project includes demolition of an existing lodge that provides short-term lodging to be replaced with long-term multifamily housing. The proposed project would not displace people or housing. Therefore, the project would not result in new impacts beyond what has already been adequately addressed by the 2040 General Plan 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:

	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?	☒	☐	☐	☐
b. Police protection?	☒	☐	☐	☐
c. Schools?	☒	☐	☐	☐
d. Parks?	☒	☐	☐	☐
e. Other public facilities?	☒	☐	☐	☐

Comments:

a-e. The 2040 General Plan EIR found that buildout of the 2040 General Plan would increase the demand for public services within the Town of Los Gatos and would result in the expansion or construction of new facilities. However, the 2040 General Plan EIR did not find significant impacts associated with new infrastructure related to fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced to a less than significant level with implementation of 2040 General Plan policies such as, but not limited to: Policy PFS-19.4, which states that new development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response, and Policy OSP-6.7, which indicates the Town's park standards of five acres of parkland per 1,000 population.

The proposed project is within the growth projections and is consistent with the development type considered and evaluated in the 2040 General Plan EIR. There would be no new substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities as a result of the project that were not adequately addressed in the 2040 General Plan EIR. Applicable 2040 General Plan policies will be applied to the project as conditions of approval.

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?	☒	☐	☐	☐
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?	☒	☐	☐	☐

Comments:

a-b. The 2040 General Plan EIR found that there would not be significant environmental effects associated with the physical deterioration of public parks and recreational facilities. The 2040 General Plan EIR determined that the Town exceeds the parkland ratio of 3 acres per 1,000 persons established by the Quimby Act and would continue to exceed this ratio with buildout of the 2040 General Plan. Therefore, it was determined that the 2040 General Plan buildout would not contribute to the need for new or expanded park or recreational facilities and the impact would be less than significant (Town of Los Gatos 2021, p. 4.14-26). The proposed project is within the growth projections considered and evaluated in the 2040 General Plan EIR and there would be no new impacts associated with the project not already adequately addressed in the 2040 General Plan 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?	☒	☐	☐	☐
b.	Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	☒	☐	☐	☐
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
d.	Result in inadequate emergency access?	☒	☐	☐	☐

Comments:

Hexagon Transportation Consultants prepared the *50 Los Gatos-Saratoga Road Residential Development Draft Transportation Analysis* (transportation analysis) in October 2024 for the applicant, which was peer reviewed by TJKM. The full transportation analysis can be found in Appendix H. The transportation analysis considered whether the proposed project was adequately addressed in the 2040 General Plan EIR. The transportation analysis and 2040 General Plan EIR were utilized to draft most of this section. The peer review is also presented in Appendix H.

a. **Transit**. According to the 2040 General Plan EIR (Section 4.15, Transportation), buildout of the 2040 General Plan would increase the number of potential transit users on the various transit systems serving the Town of Los Gatos, which would increase the demand for transit. The 2040 General Plan EIR determined that the 2040 General Plan goals and policies encourage an increase in transit ridership, decrease dependence on motor vehicles, and reduce transit delays. While the 2040 General Plan would add peak hour transit riders, development would not disrupt existing or interfere with planned transit services or facilities (Town of Los Gatos, p. 4.15-24). The 2040 General Plan policies support multimodal transportation options, encourage the formation of a transportation management association to fund transportation demand management Town-wide measures (Policy MOB-1.4), and support the Town of Los Gatos Bicycle and Pedestrian Master Plan to reduce congestion and improve bicycle and pedestrian

connectivity. However, according to the *2040 General Plan Revised Sections of the General Plan EIR* (Town of Los Gatos 2021, p. 4.15-24), development under the 2040 General Plan does not include actions to increase the cost of using vehicles and does not include provisions for bus services to avoid congestion delays. As a result, transit service will experience reductions in quality of experience inconsistent with 2040 General Plan policies, which could contribute to lower transit demand in the future and higher demand for vehicle use contributing to higher VMT levels. Additionally, roadway traffic congestion caused from population and employment growth in the Town of Los Gatos facilitated by the 2040 General Plan could affect several transit corridors by increasing travel times and decreasing headway reliability for transit vehicles (p 4.15-19). The 2040 General Plan EIR states that although the 2040 General Plan would increase ridership and potentially cause more traffic delays, the existing transit circulation would be maintained, consistent with the Valley Transportation Plan 2040. The changes to the vehicle circulation system would not interfere with existing transit facilities nor conflict with planned transit facilities and services and, therefore, the 2040 General Plan EIR concluded that impacts would be less than significant (p. 4.15-21).

The proposed project would result in the increase in population, which could increase the demand on the transit system. However, development associated with the project is consistent with the growth projections evaluated in the 2040 General Plan EIR. Additionally, there are several 2040 General Plan policies and goals that would support reducing traffic congestion and improving transit connectivity. These include: Policy MOB-1.1, which requires that all development and redevelopment proposals with more than ten housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable transportation demand management program with accountability requirements to ensure that its measures are achieved; Policy MOB-1.3, which requires development near transit stops to provide transportation demand management programs or facilities that encourage transit use for all types of trips; and Policy MOB-6.7, which requires all new developments to provide bus shelters and ongoing maintenance as part of their developments, when appropriate, to encourage public transit use. Implementation of these 2040 General Plan policies would encourage an increase in transit ridership, decrease dependence on motor vehicles, and reduce transit delays.

Through conditions of approval, the project would be required to comply with the 2040 General Plan policies identified above, including preparation of a transportation demand management program to reduce its potential to conflict with the existing transit facilities or adopted transportation plans, guidelines, policies, or standards associated with the Town's transit network.

Therefore, the project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

Roadways. The 2040 General Plan includes modifications to existing street facilities to create a more pedestrian- and bicycle-oriented street network. Although these modifications would cause existing and future local and regional traffic to circulate differently, its influence would be minimal because these roadway modifications would conform to state and local standards and generally be implemented to improve circulation (Town of Los Gatos 2021, p. 4.15-21). Therefore, the 2040 General Plan EIR determined that implementation of the 2040 General Plan would not be expected to interfere or conflict with existing roadways facilities or adopted transportation plans, guidelines, policies, or standards. Impacts would be less than significant (p. 4.15-21).

The project is consistent with the growth projections evaluated in the 2040 General Plan EIR and potential impacts on the roadway system as a result of development at the project site were, therefore, evaluated in the 2040 General Plan EIR. The project would not conflict with existing roadways facilities or adopted transportation plans, guidelines, policies, or standards and would not result in new impacts than those already evaluated in the 2040 General Plan EIR.

Bicycle Facilities. The 2040 General Plan EIR determined that development facilitated by the 2040 General Plan would increase the use of bicycles on the road as a result of increasing the Town's population. However, the 2040 General Plan contains policies and goals that are designed to accommodate increased bicycle demand such as Policy MOB-2.5, which requires that all new development be designed to enhance the safety or convenience of bicycle use through the Town, and Policy MOB-2.6. which requires all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities. Implementation of applicable 2040 General Plan policies would encourage bicycling by improving bicycle connectivity within the Town's street network, consistent with the *Bicycle and Pedestrian Master Plan Town of Los Gatos - 2020*, which provides guidance to improve the connectivity of the bicycle and pedestrian network in the Town of Los Gatos. Therefore, the 2040 General Plan EIR concluded that development under the 2040 General Plan would have a beneficial effect on bicycle circulation and access and impacts related to the conflict with existing bicycle facilities or adopted plans, guidelines, policies, or standards associated with the Town's bicycle network would be less than significant (p. 4.15-22).

The project would conform to the *Bicycle and Pedestrian Master Plan Town of Los Gatos – 2020* by implementing the planned Class I pedestrian and bicycle path along the west edge of the project site, which would connect Los Gatos-Saratoga Road to Los Gatos High School (Hexagon Traffic Consultants 2024 p. ii). The project would implement applicable 2040 General Plan policies, such as MOB-2.5 and -2.6 listed above, and is required to be consistent with the goals and objectives of the *Bicycle and Pedestrian Master Plan Town of Los Gatos - 2020*. Development associated with the project would not result in a conflict with existing bicycle facilities or adopted plans, guidelines, policies, or standards associated with the Town's bicycle network. The project is consistent with the growth projections evaluated in the 2040 General Plan EIR and potential impacts on the

bicycle facilities as a result of development at the project site were evaluated in the 2040 General Plan EIR. The project would not result in new impacts that were not already evaluated in the 2040 General Plan EIR.

Pedestrian Facilities. Implementation and buildout of the 2040 General Plan would increase residency in the Town, which could result in more use and demand on existing pedestrian facilities. According to the 2040 General Plan EIR, the 2040 General Plan encourages walking by improving pedestrian facilities and connectivity with a safe and continuous pedestrian network to shorten walking distances and improve pedestrian connections to popular local destinations. Development under the 2040 General Plan would create new pedestrian facilities and have a beneficial effect on pedestrian circulation and access consistent with the *Bicycle and Pedestrian Master Plan Town of Los Gatos - 2020* (p. 4.15-22). The 2040 General Plan EIR concludes that the 2040 General Plan would not interfere with existing or planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies or standards and impacts would be less than significant (p. 4.15-23).

The project would conform to the *Bicycle and Pedestrian Master Plan Town of Los Gatos – 2020* by implementing the planned Class I pedestrian and bicycle path along the west edge of the project site, which would connect Los Gatos-Saratoga Road to Los Gatos High School (Hexagon Traffic Consultants 2024 p. ii). The project would implement applicable 2040 General Plan policies, including Policy MOB-2.6, consistent with the goals and objectives of the *Bicycle and Pedestrian Master Plan Town of Los Gatos – 2020*. Development associated with the project would not result in a conflict with existing pedestrian facilities or adopted plans, guidelines, policies, or standards associated with the Town's pedestrian network. The project is consistent with the growth projections evaluated in the 2040 General Plan EIR and potential impacts on the pedestrian facilities as a result of development at the project site were evaluated in the 2040 General Plan EIR.

The proposed project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

b. The 2040 General Plan EIR noted that population and employment growth facilitated from development envisioned in the 2040 General Plan would generate new vehicle trips. The 2040 General Plan EIR (Section 4.15, Transportation) determined that the VMT per service population generated under the 2040 General Plan would be 38.4, which is approximately 19 percent greater than the applicable VMT threshold of 32.3 (as identified in Table 4.15-2 of the 2040 General Plan EIR). Therefore, the VMT per service population from development under the 2040 General Plan would exceed the applicable threshold and Mitigation Measure T-1 was required. The 2040 General Plan EIR Mitigation Measure T-1 requires that one or more VMT reduction strategies included in the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) document shall be applied to projects that would generate VMT. The VMT reduction strategies are listed at an individual site level, Town-wide level, and regional level.

As concluded in the 2040 General Plan EIR, the VMT reduction strategies at the regional level would be required in order to reduce VMT per service population by 19 percent. However, this would require action by multiple agencies and municipalities in South San Francisco Bay. Because the Town cannot ensure that the other municipalities would participate in the regional VMT reduction strategies outlined in General Plan 2040 EIR Mitigation Measure T-1, it is not certain that a 19 percent reduction in VMT would be achieved. Therefore, VMT impacts as a result of development under the 2040 General Plan were determined to be significant and unavoidable even after implementation of mitigation (p. 4.15-26).

According to the proposed project's transportation analysis, projects consistent with the 2040 General Plan would not require a VMT analysis. The project is consistent with the General Plan and, because the project site is included in the General Plan, the project would not generate additional VMT. Therefore, would not require CEQA mitigation (Hexagon Transportation Consultants 2024, p. 1). Additionally, Policy MOB-1.1 of the 2040 General Plan requires all developments with ten or more housing units to include a transportation demand management program to reduce VMT. Therefore, the project would need to develop a transportation demand management program. However, development of the project site is part of the significant and unavoidable cumulative VMT impacts concluded in the 2040 General Plan EIR. Therefore, through conditions of approval, the project would be required to implement the applicable reduction strategies identified within the 2040 General Plan EIR Mitigation Measure T-1, but would still result in significant and unavoidable VMT impacts.

The Town adopted its Statement of Overriding Considerations on June 30, 2022 and determined that specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the General Plan Final EIR related to transportation.

Because the proposed project is consistent with the General Plan and would not generate additional VMT than what was evaluated in the 2040 General Plan EIR, and because the proposed project is required to mitigate its VMT impacts through preparation and implementation of a transportation demand management program, the 2040 General Plan EIR adequately addressed the project's potential impacts related to VMT.

c. As discussed in the 2040 General Plan EIR (Section 4.15, Transportation), new and upgraded roadways needed to accommodate new development would be designed according to applicable federal, state, and local design standards. Development and infrastructure projects would be required to implement applicable 2040 General Plan policies intended to result in roadway designs that safely accommodate all users such as 2040 General Plan Policy MOB-2.6, which is described previously under checklist question "a" and Policy MOB-8.3, which requires that new development minimize the number of access points along arterial streets to minimize impacts on circulation flow and safety. The 2040 General Plan EIR concluded that implementation of these 2040 General Plan policies would ensure that impacts related to hazards due to a geometric design feature would be less than significant (p. 4.15-29).

According to the transportation analysis prepared for the project, the site plan shows adequate site access and on-site circulation, and no adverse traffic operational issues are expected to occur at the project driveways as a result of the development (Hexagon Traffic Consultants 2024, p. ii). Development of the project is consistent with the growth projections evaluated in the 2040 General Plan EIR and would be required to implement applicable 2040 General Plan policies, such as those listed above, through conditions of approval, minimizing its impact on circulation flow and safety. The project would not result in substantially increased hazards due to a geometric design feature nor would it result in incompatible uses.

Therefore, the project would not result in new impacts beyond what was already adequately evaluated in the 2040 General Plan EIR.

d. According to the 2040 General Plan EIR (Section 4.15, Transportation), the intent of the 2040 General Plan is to improve the overall performance of the transportation network for all modes of transportation and with implementation of applicable 2040 General Plan policies, future development projects would be assessed to ensure they result in adequate emergency access. In addition, mandatory development processes also require project review by emergency services, including police and fire, to ensure projects maintain adequate emergency access. The 2040 General Plan EIR determined that this impact would be less than significant (Town of Los Gatos 2021, p. 4.15-30).

According to the transportation analysis prepared for the project, the site plan shows adequate site access and on-site circulation, and no adverse traffic operational issues are expected to occur at the project driveways as a result of the development (Hexagon Traffic Consultants 2024 p. ii). Development of the project would be required to undergo review by emergency services to ensure adequate emergency access. The project would not result in any new impacts not already addressed in the 2040 General Plan EIR. Therefore, the 2040 General Plan EIR adequately addressed the project's potential impacts related to inadequate emergency access.

18. TRIBAL CULTURAL RESOURCES

Would the project:

		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	☒	☐	☐	☐
(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.	☒	☐	☐	☐

Comments:

a. The 2040 General Plan EIR concludes that implementation of 2040 General Plan policies ENV-14.1 and ENV-14.2 would ensure that tribal cultural resources are identified prior to commencement of ground disturbance and that impacts would be less than significant.

Consistent with 2040 General Plan policies ENV-14.1 and ENV-14.2, the Town sent out AB 52 notification on May 22, 2024 via email and certified mail. As of August 26, 2024, two responses have been received; one from the Muwekma Ohlone Tribe and one from the Amah Mutsun Tribal Band of San Juan Bautista. However, neither tribe requested consultation. The letters from the tribes did, however, request the following:

Conditions of Approval

TCR-1 The applicant shall contract with a qualified archaeologist who will provide Cultural Resources Awareness Training to all construction personnel in order to become familiar with the types of cultural artifacts that exist in the vicinity and could potentially be uncovered. The training will occur prior to any ground-disturbing activities and issuance of tree removal permits. The archaeologist will

provide the following documentation to the Town of Los Gatos Planning Division: date (or dates) of the training, signatures of construction personnel at the training session(s), and materials used in the training.

Personnel should be instructed that upon discovery of buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately (see also TCR-2 below).

The applicant shall provide a copy of the contract to the Planning Division, prior to issuance of a tree removal, demolition, and grading permit.

TCR-2 The applicant shall contract with both a qualified archaeologist and an appropriate Tribal representative to monitor ground-disturbing activities including tree removal and demolition. At the end of the monitoring, both the qualified archaeologist and Tribal representative shall submit monitoring reports to the Town of Los Gatos Planning Division.

If a find is identified, plans for treatment and for the evaluation and mitigation of impacts to the find will need to be developed if they are found to be eligible for the National Register of Historic Places or the California Register of Historical Resources. Potential cultural materials include historic and prehistoric artifacts and remains that may consist of, but are not limited to, historic artifacts, flaked-stone artifacts and debitage, groundstone artifacts, and human remains.

If human remains are encountered during construction, work in that area must halt and the Santa Clara County Coroner must be notified immediately. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) is to be notified within 24 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendant who will provide recommendations for the treatment of the remains within 24 hours.

The applicant shall provide a copy of the contract to the Planning Division, prior to issuance of a tree removal, demolition, and grading permit.

The project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

		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?	☒	☐	☐	☐
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years?	☒	☐	☐	☐
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?	☒	☐	☐	☐
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?	☒	☐	☐	☐
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☒	☐	☐	☐

Comments:

a. Development of the project would allow some of the existing water, wastewater, storm drainage and telecommunication infrastructure to remain; however, the project also involves the construction of new infrastructure (refer to Sheet C.5 of the project plans found in Appendix A). Potentially significant construction impacts associated with the implementation of the project's water, wastewater, and storm drainage infrastructure are identified in the air quality, biological resources, greenhouse gas emissions, and noise sections of this initial study. All such impacts have been determined to be adequately addressed within the 2040 General Plan EIR. Please refer to the respective sections for more information.

b. San Jose Water Company is the water service provider for the Town and the Santa Clara Valley Water District (Valley Water) manages the Santa Clara Valley groundwater sub-basin, which supplies approximately one-third of the Town's water supply. During preparation of the 2040 General Plan EIR, the San Jose Water Company was undergoing the preparation of the *2020 Urban Water Management Plan*. Therefore, the 2040 General Plan EIR relied on the analysis within the *2015 Urban Water Management Plan*.

According to the *2015 Urban Water Management Plan*, the San Jose Water Company had adequate water supply capacity to meet its demands through 2040, which included the Town's growth evaluated in the 2040 General Plan EIR. The 2040 General Plan EIR evaluated the increase in residential and nonresidential uses, which would result in an incremental increase in the Town's water demand. As indicated in the *2015 Urban Water Management Plan*, the San Jose Water Company has sufficient supplies to support development under the 2040 General Plan during a normal year. However, it was determined that projected water demands would likely exceed supply totals in the event of a multiple dry year scenario. Therefore, the San Jose Water Company would not have sufficient water supply to accommodate the demand of development and the population increase facilitated by the General Plan through 2040.

As a result, Section 4.16, Utilities and Service Systems, of the 2040 General Plan EIR explains that the San Jose Water Company would enact its Water Shortage Contingency Plan, which includes four stages of action based on water supply conditions. The Town would also increase its reliance on recycled water supply and water conservation measures implemented by the San Jose Water Company and Valley Water to reduce demands. Additionally, the Town would impose water conservation tactics on new development to further reduce water demand. Development would also be required to implement the polices associated with General Plan Goal PFS-1 (ensure an adequate water supply for the Town's human, wildlife, and plant populations), which are consistent with the purpose of the *2015 Urban Water Management Plan* to encourage the sustainable use and management of water supplies and infrastructure in the Town of Los Gatos. With reliance on recycled water supply and water conservation measures, in addition to compliance with applicable 2040 General Plan policies, the 2040 General Plan EIR determined that impacts related to water supply would be less than significant (p. 4.16-19).

As previously mentioned, since the certification of the 2040 General Plan EIR and adoption of the 2040 General Plan, the San Jose Water Company has adopted its *2020 Urban Water Management Plan*. The *2020 Urban Water Management Plan* concluded that San Jose Water Company anticipates adequate supplies to meet system demand under average year, single dry year, and multiple dry year conditions through 2045. However, there is the possibility for a call for a mandatory 20 percent conservation during multi-year droughts (p. 7-12).

The project would result in an increase in the Town's population, which would increase the demand on water supplies. Through required conditions of approval, the proposed project would be required to implement General Plan Policy PFS-1.1, which requires that

landscaping and hardscaping for all development is designed to minimize water usage and enhance water conservation; Policy PFS-1.2, which requires that all new home construction and remodeled homes comply with the Bay-Friendly Landscaping Guidelines in addition to the landscaping standards in the GreenPoint Rated Building Guidelines; Policy PSF-1.3, which requires the use of water-saving devices in new developments and pumping-related remodels; and Policy PFS-1.4, which requires that all new development install water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls.

In addition to compliance with the above-mentioned 2040 General Plan policies, the project's population growth was already evaluated in the 2040 General Plan EIR. Therefore, the project's impacts related to increased demand on the Town's water supplies were already evaluated and adequately addressed in the 2040 General Plan EIR.

c. The Town's wastewater is collected and treated by the West Valley Sanitation District, which then transports wastewater to the San Jose-Santa Clara Regional Wastewater Facility ("wastewater treatment plant"). According to the 2040 General Plan EIR (Section 4.16, Utilities and Service Systems), the wastewater treatment plant treats an average of 110 million gallons per day (mgd), with a design capacity of up to 167 mgd.

The 2040 General Plan EIR evaluated an increase of 8,971 residents to Los Gatos, which was calculated to be a 30 percent increase above the Town's 2018 population. However, the 2040 General Plan EIR determined that approximately 34 percent of the wastewater treatment plant capacity was available (67 mgd); therefore, the wastewater needs of the expected population growth evaluated in the 2040 General Plan EIR would be met.

The wastewater collection system within the Town of Los Gatos has deficiencies that limits the amount of wastewater that can be conveyed through Los Gatos. According to the 2040 General Plan EIR, the West Valley Sanitation District's Capital Improvement Plan has ongoing plans for replacement and upgrade of old sewer lines and lift equipment. The general maintenance and correction of deficiencies are funded by user fees; therefore, new development would be required to pay impact fees for system expansion that would accommodate the increased growth of the Town envisioned as part of the 2040 General Plan. Impact fees ensure that the wastewater collection system receives necessary upgrades to accommodate the additional population (p. 4.16-20). In addition, the project shall comply, through conditions of approval, 2040 General Plan Goal PFS-2, which requires that development meet all wastewater treatment demands and Federal and State regulations.

The ongoing upgrades to the wastewater collection system under the capital improvement plan and the 2040 General Plan would occur in developed areas of the Town of Los Gatos that are previously disturbed and ensure that adequate wastewater systems and infrastructure would be available to meet future demands. Therefore, the 2040 General Plan EIR determined that the environmental impacts of construction involved with upgrades to the Town's wastewater system would be less than significant (p. 4.16-20).

Development of the project would increase the population in Los Gatos, which would increase the demand on the wastewater treatment plant. However, the project is consistent with the growth projections evaluated in the 2040 General Plan EIR. Therefore, the project's increased demand on the Town's wastewater treatment plant was included in the 2040 General Plan EIR evaluation and conclusion that the remaining capacity of the wastewater treatment plant can adequately accommodate the wastewater needs of the expected growth and impacts to the wastewater collection system would be less than significant.

Development associated with the project would also increase the amount of wastewater conveyed by the Town's existing wastewater collection system. However, the project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, the project's impacts to the Town's wastewater collection system are anticipated by the Town and would have less than significant impacts as concluded in the 2040 General Plan EIR. The project would, however, still be required to pay impact fees for system expansion necessary to accommodate the increased growth. The project would not result in new impacts beyond what was already evaluated in the General Plan EIR.

d. Solid waste within the Town of Los Gatos is disposed of at the Guadalupe Landfill, which is permitted to accept 3,650 tons of material daily and is projected to reach capacity in 2048. Using the residential disposal rates of the Santa Clara Integrated Waste Management Account, residential buildout under the 2040 General Plan could result in the daily solid waste generation of approximately 294,158 pounds per day (or approximately 147 tons per day). Therefore, as discussed in Section 4.16, Utilities and Service Systems, of the 2040 General Plan EIR, the residential demand in solid waste anticipated by the 2040 General Plan would increase disposal at the Guadalupe Landfill by approximately one percent. Because the landfill has a remaining capacity of 11,055,000 cubic yards, it was determined to have sufficient capacity to accommodate the residential increase in solid waste generation (Town of Los Gatos, p. 4.16-23). Although there would be sufficient capacity, the 2040 General Plan EIR also discusses the reduction in trash production and promotes recycling and potentially introducing Townwide composting to reduce the amount of solid waste sent to the Guadalupe Landfill. Implementation of the 2040 General Plan policies associated with Goals PFS-4 and PFS-5 would help conserve space at the landfill and impacts would be less than significant (Town of Los Gatos 2021, p. 4.16-24).

Development associated with the project is consistent with the growth projections evaluated in the 2040 General Plan EIR and, therefore, its residential solid waste generation has already been evaluated. Therefore, because the 2040 General Plan EIR concludes that the 2040 General Plan residential solid waste generation could be accommodated by the Guadalupe Landfill, the solid waste generation as a result of the project would also be accommodated. The project would also be required to implement applicable 2040 General Plan policies such as Policy PFS-4.1, which requires the recycling of reusable materials from residential, commercial, and construction/renovation activities. Implementation of the applicable 2040 General Plan policies as a condition of approval would ensure that the project would not generate solid waste in excess of the capacity of local infrastructure.

The proposed project would not result in new impacts beyond those already evaluated in the 2040 General Plan EIR.

e. The 2040 General Plan EIR (Section 4.16, Utilities and Service Systems) concludes that implementation of the 2040 General Plan goals and policies would support the reduction and diversion of waste consistent with state goals for solid waste reduction. Implementation of applicable 2040 General Plan goals and policies would ensure that development under the 2040 General Plan would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts were determined to be less than significant (Town of Los Gatos 2021, p. 4.16-24).

The project is consistent with the growth projections evaluated in the 2040 General Plan EIR. Through the implementation of conditions of approval, the project would be required to comply with applicable 2040 General Plan policies including Policy PFS-4.1, which requires the recycling of reusable materials from residential and construction/renovation activities. Implementation of applicable 2040 General Plan policies through conditions of approval would ensure that the project complies with federal, state, and local management and reduction statutes and regulations related to solid waste.

The 2040 General Plan EIR adequately addresses the project's potential impacts related to compliance with federal, state, and local regulations associated with solid waste.

20. WILDFIRE

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

		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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a-d. The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity (CalFire 2024). Therefore, the project would not result in new impacts beyond what has already been evaluated in the 2040 General Plan EIR.

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?	☒	☐	☐	☐
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)	☒	☐	☐	☐
c.	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

Comments:

a. The proposed project has a potential to have an effect on special-status species such as the San Francisco dusky footed woodrat, bats, and nesting birds. The conditions of approval presented in Section 4.0, Biological Resources, implement the 2040 General Plan policies that were concluded in the 2040 General Plan EIR to reduce impacts associated with degrading the quality of the environment; substantially reducing the habitat of a fish or wildlife species; causing a fish or wildlife population to drop below self-sustaining levels; threatening to eliminate a plant or animal community; and substantially reducing the number or restrict the range of an endangered, rare, or threatened species to a less-than-significant level.

The proposed project has the potential to result in adverse effects to unknown, buried historic resources or unique archaeological resources. As discussed in Section 18.0, Tribal Cultural Resources, (TCR-1 and TCR-2) are required to be implemented by the project to ensure that such an impact, if it were to occur, would not be significant and would not eliminate important examples of the major periods of California history or prehistory.

These potential project impacts have been adequately addressed by the 2040 General Plan EIR.

b. Proposed project impacts that contribute to cumulative project impacts are required to be lessened through implementation of the applicable 2040 General Plan policies, 2020 General Plan Land Use Element and Community Design Element policies, and 2040 General Plan EIR mitigation measures as discussed in this initial study. With implementation of the 2040 General Plan policies, 2020 General Plan policies, 2040 General Plan EIR mitigation measures and standards identified herein as conditions of approval, the project's contribution to cumulative project impacts would not be considerable and have been adequately addressed by the 2040 General Plan EIR.

c. Based on the analysis provided in this initial study, the proposed project could indirectly cause substantial adverse effects to human beings through hazardous materials in the site soils, soil instability and expansivity, temporary construction toxic air contaminants, and temporary construction noise. However, as discussed throughout this initial study, the impacts would not be significant and they are adequately addressed within the 2040 General Plan EIR.

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EIR Addendum

16100 Greenridge Terrace Secondary Emergency Access Road & Off-Site Road Extension

State Clearinghouse # 2017042035

August 9, 2023

Prepared by

EMC Planning Group

EIR ADDENDUM

16100 Greenridge Terrace Secondary Emergency Access Road & Off-Site Road Extension

SCH# 2017042035

PREPARED FOR

Town of Los Gatos
Sean Mullin, AICP, Senior Planner
110 E. Main Street
Los Gatos, CA 95031
Tel 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

August 9, 2023

Table of Contents

Appendix

Tables

Figures

1.0
Background – Approved Project (PD-16-002)

In August 2016, Kohlsaat and Associates, Inc. (the applicant) submitted a Planned Development application (PD-16-002) to the Town of Los Gatos (Town) to rezone the 36-acre subject site located at 16100 Greenridge Terrace. The applicant requested a rezone of the subject site from Hillside Residential, HR-2½ to Hillside Residential: Planned Development (HR-2½:PD), to allow the future subdivision into eight lots, removal of large protected trees, site improvements for a private road, and construction of eight new single-family homes. As the lead agency under the California Environmental Quality Act (CEQA), the Town certified the *Final EIR 16100 Greenridge Terrace Planned Development State Clearinghouse #2017042035* (hereafter referred to as "final EIR" or "project EIR"), The PD (Planned Development) Overlay zone established by Ordinance No. 2281, was adopted by the Los Gatos Town Council on April 16, 2019 (effective May 16, 2019), which authorized the following construction and use of improvements:

1. Subdivision of one lot into eight lots.
2. Construction of eight market rate single-family detached residences.
3. Landscaping, private streets, trails, parking and other improvements shown and required on the Official Development Plans.
4. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
5. Uses permitted are those specified in the HR-2½ (Hillside Residential, two and half to 10 acres for each dwelling unit) zone by Sections 29.40.235 (Permitted Uses), as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

The tentative map for the project evaluated in the final EIR included a private ingress and egress/public service/emergency vehicle access easement in the location of the currently proposed emergency fire access road on the Greenridge Terrace site only; however, detailed plans for this emergency fire access road on the Greenridge Terrance site or the adjacent property was not available at the time. Therefore, the final EIR only included a general evaluation of the environmental impacts of a portion of this access road.

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2.0 Project Changes Addressed in this Addendum

2.1 Architecture and Site Application S-23-007

The applicant is requesting approval for site improvements requiring a grading permit and removal of a large protected tree on two lots (APNs 527-12-005 and 537-25-033) zoned "HR-2.5:PD." The two lots are identified as 250 La Terra Court (previously referred to as "Lot 3") (APN 527-12-005) and 121 Rock Ridge Road (APN 537-25-033) on the project plans. There is an existing private ingress and egress/public service/emergency vehicle access easement, which runs from the end of La Terra Court to the southernmost property line of Lot 3, eventually connecting to Rock Ridge Road. Proposed site improvements include:

- Secondary emergency access road totaling 3,000 square feet;
- 376 cubic yards (CY) of cut;
- 8 CY of fill;
- 368 CY of import/export; and
- Removal of six (6) trees, including one large protected coast live oak.

Project plans are included as Appendix A.

2.2 Required Permits

The following permits are required:

- Grading Permit (Town of Los Gatos);
- Tree Removal Permit (Town of Los Gatos);
- Encroachment Permit (County of Santa Clara); and
- National Pollutant Discharge Elimination System (NPDES) Permit, Storm Water Construction General Permit, Water Quality Certification or Waiver, under Sections 401 and 402 of the Clean Water Act (Regional Water Quality Control Board).

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3.0 Basis for an EIR Addendum

3.1 Addendum to an EIR

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164:

> (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
>
> (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
>
> (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
>
> (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
>
> (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.
>
> Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467.

3.2 Required Findings

Section 15162 of the CEQA Guidelines identifies the conditions that require preparation of a subsequent EIR. A proposed change in a project will require preparation of a subsequent environmental document if:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the above conditions are met by the project, an addendum may be prepared to make minor changes to the previously certified environmental impact report and to document why no further environmental review is required.

In performing the required analysis and determining whether the criteria are met for use of an addendum, this addendum relies on a qualitative analysis, based on substantial evidence, utilizing the current environmental checklist questions from Appendix G of the CEQA Guidelines and explains the basis for each response to the questions in the checklist. The environmental checklist is used as a tool for evaluating the environmental effects of the project (the proposed emergency access connection between La Terra Court and Rock Ridge Road), including based on comparisons between the impacts of the approved project (i.e., the Planned Development approval) as evaluated under the previously certified EIR, and the proposed project.

Based on the analysis in the environmental checklist, all of the findings listed above for utilizing an addendum as the appropriate CEQA documentation can be made.

4.0 Evaluation

4.1 Overview

This addendum evaluates the potential for the secondary emergency fire access road (proposed project) to result in new or substantially more severe significant impacts compared to the impacts disclosed in the certified final EIR. The environmental analysis provided in this addendum describes the information that was considered in evaluating the environmental effects addressed in the original project EIR evaluating the 16100 Greenridge Terrace Planned Development (PD-16-002) project. The information used in this evaluation includes the draft EIR, the certified final EIR, the staff report, findings, mitigation monitoring and reporting program (MMRP) and other documentation included in the approval materials for the original project, the Architecture and Site Application (S-23-007) application materials, the *Tree Inventory, Assessment, and Protection Report - 16100 Greenridge Terrace/121 Rock Ridge Road, Los Gatos, CA 95032* prepared by Monarch Consulting Arborists dated May 12, 2023, grading and drainage plans for the proposed project, the *15215 Shannon Road Planned Development Application (PD-15-001) Initial Study and Mitigated Negative Declaration, prepared by Kimley-Horn and Associates* dated August 2016, and site visits by EMC Planning Group staff biologists.

The proposed project would incorporate and implement all appropriate mitigation measures identified in the certified final EIR. Specific mitigation measures relevant to a particular impact of the proposed modified project are cited in the same manner as in the EIR and the associated MMRP adopted in conjunction with the 16100 Greenridge Terrace Planned Development (PD-16-002) project approvals. Furthermore, this addendum is a review of the previous EIR and identifies impacts that were previously evaluated. As discussed throughout this addendum, all impacts levels of significance have been incorporated into this addendum from the certified final EIR.

As discussed in the certified final EIR, the previously approved project was determined to have no adverse environmental impact associated with the following topics:

- Recreation Facilities
- Schools
- Fire Protection Services
- Police Services
- Solid Waste and Recycling

Additionally, the proposed project would have no adverse environmental impacts associated with these topics and therefore, they are not discussed further in this analysis.

4.2 Summary of Impacts and Recommended Mitigation Measures from the Certified Final EIR

Table 4-1 Summary of Significant Impacts and Mitigation Measures from 16100 Greenridge Terrace Final EIR

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
Aesthetics			
No significant impacts			
Air Quality			
Expose Sensitive Receptors to Construction Dust	Potentially Significant	AQ-1 The project contractor for subdivision improvements and residential lot development shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The project contractor shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties. Basic dust control measures: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads shall be limited to 15 mph; e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; f. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph; h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and i. Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.	
Biological Resources			
Potential Loss or Reduction of Rare Plant Species: Fragrant Fritillary, Hall's Bush-Mallow, Loma Prieta Hoita, Western Leatherwood, and Woodland Woollythreads	Potentially Significant	BIO-1 Focused plant surveys were conducted in spring 2018; if project development occurs more than five years after spring 2018, the surveys shall be repeated per below. To protect potentially occurring special-status plants, the presence/absence of fragrant fritillary, Hall's bush-mallow, Loma Prieta hoita, western leatherwood, and woodland woollythreads shall be determined within the development footprint and fire defensible space. A qualified biologist shall conduct focused botanical surveys for these five target species in accordance with current California Department of Fish and Wildlife and California Native Plant Society rare plant survey protocols. Surveys shall occur during overlapping blooming periods for the target species (likely March and June). If the surveys conclude that the species are not present, no further mitigation is required. If any special-status plant species is present within the development footprint and fire defensible space, to compensate for loss or reduction of a special-status plant population, the project proponent shall retain a qualified biologist or native plant specialist to collect seed from all plant individuals and/or salvage plants within the development footprint at the optimal time prior to initiation of ground disturbance activities. The project proponent and the Town of Los Gatos shall oversee selection of an appropriate mitigation area, preferably on the project site, or in the immediate vicinity, that would not be disturbed in the future. After selection of the mitigation area and approval by the Town, a qualified biologist shall develop a Special-Status Plant Management Plan detailing optimal methods for seed collection/plant salvage from the impact area, preparation of the mitigation area, and seed/plant installation at the mitigation area. The plan shall also include maintenance measures to manage the rare plant occurrence for long-term protection and persistence at the	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		mitigation area. Collected seeds/plants shall be installed at the mitigation area at the optimal time. Topsoil from the on-site occurrence location shall also be salvaged (if practical) for use in the mitigation area. The Special-Status Plant Management Plan shall require at a minimum three years of annual monitoring by a qualified biologist during the plant's peak blooming period to ensure that mitigation was successful and that long-term maintenance procedures specified in the plan are creating conditions that support survival of the transplanted population. The initial focused surveys will identify how many plant individuals occur in the development footprint; this amount or more must occur in the mitigation area during each of the three years following installation. If this success criteria is not achieved, the project proponent shall coordinate with the Town to implement remedial mitigation through revision of the Special-Status Plant Management Plan, and then collection of additional seed from a local population and repeated installation in the mitigation area, followed by another three years of annual monitoring. This process shall be extended as needed until all success criteria contained in the Special-Status Plant Management Plan are achieved. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town.	
Potential Loss or Disturbance of American Badger	Potentially Significant	BIO-2 Prior to the start of construction activities for the subdivision improvements and development of residential lots, a qualified biologist shall conduct pre-construction surveys of the grassland habitat on the site to identify any potential American badger burrows/dens. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. If a potential American badger burrow/den is found during the surveys, coordination with the California Department of Fish and Wildlife shall be undertaken in order to develop a suitable strategy to avoid impacts to American badger. With California Department of Fish and Wildlife approval, impacts to active American badger dens shall be avoided by establishing exclusion zones	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town.	
Potential Loss or Disturbance of San Francisco Dusky-Footed Woodrat	Significant	BIO-3 A qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprints. These surveys shall be conducted no more than 15 days prior to the start of construction for the infrastructure improvements and development of the residential lots. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. All woodrat middens shall be flagged for avoidance of direct construction impacts where feasible. To avoid midden/nest disturbance, if active middens/nests are found, a 50-foot buffer will be established in which project activities will not occur. This buffer should be clearly marked. For all woodrat middens/nests that cannot be avoided by project activities, live trapping should be conducted by a qualified biologist to determine if the midden/nest is in use. Trapping should occur prior to April and after mid-July to avoid impacts to woodrats rearing young or to young woodrats. If a midden/nest is found to be unoccupied (none captured after two nights of trapping), then it can be removed as described below. If woodrats are trapped, they may be kept in captivity by a qualified biologist until their middens/nests are immediately relocated. Each midden/nest should be dismantled by hand as described below, and the relocated midden/nest should be placed in suitable habitat a minimum of 50 feet from the construction area, no closer than 20 feet from existing woodrat middens/nests and other relocated woodrat middens/nests, and be reassembled under shrub or tree canopy that will receive some sunlight. The midden/nest should be rebuilt surrounding a log-based structure, an inverted wooden planter, or similar structure having at least one entrance and exit hole. Any cached food and nest material found during nest dismantling should be placed within the	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		relocated midden/nest during rebuilding. The occupied trap should then be opened, placed tightly against the entrance to the artificial shelter, and the woodrat be allowed to enter the midden/nest on its own accord. After the individual enters, the entrance should promptly be covered with a loose plug of small sticks to encourage the individual to stay for the short-term. ~~If~~ Where impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town.	
Potential Loss or Disturbance of Special-Status Pallid Bat and Townsend's Big-Eared Bat	Significant	BIO-4 Approximately 15 days prior to tree removal or other construction activities, the applicant ~~Town of Los Gatos~~ shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and surrounding the water tank structures situated within 50 feet of disturbance activities by the project. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		biologist to the Town of Los Gatos and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to disturbance activities or grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town.	
Potential Loss or Disturbance of Protected Nesting Birds	Significant	BIO-5 Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 15 days and recommence during the nesting season, including the time period between the subdivision improvements and development activities at each respective residential lot, a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 15 days prior to the start of construction, with the second survey conducted within 48 hours prior to the start of construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town.	
Loss of Regulated Trees	Significant	BIO-6 Prior to issuance of a building permit or a grading permit for infrastructure improvement and each residential lot, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees, and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2017 project arborist report and 2018 project arborist report addendum. Also, in accordance with the Town's Tree Protection Ordinance, the project proponent shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals, and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	Less than Significant with Mitigation
Cultural Resources			
No significant impacts			
Geologic Hazards			
Result in Loss, Injury, or Death Involving Seismic Activity or Unstable Soil	Significant	GEO-1 Prior to the approval of development applications for the project site, design-level studies for the roadways and infrastructure, and	Less than Significant with Mitigation

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level of Mitigation
		each of the proposed residential lots shall be prepared and shall address site specific geotechnical issues and provide lot-specific foundation and drainage recommendations. These design-level studies shall include an evaluation of expansive soil for each lot as well as an evaluation of local and global slope stability of each building area, concept, and access way. The design-level study for Lot 1 shall include an assessment of the potential hazards associated with alluvial infilling or debris flows along with geotechnical provisions for collecting and dispersing concentrated runoff flowing down the axis of the drainage towards the home site. GEO-2 Prior to the approval of development applications for the individual lots, applicants shall be responsible for demonstrating to the satisfaction and approval of the Town Engineer that proposed design plans are in conformance with all current California Building Code standards and that all design measures and site preparation recommendations as suggested in the lot-specific geotechnical studies identified in mitigation measure GEO-1 have been incorporated into the project's final design.	
Greenhouse Gas Emissions			
No significant impacts			
Hazards and Hazardous Materials			
No significant impacts			
Hydrology and Water Quality			
No significant impacts			
Noise			
No significant impacts			
Transportation and Traffic			
No significant impacts			
Water Demand			
No significant impacts			
Wastewater Generation			
No significant impacts			

SOURCE: EMC Planning Group 2019

4.3 Environmental Analysis of Modified Project

This addendum evaluates the potential for the proposed modified project to result in new or substantially more severe significant impacts compared to the impacts disclosed in the certified EIR. The environmental analysis provided in this section describes the information that was considered in evaluating the questions contained in the CEQA Appendix G Checklist. The information used in this evaluation includes the certified Final EIR, the proposed modified project description and updated project plans, arborist report, and site visits.

Air Quality

The modified project would still result in dust emissions (particulate matter) that could affect residents in this area during construction activities. Implementation of the mitigation measure (AQ-1) identified in the project EIR would reduce this impact to a less-than-significant level. Therefore, the air quality analysis prepared for the project EIR would still be adequate and the level of impact and mitigation measures identified would still apply to the proposed project. No further environmental analysis for the project with the proposed changes would be required.

Biological Resources

Information in this section is derived from a variety of sources including:

- Town of Los Gatos. August 17, 2018. *Draft EIR – 16100 Greenridge Terrace Planned Development State Clearinghouse # 2017042035*. Los Gatos, CA;
- Hanna-Brunetti. March 2023. *Grading and Drainage Plans, Tract No. 10537 – Terrace Court, Los Gatos, CA 95032, Grading Permit Application No._____, Assessor's Parcel No. 527-12-005.* Gilroy, CA;
- Monarch Consulting Arborists. May 12, 2023. *Tree Inventory, Assessment, and Protection Report – 16100 Greenridge Terrace/121 Rock Ridge Road, Los Gatos, CA 95032*. Felton, CA;
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2023);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2023); and
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2023) and National Wetlands Inventory (USFWS 2023).

A reconnaissance-level biological survey was conducted by EMC Planning Group senior biologist Patrick Furtado, M.S., and assistant biologist Katherine Hardisty-Cranstone on June 15, 2023 to evaluate the biological resources of the area proposed for the emergency fire access road. The tentative map for the project evaluated in the final EIR included an emergency vehicle access easement in the location of the currently proposed emergency fire access road on the Greenridge Terrace project, but not the portion on the adjacent property.

The reconnaissance-level biological field survey documented existing plant communities and wildlife habitats and evaluated the potential for special-status species to occur in the emergency vehicle access easement. Biological resources were documented in field notes, including species observed, dominant plant communities, significant wildlife habitat characteristics, and presence/absence of riparian and wetland habitat. The proposed access road, area of impact, trees identified for removal, and habitats present are shown in Figure 4-1, Habitat Map.

The emergency access vehicle site is located adjacent to the southeast portion of the project site and connects the existing La Terra Court to Rockridge Road. It is situated along an existing dirt road and a ridge which slopes to the east and west. Coast live oak (*Quercus agrifolia*) woodland habitat occurs on both sides of the road and includes associated tree species such as California bay (*Umbellularia californica*) and California buckeye (*Aesculus californica*). The woodland understory contains several shrub species including California sagebrush (*Artemisia californica*), poison oak (*Toxicodendron diversilobum*), sticky monkeyflower (*Diplacus aurantiacus*), and nonnative French broom (*Genista monspessulana*). The edges of the road and cleared areas near the existing water tank consist of ruderal/weedy vegetation with several nonnative grasses such as ripgut brome (*Bromus diandrus*), wild oats (*Avena* sp.), foxtail barley (*Hordeum murinum*), and foxtail brome (*Bromus madritensis*). No special-status plant species were observed on the project site.

EMC Planning Group biologists observed many bird species using both the oak woodland and ruderal habitat at the project site including acorn woodpecker (*Melanerpes formicivorus*), Anna's hummingbird (*Calypte anna*), chestnut-backed chickadee (*Poecile rufescens*), dark-eyed junco (*Junco hyemalis*), spotted towhee (*Pipilo maculatus*), oak titmouse (*Baeolophus inornatus*), and Hutton's vireo (*Vireo huttoni*). The biologists also observed a mule deer (*Odocoileus hemionus californicus*) browsing in the understory. No special-status wildlife species were observed on the project site.

No wetlands or aquatic features were observed on the project site. The project would not interfere with the movement of any wildlife species or with established wildlife corridors.

As the construction of the proposed emergency fire access road will occur within the existing dirt roadway, impacts to biological resources will be very limited. Habitat for special-status plants and wildlife does not occur in the impact area. However, nesting birds and roosting bats may be impacted. Mitigation measures provided in the in the project EIR would reduce impacts to nesting birds and special-status bats to a less-than-significant level.

The 2023 arborist report identifies six trees that will be impacted by the construction of the proposed emergency fire access road and will require removal. The number and size of replacement trees are also specified in the report as well as suggestions for preventing construction impacts to retained trees when possible and practical, including the Town's general tree protection measures.

Source: ESRI 2023, Hannah Brunetti 2023

0 100 feet

Proposed Secondary Access Road
Area of Impact
Trees Proposed for Removal
Disturbed/Ruderal
Oak woodland

Figure 4-1

Habitat Map

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Cultural Resources

Cultural resource impacts associated with the proposed project and identified in the project EIR would not be increased or decreased as a result of the project description changes. Cultural resource impacts identified in the project EIR are addressed across the entire subdivision site, which includes the secondary emergency access road site. Therefore, inclusion of a secondary emergency access road would not change the level of project impact previously identified. However, the off-site extension road was not evaluated in the EIR for potential impacts to cultural resources but reviewed for purposes of the addendum. Given the small size of the off-site extension road (approximately 70 feet from the property line to Rock Ridge Road) and its close proximity to the original project site reviewed in the EIR, it is assumed that a road extension of that small size wouldn't materially or substantially change the EIR cultural resource analysis. Consequently, the same cultural resource impact determinations would apply and the same EIR cultural mitigations would be required to address this off-site extension road. Therefore, the cultural resource impact analysis prepared for the project EIR would still be adequate and no further environmental analysis for the project with the proposed changes would be required.

Geologic Hazards

The project EIR identified impacts associated with ground shaking from earthquakes could result in loss, injury, or death involving seismic activity or unstable soil. In addition, the project EIR identified a potential impact associated with structural damage from expansive soils. If sound engineering practices using the California Building Code and the lot-specific design studies suggested in the project geotechnical report are implemented, as reflected in mitigation measures GEO-1 and GEO-2, the proposed project would have less-than significant impacts resulting from exposure to seismic activity and would not create a substantial risk to life or property due to an unstable geologic unit or unstable soils.

The modified project would help ensure emergency access to the subdivision site and would be designed consistent with current state and Town structural and design standards. Implementation of the mitigation measures (GEO-1 and GEO-2) identified in the project EIR would still be required and would reduce this impact to a less-than-significant level. Therefore, the geologic hazards analysis prepared for the project EIR would still be adequate and the level of impact and mitigation measures identified would still apply to the proposed project. No further environmental analysis for the project with the proposed changes would be required.

Noise (Construction)

The project EIR identified that noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas (single-family residences). However, based on the relatively limited size of the proposed project, the distance to adjacent residences, and staggered

construction timing, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction on the project site would not occur during nighttime hours, when occupants of the residences would be expected to be most sensitive to noise.

As a result, construction noise generation from the proposed project was determined to be considered a less-than-significant impact, assuming that construction activities are conducted in accordance with the implementation of the following construction best management practices, as identified in the Town's Noise Ordinance. The same impact determination would be true for the modified project as construction noise associated with the secondary emergency access road would not generate construction noise above and beyond noise levels evaluated in the project EIR. Therefore, the noise impact analysis prepared for the project EIR would still be adequate and no further environmental analysis for the project with the proposed changes would be required.

Wildfire

The project EIR determined that architecture and site review and review and approval by the Santa Clara County Fire Department would ensure that development of the project site would result in less-than-significant impacts related to exposure of future residents or structures to wildland fire hazards. The proposed secondary emergency access road would ensure adequate emergency access to the project site and would help implement County and Town emergency access requirements identified in the project EIR. Therefore, the modified project would result in a beneficial impact and no further analysis for the project with the proposed changes would be required.

4.4 Evaluation of Alternatives

CEQA requires a comparative evaluation of a proposed project and alternatives to the project, including the "No Project" alternative. The EIR addressed a reasonable range of alternatives for the project. There is no new information indicating that an alternative that was previously rejected as infeasible is in fact feasible, or that a considerably different alternative than those previously studied would substantially reduce one or more significant effects on the environment.

4.5 Conclusion

Based on our review of the proposed project changes, the conclusions, impact determinations, and mitigation measures identified in the original EIR are still applicable and adequate, and would also apply to the secondary emergency access road. No changes to the EIR are required and no additional environmental analysis associated with the proposed project will be required.

As previously noted in Section 3.2, Required Findings, Section 15162 of the CEQA Guidelines identifies the conditions that require preparation of a subsequent EIR. Based on the evaluation provided in this EIR addendum, no new significant impacts would occur as a result of the proposed

project, nor would there be any substantial increases in the severity of any previously-identified adverse environmental impacts. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment alternative. Therefore, none of the conditions described in Section 15162 of the CEQA Guidelines has occurred. For this reason, all of the findings listed above for utilizing an addendum as the appropriate CEQA documentation for the proposed project can be made by the Town of Los Gatos.

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5.0 Sources

EMC Planning Group. June 15, 2023. Biological survey of project site.

Hanna-Brunetti. August 9, 2023. *Grading and Drainage Plans, Tract No. 10537 – La Terra Court, Los Gatos, CA 95032, Grading Permit Application No._____, Assessor's Parcel No. 527-12-005*. Gilroy, CA.

Monarch Consulting Arborists. May 12, 2023. *Tree Inventory, Assessment, and Protection Report – 16100 Greenridge Terrace/121 Rock Ridge Road, Los Gatos, CA 95032*. Felton, CA.

Town of Los Gatos. August 2016. *Initial Study and Mitigated Negative Declaration – 15215 Shannon Road Planned Development PD-15-001/Mitigated Negative Declaration ND-15-001*. Los Gatos, CA.

———. August 17, 2018. *Draft EIR – 16100 Greenridge Terrace Planned Development State Clearinghouse # 2017042035*. Los Gatos, CA.

———. February 4, 2019. *Final EIR – 16100 Greenridge Terrace Planned Development State Clearinghouse # 2017042035*. Los Gatos, CA.

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Secondary Emergency Access Road & Off-Site Road Extension Project Plans

A

APPENDIX

GRADING AND DRAINAGE PLANS

TRACT NO. 10537 - LA TERRA COURT, LOS GATOS, CA 95032
GRADING PERMIT APPLICATION NO. _____
ASSESSORS PARCEL NO. 527-12-005

TOWN OF LOS GATOS STANDARD GRADING NOTES

1. ALL WORK SHALL CONFORM TO CHAPTER 12 OF THE CODE OF THE TOWN OF LOS GATOS, THE ADOPTED CALIFORNIA BUILDING CODE AND THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION EXCEPT AS SPECIFIED OTHERWISE ON THESE PLANS AND DETAILS.
2. NO WORK MAY BE STARTED ON-SITE WITHOUT AN APPROVED GRADING PLAN AND A GRADING PERMIT ISSUED BY THE TOWN OF LOS GATOS, PARKS AND PUBLIC WORKS DEPARTMENT LOCATED AT 41 MILES AVENUE, LOS GATOS, CA 95030.
3. **A PRE-JOB MEETING SHALL BE HELD WITH THE TOWN ENGINEERING INSPECTOR FROM THE PARKS AND PUBLIC WORKS DEPARTMENT PRIOR TO ANY WORK BEING DONE. THE CONTRACTOR SHALL CALL THE INSPECTIONS LINE AT (4080 399-5771 AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO ANY GRADING OR ONSITE WORK. THIS MEETING SHOULD INCLUDE:**
   a. **A DISCUSSION OF THE PROJECT CONDITIONS OF APPROVAL, WORKING HOURS, SITE MAINTENANCE AND OTHER CONSTRUCTION MATTERS;**
   b. **ACKNOWLEDGEMENT IN WRITING THAT CONTRACTOR AND APPLICANT HAVE READ AND UNDERSTAND THE PROJECT CONDITIONS OF APPROVAL, AND WILL MAKE CERTAIN THAT ALL PROJECT SUB-CONTRACTORS HAVE READ AND UNDERSTAND THEM PRIOR TO COMMENCING WORK AND THAT A COPY OF THE PROJECT CONDITIONS OF APPROVAL WILL BE POSTED ON SITE AT ALL TIMES DURING CONSTRUCTION.**
4. APPROVAL OF PLANS DOES NOT RELEASE THE DEVELOPER OF THE RESPONSIBILITY FOR THE CORRECTION OF MISTAKES, ERRORS, OR OMISSIONS CONTAINED THEREIN. IF, DURING THE COURSE OF CONSTRUCTION OF THE IMPROVEMENTS, PUBLIC INTEREST AND SAFETY REQUIRES A MODIFICATION OR DEPARTURE FROM THE TOWN SPECIFICATIONS OR THESE IMPROVEMENT PLANS, THE TOWN ENGINEER SHALL HAVE FULL AUTHORITY TO REQUIRE SUCH MODIFICATION OR DEPARTURE AND TO SPECIFY THE MANNER IN WHICH THE SAME IS TO BE MADE.
5. APPROVAL OF THIS PLAN APPLIES ONLY TO THE GRADING, EXCAVATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS AND DOES NOT CONSTITUTE APPROVAL OF ANY OTHER IMPROVEMENTS.
6. EXCAVATED MATERIAL SHALL BE PLACED IN THE FILL AREAS DESIGNATED OR SHALL BE HAULED AWAY FROM THE SITE TO BE DISPOSED OF AT APPROVED LOCATION(S).
7. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR CONTRACTOR TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES. PERMITTEE OR CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 1-800-227-2600 A MINIMUM OF FORTY-EIGHT (48) HOURS BUT NOT MORE THAN FOURTEEN (14) DAYS PRIOR TO COMMENCING ALL WORK.
8. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
9. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL LAWS, CODES, RULES AND REGULATIONS GOVERNING THE WORK IDENTIFIED ON THESE PLANS. THESE SHALL INCLUDE, WITHOUT LIMITATION, SAFETY AND HEALTH RULES AND REGULATIONS ESTABLISHED BY OR PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OR ANY OTHER APPLICABLE PUBLIC AUTHORITY.
10. THE GENERAL CONTRACTOR SHALL PROVIDE QUALIFIED SUPERVISION ON THE JOB SITE AT ALL TIMES DURING CONSTRUCTION.
11. HORIZONTAL AND VERTICAL CONTROLS SHALL BE SET AND CERTIFIED BY A LICENSED SURVEYOR OR REGISTERED CIVIL ENGINEER QUALIFIED TO PRACTICE LAND SURVEYING, FOR THE FOLLOWING ITEMS:
    a. RETAINING WALL: TOP OF WALL ELEVATIONS AND LOCATIONS (ALL WALLS TO BE PERMITTED SEPARATELY AND APPLIED FOR AT THE TOWN OF LOS GATOS BUILDING DIVISION).
    b. TOE AND TOP OF CUT AND FILL SLOPES.
12. PRIOR TO ISSUANCE OF ANY PERMIT, THE APPLICANT'S SOILS ENGINEER SHALL REVIEW THE FINAL GRADING AND DRAINAGE PLANS TO ENSURE THAT DESIGNS FOR FOUNDATIONS, RETAINING WALLS, SITE GRADING, AND SITE DRAINAGE ARE IN ACCORDANCE WITH THEIR RECOMMENDATIONS AND THE PEER REVIEW COMMENTS. THE APPLICANT'S SOILS ENGINEER'S APPROVAL SHALL THEN BE CONVEYED TO THE TOWN EITHER BY LETTER OR BY SIGNING THE PLANS.
    SOILS ENGINEER QUANTUM GEOTECHNICAL INC
    REFERENCE REPORT NO. F054.G, DATED DECEMBER 11, 2019
    LETTER NO. _____, DATED _____, 20 ___, SHALL BE THOROUGHLY COMPLIED WITH. BOTH THE MENTIONED REPORT AND ALL UPDATES/ADDENDUMS/ LETTERS ARE HEREBY APPENDED AND MADE A PART OF THIS GRADING PLAN.
13. DURING CONSTRUCTION, ALL EXCAVATIONS AND GRADING SHALL BE INSPECTED BY THE APPLICANT'S SOILS ENGINEER. THE ENGINEER SHALL BE NOTIFIED AT LEAST FORTY-EIGHT (48) HOURS BEFORE BEGINNING ANY GRADING. THE ENGINEER SHALL BE ON-SITE TO VERIFY THAT THE ACTUAL CONDITIONS ARE AS ANTICIPATED IN THE DESIGN-LEVEL GEOTECHNICAL REPORT AND/OR PROVIDE APPROPRIATE CHANGES TO THE REPORT RECOMMENDATIONS, AS NECESSARY. ALL UNOBSERVED AND/OR UNAPPROVED GRADING SHALL BE REMOVED AND REPLACED UNDER SOILS ENGINEER OBSERVANCE (THE TOWN INSPECTOR SHALL BE MADE AWARE OF ANY REQUIRED CHANGES PRIOR TO WORK BEING PERFORMED).
14. THE RESULTS OF THE CONSTRUCTION OBSERVATION AND TESTING SHOULD BE DOCUMENTED IN AN "AS-BUILT" LETTER/REPORT PREPARED BY THE APPLICANTS' SOILS ENGINEER AND SUBMITTED FOR THE TOWN'S REVIEW AND ACCEPTANCE BEFORE FINAL RELEASE OF ANY OCCUPANCY PERMIT IS GRANTED.
15. ALL PRIVATE AND PUBLIC STREETS ACCESSING PROJECT SITE SHALL BE KEPT OPEN AND IN A SAFE, DRIVABLE CONDITION THROUGHOUT CONSTRUCTION. IF TEMPORARY CLOSURE IS NEEDED, THEN FORMAL WRITTEN NOTICE TO THE ADJACENT NEIGHBORS AND THE TOWN OF LOS GATOS PARKS AND PUBLIC WORKS DEPARTMENT SHALL BE PROVIDED AT LEAST ONE (1) WEEK IN ADVANCE OF CLOSURE AND NO CLOSURE SHALL BE GRANTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE TOWN. NO MATERIAL OR EQUIPMENT SHALL BE STORED IN THE PUBLIC OR PRIVATE RIGHT-OF-WAY.
16. THE CONTRACTOR SHALL INSTALL AND MAINTAIN FENCES, BARRIERS, LIGHTS AND SIGNS THAT ARE NECESSARY TO GIVE ADEQUATE WARNING AND/PROTECTION TO THE PUBLIC AT ALL TIMES.
17. OWNER/APPLICANT: JIM STEPANIAN PHONE: 714 272-5466
18. GENERAL CONTRACTOR: _____ PHONE: _____
19. GRADING CONTRACTOR: _____ PHONE: _____
20. CUT: _____ CY EXPORT: _____ CY
    FILL: _____ CY IMPORT: _____ CY
21. WATER SHALL BE AVAILABLE ON THE SITE AT ALL TIMES DURING GRADING OPERATIONS TO PROPERLY MAINTAIN DUST CONTROL.
22. THIS PLAN DOES NOT APPROVE THE REMOVAL OF TREES. APPROPRIATE TREE REMOVAL PERMITS AND METHODS OF TREE PRESERVATION SHALL BE REQUIRED. TREE REMOVAL PERMITS ARE REQUIRED PRIOR TO THE APPROVAL OF ALL PLANS.
23. A TOWN ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY. A STATE ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN STATE RIGHT-OF-WAY (IF APPLICABLE). THE PERMITTEE AND/OR CONTRACTOR SHALL BE RESPONSIBLE COORDINATING INSPECTION PERFORMED BY OTHER GOVERNMENTAL AGENCIES.
24. NO CROSS-LOT DRAINAGE WILL BE PERMITTED WITHOUT SATISFACTORY STORMWATER ACCEPTANCE DEED/FACILITIES. ALL DRAINAGE SHALL BE DIRECTED TO THE STREET OR OTHER ACCEPTABLE DRAINAGE FACILITY VIA A NON-EROSIVE METHOD AS APPROVED BY THE TOWN ENGINEER.
25. IT IS THE RESPONSIBILITY OF CONTRACTOR AND/OR OWNER TO MAKE SURE THAT ALL DIRT TRACKED INTO THE PUBLIC RIGHT-OF-WAY IS CLEANED UP ON A DAILY BASIS. MUD, SILT, CONCRETE AND OTHER CONSTRUCTION DEBRIS SHALL NOT BE WASHED INTO THE TOWN'S STORM DRAINS.
26. GOOD HOUSEKEEPING PRACTICES SHALL BE OBSERVED AT ALL TIMES DURING THE COURSE OF CONSTRUCTION. SUPERINTENDENCE OF CONSTRUCTION SHALL BE DILIGENTLY PERFORMED BY A PERSON OR PERSONS AUTHORIZED TO DO SO AT ALL TIMES DURING WORKING HOURS. THE STORING OF GOODS AND/OR MATERIALS ON THE SIDEWALK AND/OR THE STREET WILL NOT BE ALLOWED UNLESS A SPECIAL PERMIT IS ISSUED BY THE ENGINEERING DIVISION. THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL BE KEPT CLEAR OF ALL JOB RELATED DIRT AND DEBRIS AT THE END OF THE DAY. FAILURE TO MAINTAIN THE PUBLIC RIGHT-OF-WAY ACCORDING TO THIS CONDITION MAY RESULT IN PENALTIES AND/OR THE TOWN PERFORMING THE REQUIRED MAINTENANCE AT THE DEVELOPER'S EXPENSE.
27. GRADING SHALL BE UNDERTAKEN IN ACCORDANCE WITH CONDITIONS AND REQUIREMENTS OF THE PROJECT STORM WATER POLLUTION CONTROL PLAN AND/OR STORM WATER POLLUTION PREVENTION PLAN (SWPPP), THE TOWN OF LOS GATOS STORM WATER QUALITY MANAGEMENT PROGRAM, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND ANY OTHER PERMITS/REQUIREMENTS ISSUED BY THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD. PLANS (INCLUDING ALL UPDATES) SHALL BE ON-SITE AT ALL TIMES. NO DIRECT STORMWATER DISCHARGES FROM THE DEVELOPMENT WILL BE ALLOWED ONTO TOWN STREETS OR INTO THE PUBLIC STORM DRAIN SYSTEM WITHOUT TREATMENT BY AN APPROVED STORM WATER POLLUTION PREVENTION DEVICE OR OTHER APPROVED METHODS. MAINTENANCE OF PRIVATE STORMWATER POLLUTION PREVENTION DEVICES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER. DISCHARGES OR CONNECTION WITHOUT TREATMENT BY AN APPROVED AND ADEQUATELY OPERATING STORMWATER POLLUTION PREVENTION DEVICE OR OTHER APPROVED METHOD SHALL BE CONSIDERED A VIOLATION OF THE ABOVE REFERENCED PERMIT AND THE TOWN OF LOS GATOS STORMWATER ORDINANCE.

TOWN OF LOS GATOS NPDES NOTES

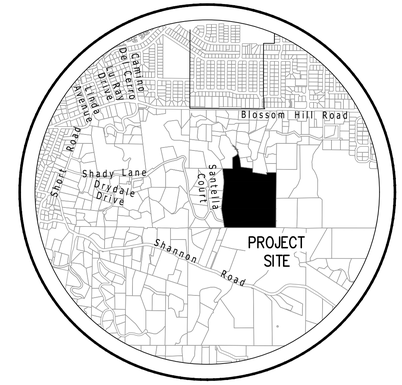
1. SEDIMENT FROM AREAS DISTURBED BY CONSTRUCTION SHALL BE RETAINED ON SITE USING STRUCTURAL CONTROLS AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
2. STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO MINIMIZE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
3. APPROPRIATE BEST MANAGEMENT PRACTICES (BMPS) FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILL OR RESIDES SHALL BE IMPLEMENTED TO MINIMIZE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJOINING PROPERTY BY WIND OR RUNOFF AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
4. RUNOFF FROM EQUIPMENT AND VEHICLE WASHING SHALL BE CONTAINED AT CONSTRUCTION SITES AND MUST NOT BE DISCHARGED TO RECEIVING WATERS OR TO THE LOCAL STORM DRAIN SYSTEM.
5. ALL CONSTRUCTION CONTRACTOR AND SUBCONTRACTOR PERSONNEL ARE TO BE MADE AWARE OF THE REQUIRED BEST MANAGEMENT PRACTICES (BMPS) AND GOOD HOUSEKEEPING MEASURES FOR THE PROJECT SITE AND ANY ASSOCIATED CONSTRUCTION STAGING AREAS.
6. AT THE END OF EACH DAY OF CONSTRUCTION ACTIVITY, ALL CONSTRUCTION DEBRIS AND WASTE MATERIALS SHALL BE COLLECTED AND PROPERLY DISPOSED IN TRASH OR RECYCLE BINS.
7. CONSTRUCTION SITES SHALL BE MAINTAINED IN SUCH A CONDITION THAT A STORM DOES NOT CARRY WASTE OR POLLUTANTS OFF OF THE SITE. DISCHARGES OF MATERIAL OTHER THAN STORMWATER (NON-STORMWATER DISCHARGES) ARE PROHIBITED EXCEPT AS AUTHORIZED BY AN INDIVIDUAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT OR THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT. POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, SOLVENTS, DETERGENTS, GLUES, LIME, PESTICIDES, HERBICIDES, FERTILIZERS, WOOD PRESERVATIVES AND ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS; FUELS, OILS, LUBRICANTS, AND HYDRAULIC, RADIATOR OR BATTERY FLUIDS; CONCRETE AND RELATED CUTTING OR CURING RESIDUES; FLOATABLE WASTES; WASTES FROM ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING; WASTES FROM STREET CLEANING; AND SUPERCHLORINATED POTABLE WATER FROM LINE FLUSHING AND TESTING. DURING CONSTRUCTION, DISPOSAL OF SUCH MATERIALS SHOULD OCCUR IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE PHYSICALLY SEPARATED FROM POTENTIAL STORMWATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.
8. DISCHARGING CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING GROUNDWATER THAT HAS INFILTRATED INTO THE CONSTRUCTION SITE IS PROHIBITED. DISCHARGING OF CONTAMINATED SOILS VIA SURFACE EROSION IS ALSO PROHIBITED. DISCHARGING NON-CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING ACTIVITIES REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.

GENERAL NOTES

1. PROPERTY ADDRESS: TERRACE COURT
2. PROPERTY OWNER: JIM STEPANIAN; EMERALD LAKE INVESTMENTS
3. ASSESSORS PARCEL NUMBER: 527-12-005
4. SITE AREA: 153,898 sq. ft. / 3.53 acres
5. APPLICANT/DEVELOPER:
6. CONSULTANTS:
7. WATER SUPPLY: SAN JOSE WATER COMPANY
8. SANITARY SEWER DISPOSAL: WEST VALLEY SANITATION DISTRICT
9. GAS AND ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY
10. TELEPHONE: FRONTIER
11. CABLE: COMCAST
12. STORM DRAIN: TOWN OF LOS GATOS
13. FIRE PROTECTION: SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT
14. DATUM:
15. BASIS OF BEARINGS:
    THE BEARINGS AND DISTANCES ARE BASED ON THE MAP RECORDED AS "REVISION TO ACREAGE" TRACT NO. 4432-A; PUERTA DEL MONTE - UNIT NO. ONE"; IN BOOK 311 OF MAPS, PAGES 45 AND 46 ON NOVEMBER 9TH, 1972. RECORDS OF SANTA CLARA COUNTY.
16. BENCHMARK INFORMATION:
    BENCHMARK ID: LG28
    BENCHMARK ELEVATION: 617.51 FEET
    ORGANIZATION: TOWN OF LOS GATOS

    DESCRIPTION: SET BRASS DISK IN MONUMENT WELL STAMPED "LG28"; AT 0.4 MILES SOUTH OF BLOSSOM HILL ROAD ON FRANCIS OAKS WAY. NOTE: THIS MAP WAS PREPARED USING COMPUTER ASSISTED, PHOTOGRAMMETRIC METHODS BY HJW GEOSPATIAL, INC., IN OAKLAND, CALIFORNIA. IN AREAS OF DENSE VEGETATION, ACCURACY OF CONTOURS MAY DEVIATE FROM ACCEPTED ACCURACY STANDARDS. THE GRID IS BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE III, NAD 1983. ELEVATIONS ARE BASED ON NGVD 1929. CONTROL SURVEY PERFORMED BY SILICON VALLEY LAND SURVEYING, INC., SAN JOSE, CA.
17. FLOODZONE STATEMENT:
    COMMUNITY PANEL NUMBER: 06085C0381H
    MAP REVISED: MAY 18, 2009
    PROJECT IS LOCATED IN ZONE X

    ZONE X
    AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.



VICINITY MAP

SHEET INDEX

TABLE OF PROPOSED PERVIOUS AND IMPERVIOUS AREAS

TOTAL SITE AREA: 1,568,378 SF	TOTAL SITE AREA DISTURBED: 3,200 SF *(INCLUDING CLEARING, GRADING OR EXCAVATING)*			
	EXISTING AREA (SF)	PROPOSED AREA (SF)		TOTAL AREA POST-PROJECT (SF)
		REPLACED	NEW	
IMPERVIOUS AREA	0		3,000	3,000
TOTAL NEW & REPLACED IMPERVIOUS AREA			3,000	
PERVIOUS AREA	153,898			150,898

TABLE OF PROPOSED EARTHWORK QUANTITIES

AREA DESCRIPTION	CUT (CY)	MAX CUT HEIGHT (SF)	FILL (CY)	MAX FILL DEPTH (SF)	IMPORT/ EXPORT (CY)
SECONDARY ROAD	±376	±2.6	±8	±1.7	±368
TOTAL	±376		±8		±368

LEGEND

EXISTING	PROPOSED	
		CONTOUR ELEVATION
(W)	(W)	WATER MAIN
(SD)	(SD)	STORM DRAIN
(SS)	(SS)	SANITARY SEWER
		ELECTROLIER
		FLOW DIRECTION
		DROP INLET
		MANHOLE
		CURB INLET
		WATER METER
		FIRE HYDRANT
		WATER VALVE
		SIDEWALK
		VERTICAL CURB
		CURB & GUTTER
		JOINT TRENCH
		RETAINING WALL
	SS	SEWER LATERAL
		TREE TO BE REMOVED
	MON	MONUMENT
		ROCK RIP-RAP
		TRAIL PATH
		EASEMENT LINE

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

ABBREVIATIONS

AB	AGGREGATE BASE	G	GAS	RCP	REINFORCED CONCRETE PIPE
AC	ASPHALT CONCRETE	GA	GAUGE	RIM	RIM ELEVATION
AD	AREA DRAIN	GB	GRADE BREAK	R/W	RIGHT-OF-WAY
ARV	AIR RELEASE VALVE	GM	GAS METER	(S)	SOUTH
BC	BACK OF CURB	GS	GAS SERVICE	S	SLOPE
BFP	BACKFLOW PREVENTER	HDPE	HIGH-DENSITY POLYETHYLENE	SCC	SANTA CLARA COUNTY
BW	BOTTOM OF WALL	HP	HIGH POINT	SCCFD	SANTA CLARA COUNTY FIRE DEPARTMENT
CATV	CABLE TELEVISION	IEE	INGRESS/EGRESS EASEMENT	SD	STORM DRAIN
CB	CATCH BASIN	IN	INCH	SDCO	STORM DRAIN CLEANOUT
CFS	CUBIC FEET PER SECOND	INV	INVERT ELEVATION	SDE	STORM DRAIN EASEMENT
C/L	CENTERLINE	LAT	LATERAL	SDMH	STORM DRAIN MANHOLE
CMP	CORRUGATED METAL PIPE	LG	LIP OF GUTTER	SDR	STANDARD DIMENSION RATIO
CO	CLEANOUT	LP	LOW POINT	SF	SQUARE FEET
CY	CUBIC YARD	MAX	MAXIMUM	SJWC	SAN JOSE WATER COMPANY
DCVA	DOUBLE CHECK VALVE ASSEMBLY	MH	MANHOLE	SS	SANITARY SEWER
DI	DROP INLET	MIN	MINIMUM	SSCO	SANITARY SEWER CLEANOUT
DIA	DIAMETER	MPH	MILES PER HOUR	SSE	SANITARY SEWER EASEMENT
DIP	DUCTILE IRON PIPE	(N)	NORTH	SSMH	SANITARY SEWER MANHOLE
DWY	DRIVEWAY	N.T.S.	NOT TO SCALE	STD	STANDARD
(E)	EAST	O.C.	ON CENTER	S/W	SIDEWALK
EG	EXISTING GRADE	O.D.	OUTSIDE DIAMETER	TC	TOP OF CURB
ELEC	ELECTRICAL	PAD	PAD ELEVATION	TELE	TELEPHONE
EP	EDGE OF PATH	PCC	PORTLAND CEMENT CONCRETE	TLG	TOWN OF LOS GATOS
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	PERF	PERFORATED	TW	TOP OF WALL
EX	EXISTING	PG&E	PACIFIC GAS & ELECTRIC COMPANY	TYP	TYPICAL
FC	FACE OF CURB	PIEE	PRIVATE INGRESS/EGRESS EASEMENT	VCP	VITRIFIED CLAY PIPE
FDC	FIRE DEPARTMENT CONNECTION	PL	PROPERTY LINE	(W)	WEST
FF	FINISHED FLOOR ELEVATION	PR	PROPOSED	W	WATER
FG	FINISHED GRADE	PSDE	PRIVATE STORM DRAIN EASEMENT	WM	WATER METER
FH	FIRE HYDRANT	PSE	PUBLIC SERVICE EASEMENT	WS	WATER SERVICE
FL	FLOW LINE	PSSE	PRIVATE SANITARY SEWER EASEMENT	WV	WATER VALVE
FM	FORCED MAIN	PUE	PUBLIC UTILITY EASEMENT	WVSD	WEST VALLEY SANITATION DISTRICT
FS	FIRE SERVICE	PVC	POLYVINYL CHLORIDE	XING	CROSSING
FT	FEET	R	RADIUS		

REGISTERED PROFESSIONAL ENGINEER
AMANDA JOY MUSTAFA PEREZ
NO. 69278
CIVIL
STATE OF CALIFORNIA

DATE:	AUGUST 9, 2023
SCALE:	NONE
DESIGN:	AM
DRAWN:	TM
CHECK:	XX
ENGR:	XX
PROJECT NO.:	16049

GRADING AND DRAINAGE PLANS
TRACT NO. 10537 - LA TERR CT - LOT 3 - APN 527-12-005
TOWN NOTES, PROJECT DATA, LEGEND & ABBREVIATIONS
GRADING PERMIT APPLICATION NO. GR19-375
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI EST 1970
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
765 I EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

DATE	BY	REVISIONS

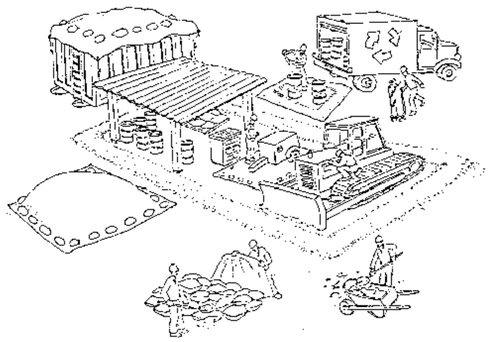
SHEET 1 OF 5

REV.: SEPT. 2016

HB DWG 16049impV2 secondary access

HB JOB NO. 16049

Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.
- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✓ Manage disposal of contaminated soil according to Fire Department instructions.

Dewatering operations

- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, hay bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.
- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

Storm drain polluters may be liable for fines of up to $10,000 per day!

APN 527-12-003
LOT 1

APN 527-12-004
LOT 2

APN 527-12-007
LOT 5

PROPOSED SECONDARY
ACCESS ROAD

PRIVATE INGRESS & EGRESS EASEMENT
PUBLIC SERVICE EASEMENT
EMERGENCY VEHICLE ACCESS EASEMENT
PER BOOK 938 OF MAPS AT PAGES 29-39

APN 824-12-011
PARCEL A

S89° 59' 15"E 1128.12

EXISTING 20' ACCESS ROAD
LA TERRA COURT
PRIVATE STREET

APN 527-12-005
LOT 3

PRIVATE INGRESS & EGRESS EASEMENT
PUBLIC SERVICE EASEMENT
EMERGENCY VEHICLE ACCESS EASEMENT
PER BOOK 938 OF MAPS AT PAGES 29-39

APN 527-12-006
LOT 4

EXISTING 20' ACCESS ROAD

APN 527-12-008
LOT 6

EXISTING 20' DRIVEWAY TO LOTS 7 & 8

S05° 09' 49"W 607.50

S09° 32' 40"E 429.80

SANTELLA DR
PUBLIC STREET

Dense Trees

DENSE TREES

Pool

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REV.: SEPT. 2016

HB JOB NO. 16049

REGISTERED PROFESSIONAL ENGINEER
AMANDA JOY MUSTAFA
NO. 69278
CIVIL
STATE OF CALIFORNIA

DATE:	AUGUST 9, 2023
SCALE:	1"=40'
DESIGN:	AM
DRAWN:	TM
CHECK:	XX
ENGR:	XX
PROJECT NO.:	16049

GRADING AND DRAINAGE PLANS

TRACT NO. 10537 - LA TERRA CT - LOT 3 - APN 527-12-005
SECONDARY ACCESS ROAD

GRADING PERMIT APPLICATION NO. GR19-375

PARKS AND PUBLIC WORKS DEPARTMENT

TOWN OF LOS GATOS

HANNA-BRUNETTI EST. 1978
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE	BY	REVISIONS

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

APN 527-12-005
TRACT NO. 10537
938 M 29-39
LOT 3

102.4' SCENIC EASEMENT

DENSE TREES

EX FENCE LINE

EX GATE & FENCE TO BE REMOVED

NEW GATE & FENCE

EX TREE TO BE REMOVED

EX FENCING

EXISTING WATER TANK
PARCEL A
APN 527-12-011

EXISTING AC BERM

EXISTING CURB & GUTTER

EXISTING VERTICAL CURB

CONFORM TO EX PAVEMENT

CONFORM TO EX AC BERM

CONFORM TO EXISTING CURB CUT

2:1 SLOPE OR FLATTER TYPICAL

AC BERM

S26° 57' 26"E 163.70
PRIVATE INGRESS/EGRESS EASEMENT
PUBLIC SERVICE EASEMENT
EMERGENCY VEHICLE ACCESS EASEMENT
PER 938 M 29-39

S17° 12' 04"E 76.63

N00° 21' 26"W 199.63

S00° 08' 48"W 24.00

S89° 59' 15"E 1129.12

N46° 10' 10"W 31.55

S34° 14' 24"E 53.10

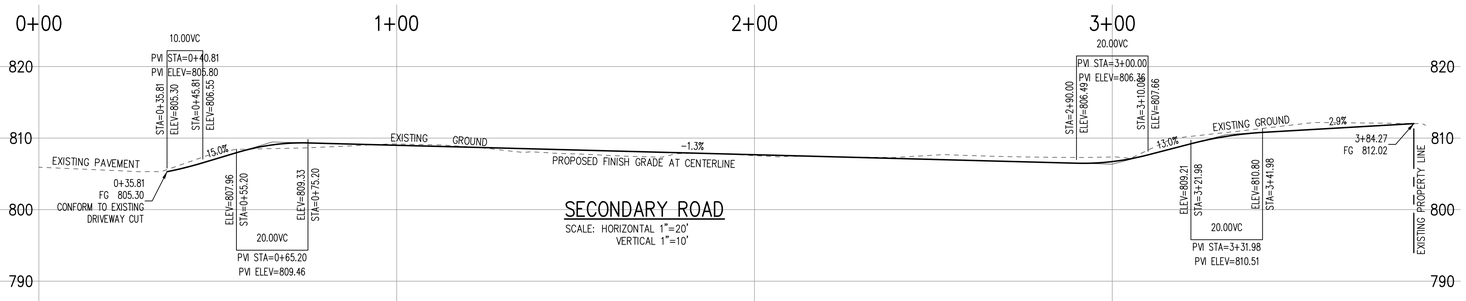
N38° 43' 28"W 64.52

N38° 43' 28"W 76.85

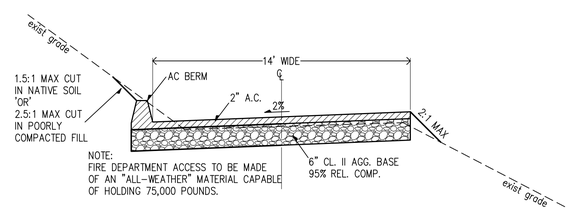
LA TERRA COURT
PRIVATE STREET

APN 527-12-005
TRACT NO. 10537
938 M 29-39
LOT 3

PRELIMINARY PLANS
NOT FOR CONSTRUCTION



SECONDARY ROAD
SCALE: HORIZONTAL 1"=20'
VERTICAL 1"=10'



TYPICAL 16' SECONDARY ROAD
NO SCALE

REGISTERED PROFESSIONAL ENGINEER
AMANDA JOY MUST-FREITAS
NO. 69278
CIVIL
STATE OF CALIFORNIA

DATE:	AUGUST 9, 2023
SCALE:	H:1"=20'; V:1"=10'
DESIGN:	AM
DRAWN:	TM
CHECK:	XX
ENGR:	XX
PROJECT NO.:	16049

GRADING AND DRAINAGE PLANS

TRACT NO. 10537 - LA TERRA CT - LOT 3 - APN 527-12-005
SECONDARY ROAD - PLAN & PROFILE

GRADING PERMIT APPLICATION NO. GR19-375

PARKS AND PUBLIC WORKS DEPARTMENT

TOWN OF LOS GATOS

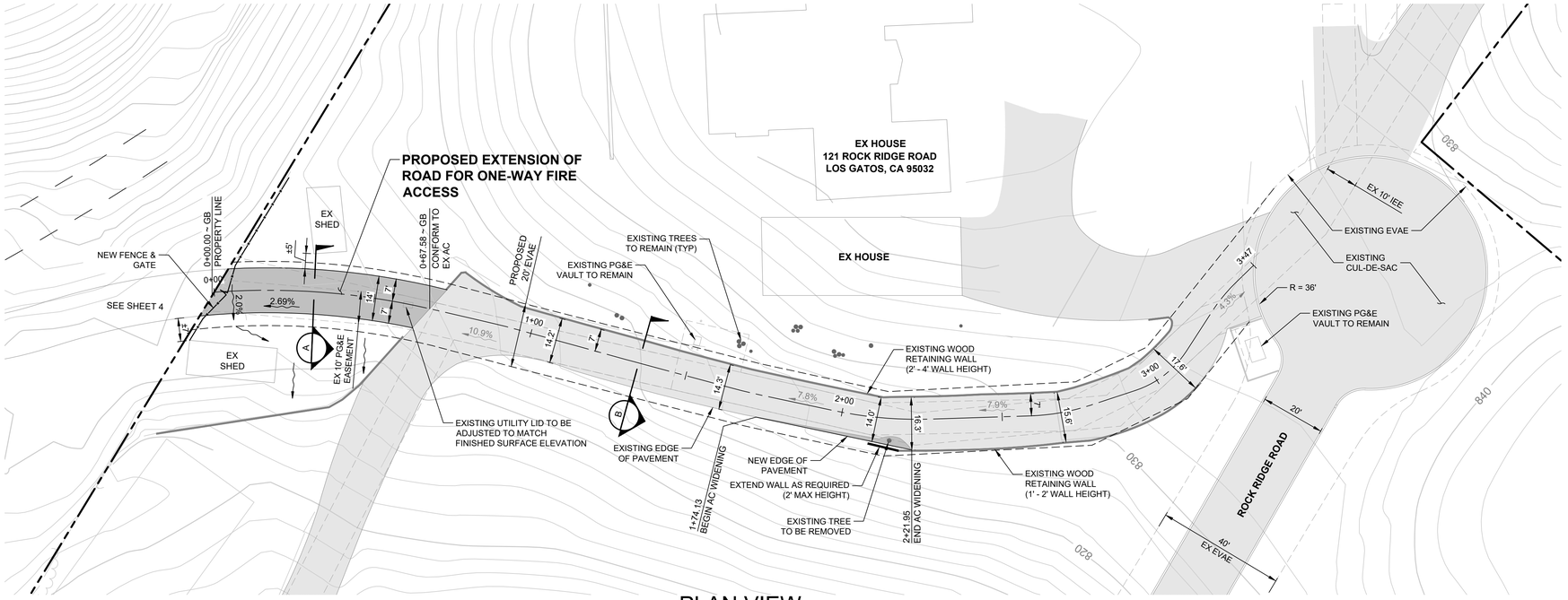
HANNA-BRUNETTI
CIVIL ENGINEERS - LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3862
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

BY	DATE	REVISIONS

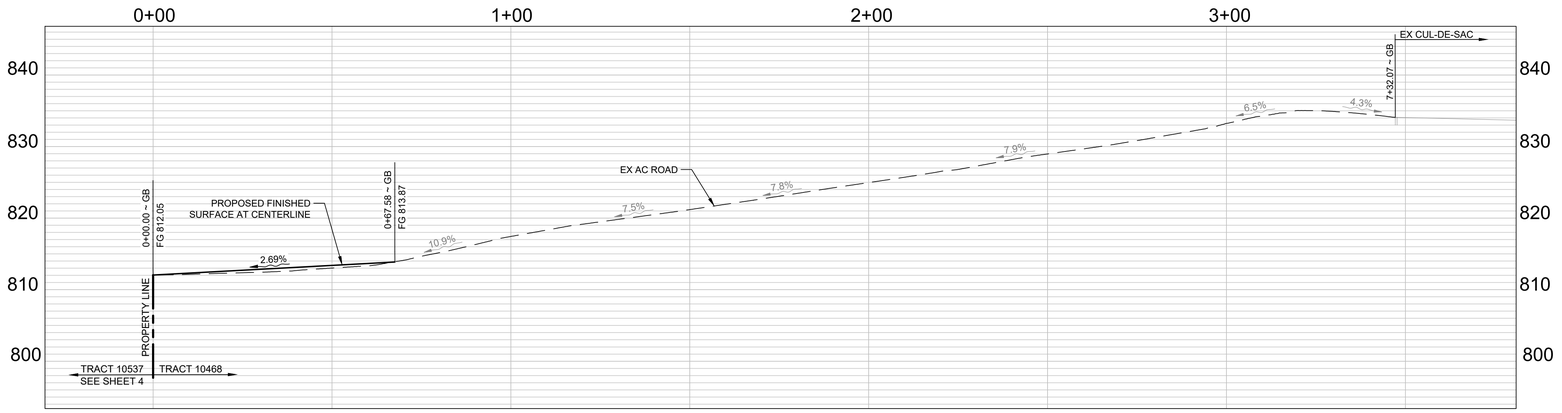
SHEET 4 OF 5

REV.: SEPT. 2016

HB JOB NO. 16049

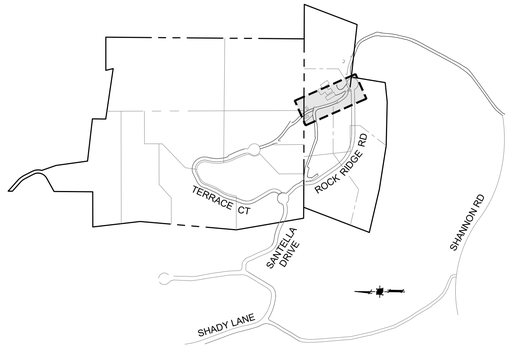


PLAN VIEW
1" = 20'



PROFILE VIEW
H: 1" = 20' ; V: 1" = 10'

0 10 20 40
1 INCH = 20 FEET

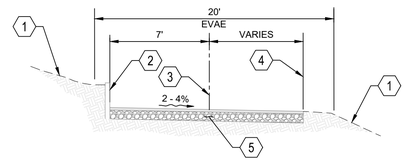


KEY MAP

LEGEND

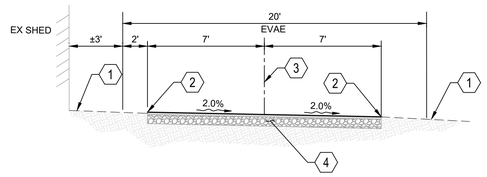
	PROPOSED	EXISTING
DIRECTION OF SURFACE DRAINAGE		
SLOPE	2:1 MAX	
PROPERTY LINE		
EASEMENT		
WOOD RETAINING WALL		
AC PAVEMENT		

NOTES:
1. EXISTING GROUND
2. EXISTING WOOD RETAINING WALL (±2.5' HEIGHT)
3. STATION LINE
4. EDGE OF EXISTING PAVEMENT
5. EXISTING PAVEMENT



B SECTION — EXISTING ROAD
N.T.S.

NOTES:
1. EXISTING GROUND
2. EDGE OF PAVEMENT
3. STATION LINE/CENTERLINE
4. FINAL STRUCTURAL SECTION TO BE DETERMINED AFTER FINAL R-VALUE TESTING IN FIELD



A SECTION — ROAD EXTENSION
N.T.S.

REGISTERED PROFESSIONAL ENGINEER
JOEY L. COVEY
No. 85020
CIVIL
STATE OF CALIFORNIA

DATE:	MARCH 2023
SCALE:	AS SHOWN
DESIGN:	JLC
DRAWN:	JLC
CHECK:	DW
ENGR:	DW
PROJECT NO.:	4130.50

GRADING AND DRAINAGE PLANS - TRACTS 10468 & 10537
SECONDARY ACCESS ROAD - PLAN & PROFILE (TRACT 10468)

GRADING PERMIT APPLICATION NO. GR

PARKS AND PUBLIC WORKS DEPARTMENT

TOWN OF LOS GATOS

Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

HMH

1570 Oakland Road
San Jose, CA 95131

(408) 487-2200
HMHca.com

DATE

REVISIONS

SHEET 5 OF 5

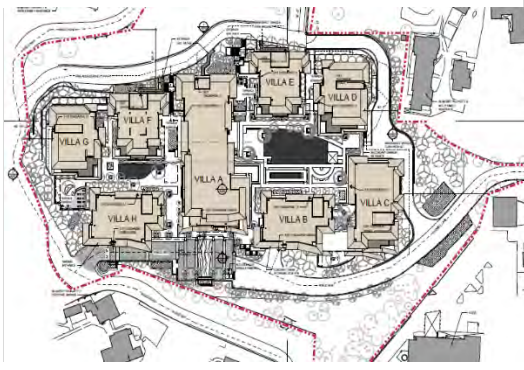
Final EIR

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

SCH# 2021020007

August 26, 2021



Prepared by

EMC Planning Group

FINAL EIR

110 WOOD ROAD – LOS GATOS MEADOWS SENIOR LIVING COMMUNITY

Planned Development Application PD-20-001

SCH #2021020007

PREPARED FOR

Town of Los Gatos

Sean Mullin, AICP, Associate Planner

110 E. Main Street

Los Gatos, CA 95030

Tel 408.354.6823

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Teri Wissler Adam, Senior Principal

wissler@emcplanning.com

www.emcplanning.com

August 26, 2021

TABLE OF CONTENTS

Figures

Tables

1.0
Introduction

The Town of Los Gatos (hereinafter "the Town"), acting as the lead agency, determined that the 110 Wood Road – Los Gatos Meadows Senior Living Community (hereinafter "proposed project") might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the Town had a draft environmental impact report (EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project. The draft EIR was circulated for public review from May 28, 2021 to July 12, 2021 and public comment was received. A Town Planning Commission hearing was held on June 23, 2021 to accept public comment. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This final EIR has been prepared to address comments received during the public review period and, together with the draft EIR, constitutes the complete 110 Wood Road – Los Gatos Meadows Senior Living Community EIR. This final EIR is organized into the following sections:

- Section 1 contains an introduction to this final EIR.
- Section 2 contains written comments on the draft EIR and the responses to those comments.
- Section 3 contains changes to the draft EIR.
- Section 4 contains a revised summary section.
- Section 5 contains the mitigation monitoring and reporting program.

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2.0
Comments on the Draft EIR

2.1 CEQA Requirements

CEQA Guidelines section 15132(c) requires that the final EIR contain a list of persons, organizations, and public agencies that have commented on the draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments be provided. A copy of each comment letter or other form of correspondence received during the public review period is provided. The number of each letter is included at the top of the first page of each letter. Numbers inserted along the margin of each comment letter identify individual comments for which a response is provided. Responses corresponding to the numbered comments are presented immediately following each letter.

Where required, revisions have been made to the text or graphics of the draft EIR. Comments that trigger changes to the draft EIR are so noted as part of the response. Revisions to the draft EIR are included in Section 3.0, Revisions to the Draft EIR.

2.2 Written Comments on the Draft EIR and Responses to Comments

The following written correspondence that included comments on the draft EIR was received during the 45-day public review period:

1. Santa Clara County Department of Environmental Health, e-mail dated July 9, 2021;
2. Francesco J. Rockwood, Rockwood Pacific (applicant), letter (via e-mail) dated July 9, 2021;
3. Julie Southern, e-mail dated July 11, 2021;
4. Andrew Ghofrani, e-mail dated July 11, 2021; and
5. Justin S. Draa, Esq., e-mail dated July 12, 2021.

Copies of these letters, and responses to environmental comments in these letters, are provided on the following pages.

Stuart Poulter

From: Estes, Peter <Peter.Estes@cep.sccgov.org>
Sent: Friday, July 9, 2021 4:42 PM
To: Sean Mullin
Cc: Haghighi, Darius
Subject: 110 Wood Road (APN 510-47-038)

Hi

I am responding to the proposed planned development at 110 Wood Road, Los Gatos. Planned Development Application PD-20-001

1. The project appears to be in the West Valley Sanitation District. No septic permits have been found for the site. If during construction a septic tank is found, a septic tank abandonment permit must be obtained.

Peter Estes, REHS
Registered Environmental Health Specialist
County of Santa Clara
Department of Environmental Health
1555 Berger Drive Suite #300
San Jose CA 95112
(408)918-3441 - Phone
(408) 258-5891 – Fax
www.ehinfo.org

For Onsite Wastewater Treatment Systems Manual and application,
Go to: www.ehinfo.org/wastewater Or click here

For Drinking Water and Wells Information and applications,
Go to: www.ehinfo.org/drinkingwater Or click here

For more information on FREE COVID-19 Testing visit: http://sccfreetest.org

To express a complaint or concern about an organization visit: http://sccCOVIDconcerns.org

For More Information on Environmental Health Guidance for Coronavirus visit us at: http://EHinfo.org/coronavirus

Response to Letter #1 from Santa Clara County Department of Environmental Health

1. This comment is acknowledged. No septic permits have been found for the site. However, if during construction a septic tank is found, a septic tank abandonment permit will be obtained by the applicant from Santa Clara County Department of Environmental Health.

Rockwood Pacific

VIA EMAIL

July 9, 2021

Mr. Sean Mullin, AICP, Associate Planner
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

RE: 110 Wood Road-Los Gatos Meadows
Senior Living Community Draft EIR Comments

Dear Sean:

Thank you for the opportunity to provide Covia's comments on the Town's Draft EIR for 110 Wood Road-Los Gatos Meadows Senior Living Community prepared by EMC Planning Group, Inc. May 2021. We have reviewed the Draft EIR and appreciate the level of effort and analysis that has contributed to its preparation. While we have found the analysis generally accurate, we do offer the following information for the Town's record regarding the infeasibility of Alternative 3 and a few additional comments and/or corrections for the Town's consideration in preparation of the Final EIR:

1. <u>Alternative 3 – Reduced Scale - Removal of Villas B and C from Proposed Site Plan</u>

The Town correctly included a reduced project alternative in the EIR to reveal the manner in which a smaller project could reduce the proposed project's significant environmental effects. CEQA requires the Town to have undertaken this evaluation even where a proposed project will have no significant impacts after mitigation, and the EIR's analysis is appropriate.

By contrast, at the project approval stage, the CEQA lead agency need not select the reduced project alternative and instead can choose to reduce the project's impacts through mitigation measures. In fact, where a project's significant impacts will be mitigated to a less-than-significant level, an agency may approve the project without the need for making findings on the feasibility of the EIR's alternatives. In Laurel Hills Homeowners Ass'n v. City Council (1978) 83 Cal. App. 3d 515, the court noted that mitigation measures and project alternatives are discussed by CEQA in the alternative; accordingly, the court concluded that CEQA does not mandate the choice of the environmentally superior alternative if, through mitigation measures alone, the agency has reduced the project's environmental effects to an acceptable level.

1. cont.'d

While the Town will not need to adopt CEQA findings demonstrating that Alternative 3 is infeasible, we nevertheless submit the following comments to explain why we believe the Alternative should not be approved in lieu of the proposed project.

- Page 2-2, Section 2.4 Summary of Alternatives and Page 16-5, Section 16.4, Page 16-10, Alternative 3 Reduced Scale-Removal of Villas B and C from Proposed Site Plan.

    - This alternative is described as removing approximately 98,374 square feet of floor space in Villas B and C, including approximately 26,000 square feet of floor space from the grade level which includes a substantial portion of the health center. A critical and central objective of the project is to rebuild and maintain its existing use category, namely, to remain as a Life Plan Community (formerly known as Continuing Retirement Communities or CCRCs). A critical element of a Life Plan Community is the health center function. We are proposing to decrease our health center from 38 skilled nursing beds to just 17 supporting care units, which is the number of supporting care units that are necessary to serve the needs of the community. It would not be possible to meet the on-going and end of life care needs of our residents with the remaining area left after removal of Villas B and C. Accordingly, it is our position that a Life Plan Community would not be feasible without the portion of the health center located in Villas B and C.
    - This alternative also is described as reducing the number of living units by 49 units. Under CEQA, the lead agency may not reduce the number of housing units to reduce project impacts if another specific mitigation measure is available that will provide a comparable level of mitigation. Here, the mitigation measures identified in the Draft EIR will reduce the project's impacts to a less-than-significant level; the Town should not reduce the number of living units to reduce project impacts.

2. <u>Additional Comments</u>

The following additional comments are provided to ensure that the EIR is consistent with the project plans. None of the requested changes would be expected to result in a new or more significant adverse impact on the environment compared to the impacts disclosed by the Draft EIR.

a. • Page 4-6, Project Description, Access and Circulation. This section should be updated to reflect the loop road (and full fire circulation access) identified on the (revised) site plan to provide for enhanced fire response and circulation. Refer to Sheet C102, dated 06-04-2021.

b. • Page 4-9, Stormwater Management. The impervious surface area should be revised to 9,300 square feet as the inclusion of the fire loop road has increased the amount of stormwater runoff, though impacts remain less than significant. The rest of the text remains the same, and the conclusions do not change.

c. • Figure 4-1, Site Plan. This section should be updated to reflect the current preliminary site plan on file, and inclusion of the fire loop road.

d. • Page 7-34, Mitigation Measure 7-5a. The measure requires a minimum 10-foot setback from a site drainage feature during tree removal, demolition and construction activities. If this setback cannot be achieved, Mitigation Measure 7-5b requires jurisdictional

2. cont.'d

determinations by USACE, RWQCB and CDFW, applicable permitting by these agencies and compensatory mitigation. We have asked our project design team to confirm that a 10-foot setback will be achievable, which would ensure mitigation without the need for the additional steps described in Mitigation Measure 7-5b. We will provide this supplementary information prior to the Town's consideration of project approval.

e. • Page 8-7, Impact 8-2. The conclusion on page 8-7 indicates "less than significant" (potential destruction of a unique Paleontological resource or site during construction). This statement is reiterated on page 8-8 under the "Conclusion". However, we believe the correct statement is "less than significant with mitigation" based on the analysis on pages 8-7 and 8-8 and as required by Mitigation Measure 8-2.

f. • Page 12-10, Installation or Maintenance of Associated Infrastructure…". First paragraph under Impact 12-3, please revise to reflect accurate accessibility as follows:

i. o "The project site would be accessible at the southeast and southwest boundaries of the development via two existing driveways from Wood Road, which are proposed to be widened to 26 feet, and a widened 20-foot access (Farwell Lane)…"

ii. o In this same paragraph, please correct project sheets to include C.108, C108.1 and C108.2. Delete reference to sheet C108.3.

iii. o Page 12-11, revise first full sentence to note that the existing fire hydrant is "west", not "east" of the project site.

iv. o Page 12-11, third full sentence. This is not a correct statement. No improvements to the fire flow system are needed. Based on review of the system by San Jose Water, fire flow is adequate to meet fire-fighting capabilities at and around the project site.

Respectively,

ROCKWOOD PACIFIC INC.

By:

Name: Francesco J. Rockwood
Title: President

Response to Letter #2 from Francesco J. Rockwood, Rockwood Pacific (applicant)

1. Alternative 3 – Reduced Scale – Removal of Villas B and C from Proposed Site Plan. This comment is acknowledged. The applicant provides information regarding CEQA requirements, but does not raise an environmental issue. Town Council will consider the applicant's comments on alternatives when certifying the EIR and considering project approval. No changes to the Draft EIR are required.

2. Additional Comments

Note: Corrections requested by applicant are based on revised site plan set (dated July 27, 2021) that was submitted to the Town after the release of the Draft EIR. The Draft EIR analysis is based on a plan set dated October 13, 2020.

a. Bullet one (Page 4-6, Project Description under "Access and Circulation"). For clarification, the word "loop" has been added to the Project Description to describe the emergency fire access road. See Section 3.0, Changes to the Draft EIR.

b. Bullet two (Page 4-9, Project Description under "Stormwater Management"). The total impervious surface area has been revised to reflect impervious surface calculations found on Sheet C105 from the July 27, 2021 plan set and independently calculated by Town staff. Development of the project as proposed would result in a net increase in impervious surface area of approximately 8,877 square feet. See Section 3.0, Changes to the Draft EIR.

c. Bullet three (Project Description, Figure 4-1, Site Plan). Figure 4-1, Site Plan, has been updated to reflect the most recent version of the site plan, dated July 27, 2021, Sheet A001, prepared by Perkins Eastman (see Section 3.0, Changes to the Draft EIR).

d. Bullet four (Page 7-34, Biological Resources, Mitigation Measure 7-5a). This comment is acknowledged. Town staff will review supplementary information regarding possible jurisdictional determination of site drainage feature if/when submitted by the applicant's biologist. No changes to the Draft EIR are required.

e. Bullet five (Page 8-7, Cultural Resources, Impact 8-2). "With Mitigation" was originally omitted from Impact Statement 8-2. This language has been added to Impact Statement 8-2 (see Section 3.0, Changes to the Draft EIR).

f. Bullet six (Page 12-10, Wildfire Hazards under "Installation or Maintenance of Associated Infrastructure").

i. Requested language added to first paragraph under Impact 12-3 to clarify access points and roadway widths (see Section 3.0, Changes to the Draft EIR).

ii. Reference to plan sheet page numbers C108, C108.1, and C108.2 have been updated to reflect the sheet sequence of most recent plan set submittal to the Town dated July 27, 2021. See Section 3.0, Changes to the Draft EIR.

iii. Revision made to location of existing fire hydrant (west of Wood Road; not east). See Section 3.0, Changes to the Draft EIR.

iv. Santa Clara County Fire Department required during their review of the project that the applicant "provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1500 gallons per minute (GPM) at 20 pounds per square inch (psi), residual." The San Jose Water Co. analysis letter (dated January 11, 2021) states the location of the hydrant identified in the analysis only has 650 GPM at 20 psi. Therefore, Town staff have requested that the applicant make improvements necessary to provide adequate single hydrant flow. Santa Clara County Fire will provide final sign-off of project plans to ensure that fire flow at fire hydrant locations are adequate to service the project site. No changes to the Draft EIR are required.

Stuart Poulter

From: Julie Southern <jarsouthern@gmail.com>
Sent: Sunday, July 11, 2021 12:48 PM
To: Sean Mullin
Cc: csouthern6@gmail.com; Matthew Southern
Subject: 110 Wood Road, EIR for the Meadows

Hello Sean Mullin
I live at 135 Wood Road, and am neighbors of the Meadows. I think , and have always thought, the project is an improvement to what was there.
My concerns, as they have always been:

1. - the closure of the road that let's out onto Broadway (why remove access?)
2. - the increased traffic on Wood, especially if the closure of the Broadway road goes thru
3. - and the speed of the traffic coming off 17 seems to have gotten worse over the years (I have been here over 30 years, so I do have some perspective)

4. Recently I have also become aware that the increased height will possibly block my view (as well as several neighbors). Though that is not necessarily part of the EIR, I still voice it here.

I look forward to the progress on the matter.
Thank you and regards,
Julie Southern
135 Wood Road
Los Gatos, CA 95030
cell 408.315.9747

Response to Letter #3 from Julie Southern

1. As noted in Section 3.0, Project Description, of the Draft EIR, the closure of the connection to Broadway via Farwell Lane is intended to improve the integration of the site with the broader Los Gatos Community by closing Farwell Lane to through traffic and transitioning Farwell Lane from Los Gatos Meadows to Broadway into a naturally landscaped, pedestrian-friendly connection to Downtown Los Gatos. The connection would also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage and would continue to serve as a fire access to the Santa Clara County Fire Department. As identified in the initial study prepared with the Notice of Preparation for the proposed project (Appendix A of the Draft EIR), 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 proposed project is adequately designed to minimize hazards associated with design of this connection. Therefore, the proposed project would not result in inadequate emergency access as a result of closing the connection to Broadway via Farwell Lane. No changes to the Draft EIR are required.
2. As noted in Section 13.0, Effects Not Address in the EIR (under "Transportation") of the draft EIR, the proposed project would result in a less-than-significant impact as the project would be projected to result in a net increase in 10 vehicle trips per day (from 708 when the existing senior community was operating to 718 daily trips under proposed project conditions), which is considerably less than the screening threshold of 110 vehicle trips per day as established by the *Office of Planning and Research 's Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018). Therefore, the increase in traffic on Wood Road would not be considered significant when comparing the proposed project to the existing senior living community. No changes to the Draft EIR are required.
3. Speed of traffic coming off Highway 17 along Santa Cruz Avenue is not an environmental effect of the proposed project. Therefore, no response is required. No changes to the Draft EIR are required.
4. See response to Letter #4 regarding CEQA requirements for analyzing aesthetic impacts to public versus private vantage points. No changes to the Draft EIR are required.

Stuart Poulter

From: Andrew Ghofrani <aghofrani@yahoo.com>
Sent: Sunday, July 11, 2021 1:28 PM
To: Sean Mullin
Cc: Andrew Ghofrani; Feri Ghofrani; Keya Ghofrani
Subject: 110 Wood Rd EIR comment

Dear Sean,

Please see below excerpts from EIR with some of my questions and comments in red. Plz address my question add it to your records.

Thank you
Andy Ghofrani P.E.
408-823-1247

AREAS OF KNOWN CONTROVERSY
CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The Town is aware of general public concern about possible visual impacts as a result of the proposed project and has requested the applicant actively work with the public to address concerns. Only two comments on the notice of preparation were received by public agencies, are included in Appendix A, and are summarized below:

1. AG comment- No impact is shown in the summary or tables- As mentioned previously. I have a serious concern about the proposed construction height. I will not accept a blockage of my existing view. The open view of valley was a main deciding factor at the time of my purchase and its blockage will impact the resale value of my property.

Table 4-2 Summary of Proposed Buildings
Building

Building Heights
A 85.5
C 81.5
E 82
F 82

Excerpts- Letter of Justification Rebuild of Los Gatos Meadows

Additional Outreach Since re-initiating our rebuilding efforts in 2018, there have been several meetings with various Planning and Public Works staff, in order to clarify and confirm the proposed architectural concepts and treatment of off- and on-site conditions, and to address specific technical challenges. In March of 2018, the project team hosted the first of seven neighborhood open house meetings at Los Gatos Meadows to inform neighbors about the rebuilding process and to solicit their input and feedback. Likely due in part to the COVID-19 pandemic, no neighbors attended the seventh open house. Accordingly, the project team produced a video summary update and circulated the link to this video update. The video update can be accessed from the Los Gatos Meadows page of the Covia web site: https://covia.org/losgatos-meadows/ During 2018 and early 2019, the project team met with each council member. Furthermore, in the spirit of community engagement and to commence the development of a “Town Integration” project, over the last year and half, the project team has conducted twenty in person meetings with local businesses, associations, and interest groups (see Appendix C and D for details). Feedback from neighbors, council members, and other community leaders included concerns and comments on building/site design, parking and circulation, visual impacts, and safety, which were accounted for during the formation of the site plan and project. The project design reflects the concerns of not only the Town, but also the broader Los Gatos community.

1. cont.'d

D. Building Height-Visibility As noted above, the project would result in heights that are above those of the existing structures. These heights are requested to accomplish a variety of site design considerations as described above. Aesthetically and architecturally, the heights of Page | 10 buildings are varied based on their location in relationship to visibility from Town and neighboring properties and site topography. Key points include: • The most visible building at the corner of Wood Road and Farwell Lane is the shortest building on the site and is only 12 feet higher than the existing building in this location. • Heights of buildings above the terrace vary from 3 stories to 5 stories and the height of the new terrace is 7 feet lower than the existing terrace which reduces overall building heights. • Buildings along the front of the site visible from the Town are the lower 3 and 4 story buildings on all front facades. (Though some step up to 5 stories away from the front façade). • Buildings step down a story in height on the side facing Town to minimize the number of stories visible from Town. This stepping means that the upper floor of the buildings is hidden from the view below, and only the shorter side is visible from the Town. • The buildings in the back of the site are nestled into the hillside. Three of these buildings have two stories benched into the hillside and the roofs of those buildings are effectively one story above the access road immediately behind them. • With the buildings stepped into the hillside only the top three floors of many of the buildings are visible from Wood Road above. Additionally, the Hillside behind these buildings continues to slope up so the roofs of the buildings are only slightly higher than the level of the access road above. • The corners of the buildings have balconies which serve to erode the mass of the buildings when viewed from the Town, especially when viewed on an angle. This results in the front elevation appearing more narrow than actual dimensions.

AG-- There is no mention of the visual impact from my side and only shown from the town's side. The impact from my side need to be added in the revised EIR for our review.

Response to Letter #4 from Andrew Ghofrani

1. CEQA only requires visual analysis to address aesthetic impacts from publicly accessible viewpoints, not private residences. The CEQA Guidelines Appendix G Checklist question "c" considers a significant visual impact if a project, in non-urbanized areas, substantially degrades the existing visual character or quality of *public* views of the site and its surrounding. Public views are those that are experienced from a publicly accessible vantage point. As noted in Section 5.0, Aesthetics, of the Draft EIR, limited public views of the project site are available from above the project on Wood Road, from S. Santa Cruz Avenue (looking west) and from East Main Street (looking south) as illustrated in the visual simulations prepared by the applicant. In addition, the Draft EIR noted that the project site is not viewable from any of the Town's four designated "Viewing Areas" as established in the Town's *Hillside Development Standards and Guidelines*. These "Viewing Areas" are primarily situated to establish visual impacts to the hillsides further to the east across State Route 17. The closest established "Viewing Area" is located approximately 950 feet northwest of the project site at the northwest corner of the intersection of W. Main Street and Bayview Avenue. From this viewing area location, the project site is entirely obscured due to vegetation and/or buildings along Bayview Avenue. While 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, the Draft EIR visual analysis took into account potential visual impacts of the project from these established "Viewing Areas" to both help inform the impact analysis and ensure the project was designed in the spirit of the Town's HDS&G as requested by staff.

   No changes to the Draft EIR are required.

Stuart Poulter

From: Justin Draa <jdraa@dld-law.com>
Sent: Monday, July 12, 2021 11:26 AM
To: Sean Mullin
Subject: Comments RE EIR for 110 Wood Road

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom it May Concern:

I am the owner of 138 Wood Rd, Los Gatos – about a quarter mile up the road from the proposed project site. I'd like to offer the following comments:

1. - The Wood Road and Santa Cruz Avenue intersection is already a problem in terms of unsafe turning due to the fast-exiting cars from 17 South. I believe a roundabout is a good idea to mitigate this safety issue. In addition, there should be some effort to slow the exiting traffic from 17 up closer to the actual point of exit. There is already an electronic MPH sign, but it does little to deter excessive speeders. With hundreds of staff and residents adding to the traffic congestion, this is all the more important.

2. -Closing off any access from Broadway and requiring all ingress/egress via Wood Road is concerning. I would feel much better as a neighbor knowing that at least some of the enhanced traffic burden were instead coming via Broadway.

Thank you,

Justin Draa

Justin S. Draa, Esq.
DiBENEDETTO LAPCEVIC & DRAA, LLP
1101 Pacific Avenue, Suite 320
Santa Cruz, CA 95060
(831) 325-2674 Tel
(831) 477-7617 Fax
jdraa@dl-lawllp.com

Response to Letter #5 from Justin S. Draa, Esq.

1. See response #3 to Letter #3 from Julie Southern for response to concerns over speeds off Highway 17 onto Santa Cruz Avenue.
2. See response #1 to Letter #3 from Julie Southern for response to concerns over closure of connection Broadway via Farwell Lane.

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3.0
Changes to the Draft EIR

3.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132 requires that a final EIR contain either the draft EIR or a revision of the draft EIR. This final EIR incorporates the draft EIR by reference and includes the revisions to the draft EIR, as presented on the following pages.

This section contains text from the draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text *(italic)* precede each revision. The following changes are made:

3.2 CHANGES TO PROJECT DESCRIPTION (SECTION 4.0)

Access and Circulation

In response to the applicant's draft EIR comment letter (under "Additional Comments," first bullet point), the word "loop" has been added to describe the emergency fire access road.

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing "exit only" driveway (Farwell Lane) located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway would also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated loop road for emergency fire access, which would be located on the western side of the property.

Figure 4-1

In response to the applicant's draft EIR comment letter (under "Additional Comments," third bullet point), Figure 4-1, Site Plan, has been updated to reflect the most recent version of the site plan, dated July 27, 2021, Sheet A001, prepared by Perkins Eastman. The revised Figure 4-1 is included at the end of this section.

Stormwater Management

In response to the applicant's draft EIR comment letter (under "Additional Comments," second bullet point), the total impervious surface area has been revised to reflect impervious surface calculations, associated with the fire loop road, found on Sheet C105 from the July 27, 2021 plan set and independently calculated by Town staff.

Development of the project as proposed would result in a net increase in impervious surface area of approximately ~~4,000~~ 8,877 square feet. The project would mimic existing drainage patterns with modifications to meet current stormwater runoff requirements that would result in slower runoff during small storms. Stormwater would be collected on-site via drain inlets and roof drains and would be treated on-site. The stormwater would first be treated on-site with bioretention systems approved by the Town, and then would be conveyed to the existing public stormwater infrastructure that serves the site.

3.3 CHANGES TO CULTURAL RESOURCES (SECTION 8.0)

In response to the applicant's draft EIR comment letter (under "Additional Comments," fifth bullet point), the words "with Mitigation" were omitted from the draft EIR impact statement 8-2 (Section 8.0, Cultural Resources). Added here for clarification.

Paleontological Resources

IMPACT 8-2	Potential Destruction of a Unique Paleontological Resource or Site During Construction	Less than Significant with Mitigation

3.4 CHANGES TO WILDFIRE HAZARDS (SECTION 12.0)

In response to the applicant's draft EIR comment letter (under "Additional Comments," six bullet point, first sub-bullet), the following language has been added to first paragraph under Impact 12-3 (Section 12.0, Wildfire Hazards). In addition, reference to plan sheet page numbers have been updated to reflect the most recent plan set submittal to the Town dated July 27, 2021.

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk

IMPACT 12-3	The Project Would Not 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.	No Impact

The project site would be accessible at the southeast and southwest boundaries of the development via two existing driveways from Wood Road, which are proposed to be widened to 26 feet, and a widened 20-foot access (Farwell Lane) which is accessed at both the west and eastern boundaries of the facilities and connects to Broadway to the north of the site. Additional bump-outs and widening lanes to 26 feet have been included as well (see sheets C108, C108.1, and C108.2 ~~and C108.3.~~

In response to the applicant's draft EIR comment letter (under "Additional Comments," six bullet point, third sub-bullet), the location of an existing fire hydrant in relation to the project site was corrected (from east to west across Wood Road.

A revised fire flow analysis was provided by San Jose Water for the existing fire hydrant across Wood Road west of the project site.

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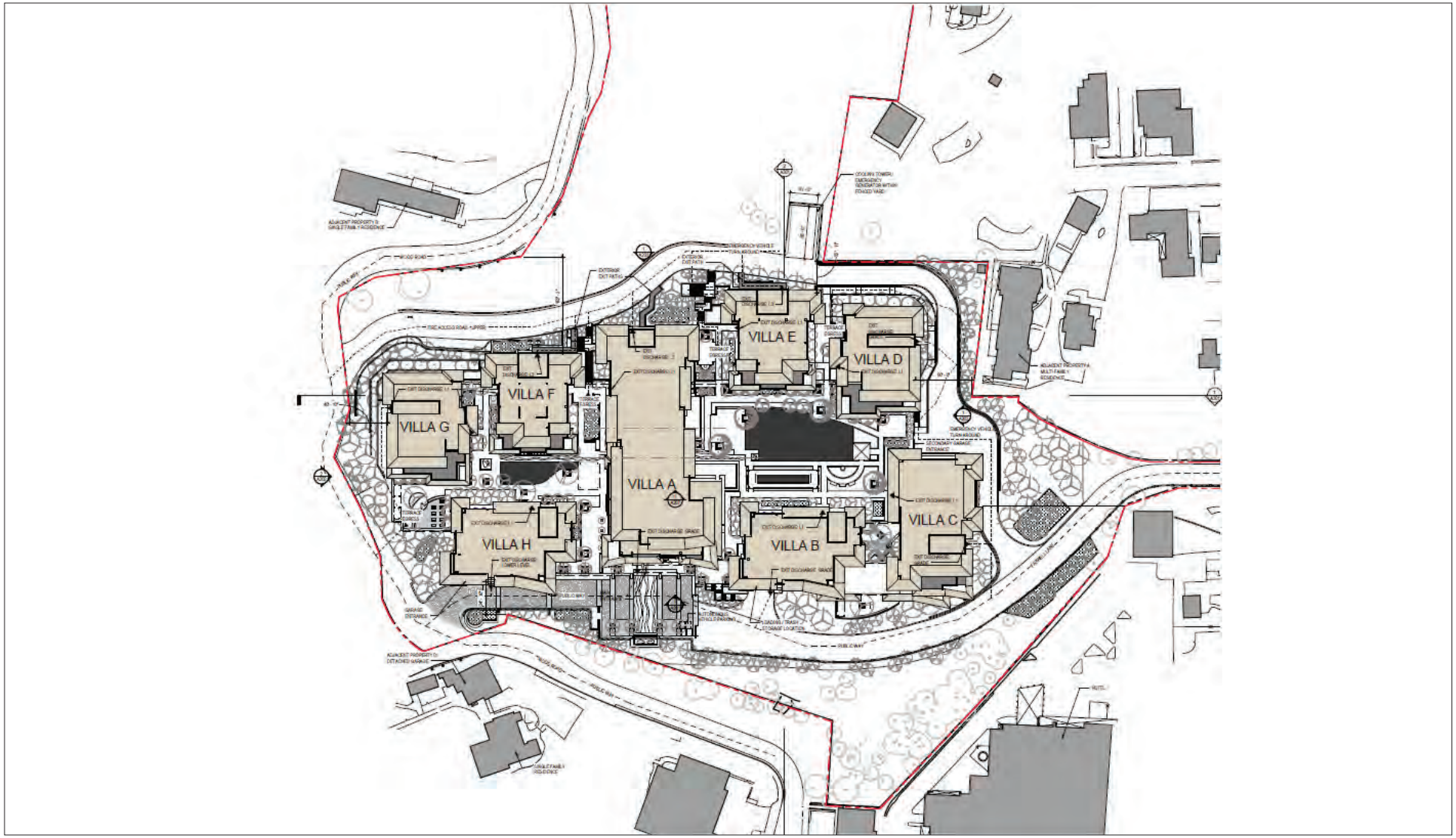

0 125 feet

Project Site

Source: Perkins Eastman 2021

Figure 4-1
Site Plan

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4.0
Revised Summary

Where changes to the draft EIR text described in Section 3.0, Changes to the Draft EIR also require changes to the Summary, those changes are identified below. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Note that a number of additions shown in the revised summary table are completion of mitigation measure text that was presented in the draft EIR, but truncated in the summary table - the full text of all mitigation measures is included in the revised summary table.

4.1 PROPOSED PROJECT SUMMARY

The proposed project involves the redevelopment of the site with a state-of-the-art senior living community that would replace the existing Los Gatos Meadows senior living community. The project includes the construction of eight, three- to five-story buildings rising from a ground level base containing the main building entry and reception, health center, and garage. The project would include 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments. The project would include a 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care. In addition, the project would consist of 35,429 square feet of total amenity space (including fitness and dining areas) and 35,280 square feet for back of house and mechanical space. The project would include 91,827 square feet of parking space, with 77 standard parking spaces in the new garage.

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing "exit only" driveway located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway will also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated road for fire access, which would be located on the western side of the property.

Detailed project description information is included in Section 4.0 Project Description.

4.2 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

The proposed project would result in some significant or potentially significant impacts. Each of the significant impacts is identified in Table 2-1, Summary of Significant Impacts and Mitigation Measures, located at the end of this Summary section. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less-than-significant impacts are not included in the summary table.

4.3 SUMMARY OF ALTERNATIVES

This EIR evaluates the environmental impacts of the following three alternatives to the proposed project.

1. The first is the no project alternative, which discusses conditions as they currently exist with the closed senior living community currently located at the project site and allows decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

2. The second is also a no project alternative, which discusses a reasonably foreseeable development scenario whereby the project site would be developed with another project consistent with the site's General Plan land use designation of Medium Density Residential.

3. The third alternative is a reduced scale version of the proposed project. It consists of removing Villas B and C from the project. The primary purpose is to avoid removal of 62 trees and reduce grading that would be required to accommodate the two buildings. Several other significant mitigable impacts of the proposed project would be somewhat lessened.

4.4 AREAS OF KNOWN CONTROVERSY

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The Town is aware of general public concern about possible visual impacts as a result of the proposed project and has requested the applicant actively work with the public to address concerns. Only two comments on the notice of preparation were received by public agencies, are included in Appendix A, and are summarized below:

1. Native American Heritage Commission

The commission identified the need for the Town to comply with the noticing and consultation requirements of AB52 and SB18. The Town's actions to comply with AB52 is described in Section 8.0, Cultural, Paleontological, and Tribal Resources. SB18 only applies to general plan amendments and therefore, is not relevant to the proposed project. Tribal resources are addressed in Section 8.0, Cultural, Paleontological, and Tribal Resources.

2. California Department of Fish and Wildlife, Bay Delta Region

California Department of Fish and Wildlife staff identified possible direct impacts to roosting bats and nesting birds as a result of the proposed project and recommended measures to address. CDFW comments are addressed in Section 7.0, Biological Resources.

4.5 ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123 requires an EIR to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The Town of Los Gatos is not aware of any issues to be resolved; however, the Town Council will be required to consider the analysis in this EIR, and make a decision whether to approve the proposed project.

Table 4-1 Summary of Significant Impacts and Mitigation Measures

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Air Quality			
Impact 6-5. Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	Significant	Mitigation Measure 6-5a. During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity; k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations. Mitigation Measure 6-5b. Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures: a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Biological Resources			
Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	Significant	Mitigation Measure 7-2. Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.	Less than Significant
Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	Significant	Mitigation Measure 7-3. Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.	
Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	Significant	Mitigation Measure 7-4. Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys. a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.	
Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	Significant	Mitigation Measures 7-5a. To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans. Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement. To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.	Less than Significant
Impact 7-6. Damage or Removal of Regulated Trees	Significant	Mitigation Measure 7-6. Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting).	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	
Impact 7-8. Effect on Sensitive Natural Communities	Significant	Mitigation Measure 7-8. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.	Less than Significant
Cultural Resources			
Impact 8-2. Potential Destruction of a Unique Paleontological Resource or Site During Construction	Significant	Mitigation Measure 8-2. The following measure shall be included in project plans, prior to issuance of a demolition permit: If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.	Less than Significant
Geology and Soils			
Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.	Significant	Mitigation Measures 13-1. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures. The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits. Mitigation Measure 13-2. The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: ▪ site preparation and grading;	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		▪ ground improvement; ▪ shoring measures and design; ▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated. The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval. Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.	
Hazards and Hazardous Materials			
Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.	Significant	Mitigation Measure 13-3. The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead. Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.	Less than Significant
Wildfire Hazards			
Impact 12-1. Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	Significant	Mitigation Measure 12-1. In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 12-4. Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.	Significant	See Mitigation Measures 13-1 and 13-2, above.	Less than Significant

SOURCE: EMC Planning Group 2021

5.0
Mitigation Monitoring and Reporting Program

5.1 INTRODUCTION

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

5.2 MONITORING PROGRAM

The basis for this monitoring program is the mitigation measures included in the project EIR. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached monitoring program is proposed for monitoring the implementation of the mitigation measures. This monitoring program contains all appropriate mitigation measures in the EIR.

5.3 MONITORING PROGRAM PROCEDURES

The Town of Los Gatos Community Development Department is responsible for coordination of the monitoring program. The Community Development Department is responsible for completing the monitoring program and distributing the monitoring program to the responsible individuals or agencies for their use in monitoring the mitigation measures.

Each listed responsible individual or agency is responsible for determining whether compliance with mitigation measures contained in the monitoring program has occurred. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring program with evidence of compliance to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring program should not be returned to the Community Development Department.

The Town of Los Gatos Community Development Department will review the monitoring program to ensure that appropriate mitigation measures and additional conditions of project approval included in the monitoring program have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals, permit issuance, and/or permit sign-off.

If a responsible individual or agency determines that non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the Town of Los Gatos.

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Air Quality			
Mitigation Measure 6-5a. During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.			
Mitigation Measure 6-5b. Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures: a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.
Biological Resources			
Mitigation Measure 7-2. Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a grading permit.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.			Monitoring during construction.
Mitigation Measure 7-3. Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within	Applicant requirement as a condition of approval	Director of Community Development	Within 14 days prior to tree removal or other construction activities, and prior to issuance of a tree removal permit and/or grading permit. Ensure these measures are incorporated into project plans. Monitoring prior to construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.			
Mitigation Measure 7-4. Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of tree removal, demolition, and grading permits. Ensure these measures are incorporated into project plans. Monitoring prior to construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.			
Mitigation Measures 7-5a. To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans. Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of any grading permit. Ensure these measures are incorporated into project plans. Monitoring during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.			
Mitigation Measure 7-6. Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of tree removal permit and/or grading permit. Ensure these measures are incorporated into project plans. Monitoring during construction.
Mitigation Measure 7-8. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of final occupancy permit. Ensure these measures are incorporated into project plans. Monitoring after construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Cultural Resources			
Mitigation Measure 8-2. The following measure shall be included in project plans, prior to issuance of a demolition permit: If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of demolition permit. Ensure these measures are incorporated into project plans. Monitoring during construction.
Geology and Soils			
Mitigation Measure 13-1. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures. The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.	Applicant requirement as a condition of approval	Town Engineer	Prior to issuance of building permits. Ensure these measures are incorporated into project plans. Monitoring during construction.
Mitigation Measure 13-2. The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: ▪ site preparation and grading; ▪ ground improvement; ▪ shoring measures and design; ▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated. The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.	Applicant requirement as a condition of approval	Town Engineer	Prior to issuance of building permits. Ensure these measures are incorporated into project plans. Monitoring prior during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.			
Hazards and Hazardous Materials			
Mitigation Measure 13-3. The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead. Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of demolition permits. Ensure these measures are incorporated into project plans. Monitoring prior to and during construction.
Wildfire Hazards			
Mitigation Measure 12-1. In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.	Applicant requirement as a condition of approval	Director of Public Works	Prior to issuance of demolition permits. Ensure these measures are incorporated into project plans. Monitoring prior to and during construction.

SOURCE: EMC Planning Group 2021

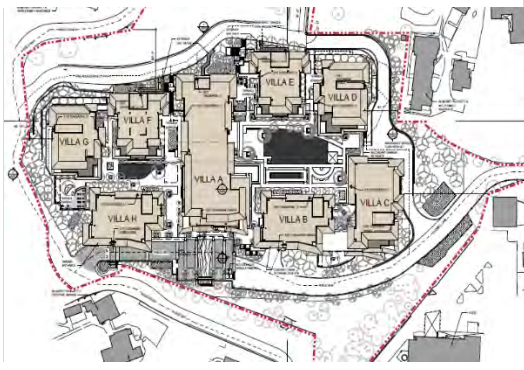
Draft EIR

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

SCH# 2021020007

May 14, 2021



Prepared by

EMC Planning Group

DRAFT EIR

110 WOOD ROAD – LOS GATOS MEADOWS SENIOR LIVING COMMUNITY

Planned Development Application PD-20-001

SCH #2021020007

PREPARED FOR

Town of Los Gatos
Sean Mullin, AICP, Associate Planner
110 E. Main Street
Los Gatos, CA 95030
Tel 408.354.6823

PREPARED BY

EMC Planning Group Inc.
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
Tel 831.649.1799
Fax 831.649.8399
Teri Wissler Adam, Senior Principal
wissler@emcplanning.com
www.emcplanning.com

May 14, 2021

TABLE OF CONTENTS

Appendices

Figures

Tables

1.0 Introduction

1.1 Purpose for Preparing the EIR

The Town of Los Gatos, acting as the lead agency, has determined that the 110 Wood Road – Los Gatos Meadows Senior Living Community (hereinafter "proposed project") could result in significant adverse environmental impacts and has required that an environmental impact report (EIR) be prepared to evaluate these potentially significant adverse environmental impacts.

This EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

1.2 Methodology

General

This EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The Town of Los Gatos has the discretionary authority to review and approve the proposed project. This EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this EIR prior to taking any discretionary action to approve the proposed project.

This EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and other technical experts.

The purpose of an EIR is to identify a project's significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

An EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this EIR do not advocate a position "for" or "against" the proposed project. Instead, the EIR provides information on which decisions about the proposed project can be based. This EIR has been prepared according to professional standards and in conformance with legal requirements.

Emphasis

This draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an initial study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the lead agency subsequently receives information inconsistent with the finding in the initial study. A copy of the initial study may be attached to the EIR to provide the basis for limiting the impacts discussed and has been done so for this draft EIR (see Appendix A for a copy of the initial study prepared to accompany the Notice of Preparation). Based on conclusions of the initial study, the Town of Los Gatos has determined that the project could result in potential environmental impacts in the following topic areas, which are evaluated in this draft EIR:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural and Tribal Resources;
- Energy;
- Greenhouse Gas Emissions;
- Noise; and
- Wildfire Hazards.

Forecasting

In accordance with CEQA Guidelines section 15144, preparing this draft EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

Degree of Specificity

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

Technical Detail

The information contained in this draft EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft EIR. Appendices to this draft EIR are included on a CD on the inside, back cover.

Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft EIR was dependent upon information from many sources, including engineering reports and scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the environmental analysis of the proposed project, are cited but not included in this draft EIR. This draft EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft EIR.

1.3 EIR PROCESS

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation as:

> …a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation was prepared for the proposed project and circulated for 30 days from February 1, 2021 to March 8, 2021 as required by CEQA. Written responses to the NOP were received from the following:

1. Native American Heritage Commission (NAHC), letter dated February 1, 2021; and
2. California Department of Fish and Wildlife (CDFW), letter dated March 4, 2021.

The notice of preparation, as well as comments received from agencies, organizations, and private individuals are included in Appendix A.

As part of the early consultation process and pursuant to CEQA Guidelines section 15082(c)(1) regarding projects of statewide importance and section 15083 regarding early public consultation, a scoping meeting was held via Zoom virtual meeting on Thursday, February 25, 2021 at 7:00 P.M. Attendees included six Town of Los Gatos staff members, two EMC Planning Group staff, along with two Town Council members, two members of the applicant team, and three members of the public. No responses to the notice of preparation were received during this meeting and only a question of whether the meeting would be recorded was asked by a member of the public.

Draft EIR

Contents

This EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency is required to consider the information in the EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;

- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft EIR are outlined in the table of contents.

Public Review

This draft EIR will be circulated for a 45-day public review period. All comments addressing environmental issues received on the draft EIR will be addressed in the final EIR. CEQA Guidelines section 15204(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Final EIR

Contents

In accordance with CEQA Guidelines section 15132, the final EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final EIR and the draft EIR will constitute the entire EIR.

Certification

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.4 TERMINOLOGY

Characterization of Impacts

This EIR uses the following terminology to denote the significance of environmental impacts.

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impacts

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A "beneficial impact" is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

2.0
Summary

2.1 CEQA Requirements

CEQA Guidelines Section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. This summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

This summary also includes a brief summary of the project description.

2.2 Proposed Project Summary

The proposed project involves the redevelopment of the site with a state-of-the-art senior living community that would replace the existing Los Gatos Meadows senior living community. The project includes the construction of eight, three- to five-story buildings rising from a ground level base containing the main building entry and reception, health center, and garage. The project would include 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments. The project would include a 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care. In addition, the project would consist of 35,429 square feet of total amenity space (including fitness and dining areas) and 35,280 square feet for back of house and mechanical space. The project would include 91,827 square feet of parking space, with 77 standard parking spaces in the new garage.

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing "exit only" driveway located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway will also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated road for fire access, which would be located on the western side of the property.

Detailed project description information is included in Section 4.0 Project Description.

2.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

The proposed project would result in some significant or potentially significant impacts. Each of the significant impacts is identified in Table 2-1, Summary of Significant Impacts and Mitigation Measures, located at the end of this Summary section. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less-than-significant impacts are not included in the summary table.

2.4 SUMMARY OF ALTERNATIVES

This EIR evaluates the environmental impacts of the following three alternatives to the proposed project.

1. The first is the no project alternative, which discusses conditions as they currently exist with the closed senior living community currently located at the project site and allows decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

2. The second is also a no project alternative, which discusses a reasonably foreseeable development scenario whereby the project site would be developed with another project consistent with the site's General Plan land use designation of Medium Density Residential.

3. The third alternative is a reduced scale version of the proposed project. It consists of removing Villas B and C from the project. The primary purpose is to avoid removal of 62 trees and reduce grading that would be required to accommodate the two buildings. Several other significant mitigable impacts of the proposed project would be somewhat lessened.

2.5 AREAS OF KNOWN CONTROVERSY

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The Town is aware of general public concern about possible visual impacts as a result of the proposed project and has requested the applicant actively work with the public to address concerns. Only two comments on the notice of preparation were received by public agencies, are included in Appendix A, and are summarized below:

- Native American Heritage Commission

The commission identified the need for the Town to comply with the noticing and consultation requirements of AB52 and SB18. The Town's actions to comply with AB52 is described in Section 8.0, Cultural, Paleontological, and Tribal Resources. SB18 only applies to general plan amendments and therefore, is not relevant to the proposed project. Tribal resources are addressed in Section 8.0, Cultural, Paleontological, and Tribal Resources.

- California Department of Fish and Wildlife, Bay Delta Region

California Department of Fish and Wildlife staff identified possible direct impacts to roosting bats and nesting birds as a result of the proposed project and recommended measures to address. CDFW comments are addressed in Section 7.0, Biological Resources.

2.6 ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123 requires an EIR to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The Town of Los Gatos is not aware of any issues to be resolved; however, the Town Council will be required to consider the analysis in this EIR, and make a decision whether to approve the proposed project.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Air Quality			
Impact 6-5. Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	Significant	**Mitigation Measure 6-5a.** During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity; k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations. **Mitigation Measure 6-5b.** Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures: a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;	

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.	
Biological Resources			
Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	Significant	**Mitigation Measure 7-2.** Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.	Less than Significant
Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	Significant	**Mitigation Measure 7-3.** Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young	

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.	
Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	Significant	**Mitigation Measure 7-4.** Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys. a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.	
Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	Significant	**Mitigation Measures 7-5a.** To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement. To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.	
Impact 7-6. Damage or Removal of Regulated Trees	Significant	**Mitigation Measure 7-6.** Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	
Impact 7-8. Effect on Sensitive Natural Communities	Significant	**Mitigation Measure 7-8**. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.	Less than Significant
Geology and Soils			
Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.	Significant	**Mitigation Measures 13-1.** The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures. The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits. **Mitigation Measure 13-2.** The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: ▪ site preparation and grading; ▪ ground improvement; ▪ shoring measures and design;	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated. The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval. Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.	
Hazards and Hazardous Materials			
Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.	Significant	**Mitigation Measure 13-3.** The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead. Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.	Less than Significant
Wildfire Hazards			
Impact 12-1. Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	Significant	**Mitigation Measure 12-1.** In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 12-4. Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.	Significant	See **Mitigation Measures 13-1** and **13-2**, above.	

SOURCE: EMC Planning Group 2021

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3.0
Environmental Setting

3.1 Regional Setting

The Town of Los Gatos is located approximately 45 miles south of San Francisco, in the southwestern portion of Santa Clara County where the Santa Clara Valley meets the lower slopes of the Santa Cruz Mountains. Los Gatos is bounded by the City of San Jose to the north and east, the City of Campbell to the north, the cities of Monte Sereno and Saratoga to the west, and unincorporated areas of the County of Santa Clara to the south.

The Los Gatos Planning Area encompasses a wide variety of terrain, ranging from flat topography at the edge of the valley floor to densely wooded hillsides. Both the valley and hillsides are interspersed with creeks, streams, and riparian habitat. The sharp contrast between the valley floor and the hillsides provides the Town's picturesque setting.

3.2 Project Site and Vicinity Setting

Project Location

The project site is located at 110 Wood Road in the Town of Los Gatos. The property is accessed directly off Wood Road (via South Santa Cruz Avenue). The project site's Assessor's parcel number is 510-47-038, and is generally located between single family residences along Broadway to the northeast and Wood Road to the south. Figure 3-1, Location Map, presents the regional location of the project site.

Project Site Characteristics

The 10.84-acre project site is located in the southwestern portion of Los Gatos. The hillside property, with an elevation of approximately 400 to 600 feet above sea level, has abundant tree cover, primarily oak woodland. The site is currently developed with Los Gatos Meadows, a senior living community, which includes 10 residential buildings with 205 units. The facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. Total existing gross square footage (floor area) for all existing buildings is 150,475 square feet. Existing site area coverage, made up of existing buildings, subterranean garage, health center, and covered walkways, totals 116,427 square feet. There are 130 existing parking spaces onsite (85 within the existing

structure and 45 surface parking spaces) and staff and visitors also use nearby neighborhood street parking, leased commercial space parking, and a public parking lot due to lack of parking availability on-site. When the property was originally developed, there was significant grading due to the current two-level underground garage, as well as significant cuts, fills and retaining walls throughout the property. Since the early 1970s, Los Gatos Meadows has been and continues to be a part of the hillside setting of Los Gatos. Because of its location at the base of the hillside, the Los Gatos Meadows community is relatively hidden from all but limited views.

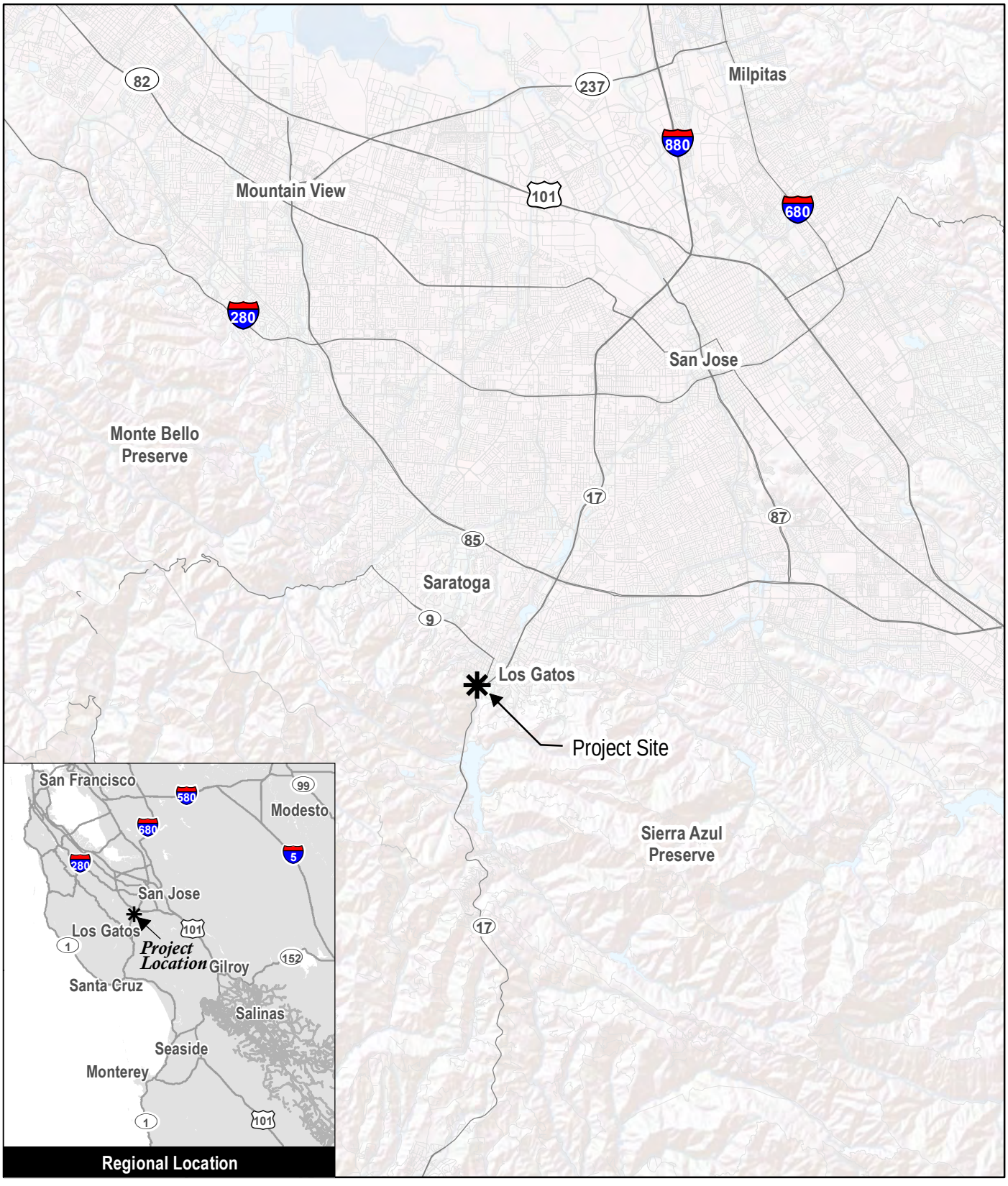
Project Site Setting

A senior living community has been operating on the site since 1971 with 10 residential buildings and other support facilities and amenities noted above. The site has three access points: two from the south off of Wood Road and one from the north via a driveway (referred to as Farwell Lane) connecting with Broadway. The facility has been closed since February 2019, after a rigorous facilities assessment concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Although the facility has completed the closure process, the facility continues to be staffed to provide on-going maintenance and security of the property.

Surrounding land uses include single-family residences and the Seventh-Day Adventist Church to the north, office buildings and the Toll House Hotel to the east, a single-family home to the southeast, and hillside residences to the south and west. Other commercial uses along South Santa Cruz Avenue leading towards downtown Los Gatos are located northeast of the site. State Route 17 is located immediately east with an on/off-ramp accessed via South Santa Cruz Avenue located south of the project site. Figure 3-2, Aerial Photograph, presents the project site characteristics and surrounding land uses. Figure 3-3, Existing Facilities Representative Photos, presents photographs taken at the project site in August 2020.

3.3 Baseline Conditions

The environmental baseline upon which the proposed project will be assessed is the existing, operational Los Gatos Meadows senior living community. The Los Gatos Meadows facility was last fully operational in 2019 and included 10 residential buildings, with 205 independent residential apartments and support care units. These units included 129 independent senior living units (111 single units and 18 combined units, 39 skilled nursing facility beds, 27 assisted living units, and 10 memory support units (seven single units and three combined units). The facility included a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. There are 130 existing parking spaces onsite (85 within the existing structure and 45 surface parking spaces). Total existing gross square footage (floor area) for all existing buildings is 150,475 square feet.



Source: ESRI 2020

Figure 3-1

Location Map

110 Wood Road – Los Gatos Meadows Senior Living Community Draft EIR

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Source: Google Earth 2018, Santa Clara County GIS 2019

Figure 3-2

Aerial Photograph

110 Wood Road – Los Gatos Meadows Senior Living Community Draft EIR

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Source: EMC Planning Group 2020

Figure 3-3

Existing Facility Representative Photos

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Existing site area coverage, made up of existing buildings, subterranean garage, health center, and covered walkways, totals 116,427 square feet. At the time of full operation, the Los Gatos Meadows senior care facility housed approximately 222 residents and employed approximately 120 employees.

3.4 General Plan and Zoning Designations

The project site has a *Town of Los Gatos 2020 General Plan* (General Plan) land use designation of Medium Density Residential, which provides for multiple-family residential, duplex, and/or single-family homes with five-12 dwelling units per net acre. The project site is zoned Residential Planned Development (R:PD). The Planned Development (PD) overlay zone is intended to preserve the Town's natural and historic resources, promote the production of affordable housing, maximize open space, and/or allow a project that provides benefits to the citizens of the Town.

3.5 Plan Consistency

In accordance with CEQA Guidelines section 15125(d), this section identifies and discusses inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Table 3-1, Policy Consistency Review, presents a policy consistency analysis for each of the Town's applicable plans.

Table 3-1 Environmental Policy Consistency Review
(*Town of Los Gatos 2020 General Plan, Los Gatos Sustainability Plan, Hillside Specific Plan*)

2020 General Plan Policy	Proposed Project	Discussion
Land Use Element		
LU-1.3 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.	Consistent with implementation of mitigation measures 7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8	Landscaping plans call for landscaping consistent with the Town's landscaping requirements, protect some existing trees, and replace those trees being removed. Facility design plans also call for building designs that reflect existing grading and reduce development footprints. Mitigation measures have been identified to protect special status species and wildlife habitat, should those be found to occur on the project site. Additionally, a final landscaping plan consistent with General Plan policies addressing landscaping with will be required to be submitted for review and approval by the Town prior to the issuance of building permits as part of a future Architecture and Site Review application.
Community Design Element		
CD-1.3 Buildings, landscapes, and hardscapes shall follow the natural contours of the property.	Consistent	As shown in the project plans (see sheets A205 through A207), the project would generally align building roof lines with the contour of the hill and incorporate smaller roof components, minimizing the contrast between buildings and the existing environment. As noted by the applicant and independently verified by Town staff and EMC Planning Group, the project proposes to address the Hillside Development Standards & Guidelines (HDS&G) by stepping the buildings into the hillside, minimizing the dimensions of the Town-facing buildings, saving some existing trees per the arborist plan, and implementing a landscape and tree-replacement plan.
CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.	Consistent with implementation of Town design guidelines and condition of approval(s)	The existing facility currently has exterior and surface parking lighting and lighting typical of multifamily residential and senior care facilities. The proposed project would have uses similar to the existing uses and would continue to have lighting typical to senior care facilities. As shown on the "Site Lighting Concept Plan" (see sheet LS-12 of the project plans), proposed lighting fixtures include post top lights, bollard lights, and various wall mounted lights all of which comply with Town Code Section 29.10.09035, 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

2020 General Plan Policy	Proposed Project	Discussion
		catalog sheets for each fixture shall be provided to the Town of Los Gatos for review and approval. Implementation of this condition would reduce the impact by requiring lighting design and controls for each building on the project site. Therefore, with the implementation of this condition, the project would be consistent with this policy.
CD-3.4 Encourage the use of landscaping such as trees, large shrubs, and trellised vines to mitigate the effects of building mass, lower noise, and reduce heat generation.	Consistent with implementation of conditions of approval	See discussion for Policy LU-1.3.
CD-4.1 Preserve the Town's distinctive and unique environment by preserving and maintaining the natural topography, wildlife, and native vegetation, and by mitigating and reversing the harmful effects of traffic congestion, pollution, and environmental degradation on the Town's urban landscape.	Consistent with implementation of conditions of approval	The proposed project would respect the natural topography of the site by redeveloping the existing, developed portion of the site, and by preserving the western hillside as undistributed open space. Additionally, the proposed project increases the overall open space of the site (from 75.4 percent of the site to 77.5 percent), which includes private open space areas and the western hillside. The net increase in trips would be 10 daily trips, which is negligible. In addition, access and circulation on the project site would be designed to adhere to the Town's design guidelines and standards and would be subject to approval by the Town's Public Works Department and Santa Clara County Fire Department. This would ensure that the proposed project is adequately designed to minimize hazards associated with design, as well as preserve and maintain the site's natural topography to the extent feasible. Therefore, the proposed project would not result in environmental degradation on the Town's urban landscape.
CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage, and specimen trees should be preserved and protected as a part of any development proposal.	Consistent with implementation of mitigation measure 7-8	The proposed project would remove 213 regulated trees, all of which are considered either Protected (205 trees) or Large Protected (8 trees) as defined by Municipal Code Section 29.10). Implementation of mitigation 7-8, as identified in Section 7.0, Biological Resources, would reduce potential impacts to regulated trees by requiring Town approval prior to removal of regulated (protected) trees, installation of adequate replacement trees, and protection of all retained trees during construction.
CD-6.1 Reduce the visual impact of new construction and/or remodels on the Town and its neighborhoods.	Consistent with implementation of Town design guidelines	The proposed project would alter the existing visual character of the project site when viewed from off site. The proposed building footprints would be reduced compared to existing building footprints (from approximately 25 percent of the site to 23 percent) and the dimension of the Town-facing buildings; however, the new building height would increase by 30 feet. Landscaping is proposed to soften the visual impact of the new construction. The project is consistent with this policy.
CD-16.1 Prevent development that significantly depletes, damages, or alters existing landscape vistas.	Consistent with implementation of Town design guidelines	As discussed above for Policy CD-6.1, the project incorporates significant landscaping to ensure that the project does not significantly deplete, damage, or alter existing landscape vistas. Therefore, the project is consistent with this policy.

2020 General Plan Policy	Proposed Project	Discussion
CD-16.3 New structures or remodels shall be designed to respect views from surrounding properties while allowing all affected properties reasonable access to views.	Consistent with implementation of Town design guidelines and condition of approval(s)	Due to the topography of the project site and surrounding area, the project site is, for the most part, only within the viewshed of locations within the project site itself, from planned residences or from the project site's roadway, though limited views of the project site are available from portions of downtown Los Gatos and roadways immediately surrounding the site (uphill from the site on Wood Road and S. Santa Cruz Avenue). In conjunction with requirements imposed by the Town's design guidelines, the proposed project would not limit views from surrounding properties and would not impact views as discussed in Policy CD-6.1.
Transportation Element		
TRA-1.1 Development shall not exceed transportation capacity.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not exceed the capacity of the Town's transportation infrastructure.
TRA-3.1 All development proposals shall be reviewed to identify and mitigate project traffic impacts pursuant to the Town's traffic impact policy.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in traffic impacts that require mitigation.
TRA-3.2 Review development proposals to ensure that the circulation system and on-site or public parking can accommodate an increase in traffic or parking demand generated by the proposed development, subject to the considerations and findings required by the Town's Traffic Impact Policy.	Consistent	Pursuant to Town Code Section 29.10.150(c)(b), the project site requires one parking space per 2.5 beds for the proposed use. Therefore, 77 spaces are required. According to the project plans, 77 standard parking spaces would be provided and an additional 152 tandem parking spaces would also be proposed. Therefore, sufficient parking is proposed.
TRA-3.3 All new developments shall be evaluated to determine compliance with the Town's level of service policy for intersections.	Consistent	The Wood Road and Santa Cruz Avenue intersection would operate at acceptable LOS B under existing plus project conditions. If a roundabout is installed, the intersection would operate at LOS A under existing plus project conditions. Therefore, the project would result in acceptable levels of service at these intersections.
TRA-3.4 New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in a decrease in level of service.
TRA-3.5 If project traffic will cause any intersection to drop more than one level if the intersection is at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall mitigate the traffic so that the level of service will remain at an acceptable level.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in a decrease in level of service.

2020 General Plan Policy	Proposed Project	Discussion
TRA-3.10 Avoid major increases in street capacity unless necessary to remedy severe traffic congestion or critical neighborhood traffic problems and all other options, such as demand management and alternative modes, have been exhausted. Where capacity is increased, improvements shall balance the needs of motor vehicles with those of pedestrians and bicyclists.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not require an increase in street capacity.
TRA-3.12 The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in transportation impacts adjacent to sensitive receptors.
Open Space, Parks, and Recreation Element		
OSP-2.1 Preserve the natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.	Consistent	The proposed project would result in the reduction of the overall site development (from 24.6 percent of the site to 22.5 percent of the site) and the increase in overall open space (from 75.4 percent of the site to 77.5 percent), which would generally be consistent with the HDS&G. The HDS&G also emphasize minimizing grading and preserving natural features (including drainage channels and trees). While some 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. In addition, landscaping plans show placement and selection of a variety of native plants, replacement trees, retention/preservation of 118 mature existing trees, a Village Green area, and passive gardens that are consistent with the General Plan and Los Gatos Hillside Specific Plan policies (see Table 3-1 under "Community Design Element"). In addition, landscaping plans are in keeping with landscaping design concepts and goals contained in the HDS&G, which emphasize maintaining the natural appearance of the hillsides where possible, designing for fire safety including maintaining adequate defensible space, utilizing native plant species, controlling erosion, screening buildings, and providing privacy. See also discussion for Policy CD-1.3.
OSP-2.4 Adjacent parcels in the hillsides shall provide an uninterrupted band of useable segments for wildlife corridors and recreational use, if applicable.	Consistent	The proposed project retains the currently undeveloped hillside on the project site, which is adjacent to other parcels, thereby providing for continued wildlife movement.

2020 General Plan Policy	Proposed Project	Discussion
OSP-6.3 Consider effects on watershed areas, plant and wildlife habitats, and migration corridors before allowing development of any open space.	Consistent	See discussion for Policies LU-1.3 and OSP-2.4.
OSP-9.1 Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history.	Consistent	A cultural resource survey and records search was conducted for the project site in 2020. The results are summarized in Section 8.0, Cultural Resources.
OSP-9.2 Ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites.	Consistent	Archival research and an archaeological field survey indicated the project site has no culturally significant structures and no previously recorded historic or archeological resources. The proposed project would be required to comply with and implement this policy if previously unknown resources are accidentally discovered during construction activities (see Section 8.0, Cultural Resources).
OSP-9.3 Treat with respect and dignity any human remains discovered during implementation of public and private projects within the Town and fully comply with California laws that address the identification and treatment of human remains.	Consistent	The proposed project would be required to comply this policy (see Section 8.0, Cultural Resources).
OSP-9.4 Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.	Consistent	The proposed project would be required to comply this policy (see Section 8.0, Cultural Resources).
OSP-9.5 Encourage development to avoid impacts to burial sites by designing or clustering development to avoid archaeological deposits that may contain human remains.	Consistent	No human remains are known to exist on the project site. Should they be accidentally discovered during grading and construction activities, the project would be required to comply with this policy (see Section 8.0, Cultural Resources).
Environment and Sustainability Element		
ENV-1.1 Preserve trees that are protected under the Town's Tree Protection Ordinance, as well as other native heritage, heritage and specimen trees.	Consistent with implementation of mitigation measure	See discussion for Policy CD-4.3.
ENV-1.2 Public and private projects shall protect special-status native plant species.	Consistent	EMC Planning Group conducted a focused plant survey on April 22, 2021 during the blooming period for special-status plants that have the potential to grow within the project area. However, no special-status plants were observed during that survey. See section 7.0, Biological Resources, for additional information. The proposed project would have no impact on special-status plant species.

2020 General Plan Policy	Proposed Project	Discussion
ENV-1.3 Prohibit development that significantly depletes, damages or alters existing special-status plants.	Consistent with implementation of mitigation measure	See discussion for Policy ENV-1.2.
ENV-4.1 Public and private projects shall not significantly deplete, damage or alter existing wildlife habitat or populations.	Consistent with implementation of mitigation measures 7-2, 7-3, 7-4, and 7-8	The proposed project would not alter the majority of wildlife habitat on the project site. Mitigation measures 7-2, 7-3, 7-4, and 7-8 collectively address potential adverse impacts to wildlife and wildlife habitats and would reduce potential depletion, damage, or alteration of wildlife habitat and populations.
ENV-4.3 Maintain open space and native plant communities that provide habitat and migration corridors for native wildlife species.	Consistent	See discussion for Policy OSP-2.4.
ENV-4.4 Identify and protect areas with significant habitat diversity or importance for wildlife, such as riparian corridors, wildlife movement corridors and large tracts of undeveloped land.	Consistent	The proposed project would not impact an area with significant habitat diversity or importance for wildlife, such as riparian corridors, wildlife movement corridors and large tracts of undeveloped land.
ENV-4.6 Preserve the habitats of native plants, especially rare species or species that have significant local value to the Town.	Consistent	See discussion for Policy CD-4.3 and Policy ENV-1.2.
ENV-4.7 Nesting sites shall be preserved in new development and within existing development unless a mitigation plan is approved.	Consistent with implementation of mitigation measure 7-4	Protected nesting birds, including raptor species such as Cooper's hawk (*Accipiter cooperii*), have potential to nest on and adjacent to the project site during the nesting bird season (January 15 through September 15). If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. Implementation of mitigation measure 7-4 would ensure the project is consistent with this policy.
ENV-4.10 The Town shall require open space dedications as a means to protect wildlife.	Consistent	Approximately 77.5 percent of the site would remain as open space, which is greater than the 75.4 percent under the existing permit condition.
ENV-4.11 Town staff shall review site plans to ensure that existing significant wildlife habitats and migration corridors are not adversely affected by either individual or cumulative development impacts.	Consistent	See discussion for Policies LU-1.3 and OSP 2.4.

2020 General Plan Policy	Proposed Project	Discussion
ENV 5.1. Applicants shall demonstrate that new development will not contaminate surface water and/or groundwater.	Consistent with implementation of Town requirements	By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project would not violate any water quality standards or degrade water quality. The proposed project's storm drainage system and the Town's requirement for a storm water pollution prevention program and erosion and sedimentation control plan would reduce the potential for contamination.
ENV-9.1 As part of CEQA review for development projects, require analysis of the single and cumulative impacts on water drainage (runoff) and contamination (water quality) in all areas but particularly in or adjacent to hillsides, riparian corridors, and important undeveloped watersheds.	Consistent with implementation of Town requirements	An analysis of cumulative impacts on water drainage (storm water runoff) and water quality is included in Section 19.0, Cumulative Impacts. Analysis of individual (project) impacts of runoff and water quality is included in Section D.10., Hydrology and Water Quality and Section D.10, Utilities and Service Systems, in the initial study prepared for this project in conjunction with the release of the notice of preparation.
ENV-12.5 Site plans shall be reviewed to include an assessment of the potential adverse impact from air pollution and recommended alternatives to reduce such impacts.	Consistent	An analysis of air quality impacts as a result of the proposed project are included Section 6.0, Air Quality, of this EIR. Criteria air pollutant emissions for both construction and operations were determined to be less than significant and would not exceed air district thresholds. Therefore, the proposed project is consistent with this policy.
ENV-12.7 During construction, ensure all applicable best management practices are used in accordance with Bay Area Air Quality Management District standards to reduce emissions of criteria pollutants.	Consistent	The criteria air pollutants generated during construction of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. According to the model results, the proposed project would not generate criteria pollutants emissions volumes that exceed the air district standards. However, the Town will require the project to apply best management practices to reduce criteria pollutants emissions as a condition of project approval. Therefore, the project is consistent with this policy.
Noise Element		
NOI-1.1 The Town, as part of the Environmental Review process, shall require applicants to submit an acoustical analysis of projects. All input related to noise levels shall use the adopted standard of measurement shown in Table NOI-2. Noise impacts of new development shall be evaluated in terms of any increase of the existing ambient noise levels and the potential for adverse noise and groundborne vibrations impacts on nearby or adjacent properties. The evaluation shall consider short-term construction noise and on-going operational noise.	Consistent with implementation of best management practices	An operational acoustical analysis was not conducted because the proposed project is a replacement or development project providing similar levels of residents and employees; and therefore, there is no evidence that operational noise would be notably different than the baseline noise. Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas (single-family residences) during the anticipated 30 months of construction. However, based on the distance to adjacent residences, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction on the project site would not occur during nighttime hours, when occupants of the residences would be expected to be most sensitive to noise.

2020 General Plan Policy	Proposed Project	Discussion
Safety Element		
SAF-1.1. Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.	Consistent with implementation of mitigation measures	The applicant submitted a final version of the *Geotechnical Investigation and Geotechnical Evaluation* (geotechnical report), prepared by Cornerstone Earth Group, Inc., dated December 30, 2020, in January 2021. The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the 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 consistency with this policy.
SAF-1.6. Require geological investigations for any development or project as mandated by the State or deemed warranted by the Town.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.8. Require preparation of a report from an engineering geologist and/or geotechnical engineer that discusses the geologic, seismic, and geotechnical engineering conditions and potential hazards for developments in hazard zones mapped by the State or identified by the Town, as shown in Figures SAF-1 and SAF-2.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.9 Enforce the California Building Code seismic safety restrictions. Require fault investigations for structures for human habitation and all critical facilities. Investigation may include field investigations. Reports shall include appropriate design measures to mitigate potential fault ground rupture/deformation to acceptable levels, and shall be reviewed by the Town.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.

2020 General Plan Policy	Proposed Project	Discussion
SAF-1.10. Require geologic and geotechnical reports and Town review during the development review process for projects with significant grading, potential erosion and sedimentation hazards.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.11. Require geologic and geotechnical reports to specify construction methods to protect the proposed project, as well as existing residences in the vicinity, from identified hazards.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-2.1 New development located in or adjacent to fire hazard areas shall be designed and sited to minimize hazards to life and property. Utilize fire preventive site design, access, fire-safe landscaping, and building materials, and incorporate fire suppression techniques.	Consistent with implementation of mitigation measures 12-1, 13-1, and 13-2 and conditions of approval	Preparation and implementation of a construction traffic management plan, as required by Mitigation Measure 12-1, would adequately address any potential conflicts with emergency access or evacuation routes during construction by communicating proposed lane and road closures to first responders and allowing first responders to plan accordingly to ensure that emergency response times and maintain adequate emergency access. As a result, with mitigation this impact would be less than significant.
SAF-2.4 Provide secondary emergency access that will not increase traffic for homes in areas identified as Very High Fire Hazard Areas on the Town's Wildland Fire Severity Zone Map.	Consistent	The project site would be accessible via the existing 22-foot-wide Wood Road and a new 20-foot-wide secondary access (Farwell Lane) which is accessed at both the west and eastern boundaries of the facilities and connects to Broadway to the north of the site. Project plans show full fire access circulation around building perimeter. Additional bump-outs and widening lanes to 26 feet have been included as well (see sheets C108.1, C108.2, and C108.3). In addition, a new fire engine turn-around is proposed at the western edge of the property along the dedicate fire access road to provide adequate turn radius for County Fire Department equipment in case of emergency.
SAF-4.6 Require major new development and redevelopment to provide mitigation to ensure that the cumulative rate of peak stormwater run-off is maintained at pre-development levels.	Consistent with conditions of approval	By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project 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.
SAF-8.2 Identify and mitigate fire hazards during the project review and approval process.	Consistent with conditions of approval	The Santa Clara County Fire Department has reviewed the proposed project and identified significant wildfire hazards particular to this site. The County Fire Department provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approvals. Based on the Fire Department's review, the implementation of the conditions of approval would provide a sufficient fire protection system for the project.

Los Gatos Sustainability Plan Policy	Proposed Project	Discussion
RE-5 Solar Ready Features. Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include: proper solar orientation (i.e. south facing roof area sloped at 20° to 55° from the horizontal); clear access on the south sloped roof (i.e. no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
EC-1 Energy-Efficient Appliances and Lighting. Require new development to use energy-efficient appliances that meet Energy Star standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
WW-3 Bay Friendly Landscaping. Require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org. The Los Gatos water efficient landscaping requirements (Chapter 26, Article IV of the Town Code) require private development projects to calculate the maximum applied water for the irrigated landscaped areas of the project site. A landscape design plan proposing appropriate plantings (adaptable to the site climatic, geologic, and topographic	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.

Los Gatos Sustainability Plan Policy	Proposed Project	Discussion
conditions) and a water-conserving irrigation system must be provided to ensure that irrigation water use remain below the calculated amount. Native species and natural areas should be preserved. Use of recycled water is encouraged where available. Post-installation field inspection to certify compliance must be submitted to the Town.		

Hillside Specific Plan Policy	Proposed Project	Discussion
Land Use		
1. Clustering of Dwelling Units: Clustering of dwelling units should be encouraged to preserve the scenic nature of the hillsides and to allow for economies in the construction of required public and private facilities.	Consistent	The proposed project would reduce the overall development footprint as compared to the existing facility by clustering proposed facility buildings to the extent possible, including five buildings clustered around a central open space.
Facilities Services		
1. Availability of Services for Development: Development proposals shall be approved only if the necessary road, water, sanitation and other services required for the proposed use are provided to the property.	Consistent	See discussion for Policy LU-4.2.
Circulation		
1. Design of Hillside Roads and Driveways: a. Hillside roadways and driveways shall be designed and located so as to: 1. Require a minimum amount of earth movement. 2. Be consistent with the specified standards for curves, gradients, widths, and other controlling factors. 3. Be in harmony with the surrounding landscape by utilizing aesthetic design concepts, including landscaping with native plants and materials. 4. Allow for special designs where natural features such as rocks, slopes and trees require special treatment. b. Adequate slope easements shall be provided.	Consistent	See discussion for General Plan Policy SAF-1.1.

Hillside Specific Plan Policy	Proposed Project	Discussion
6. Two Means of Access: a. As a guide to developing a circulation plan, two means of access shall be provided to all areas. If dual access is NOT available, the land use intensity shall be limited in accordance with the access provided. b. Secondary access shall be sought for existing dead end streets. c. The second means of access shall not encourage through traffic to nonresidents and could be limited to emergency access only. d. Where single access roads exist, acceptable provisions shall be made for emergency access. Emergency access roads shall be designed to assure passability, however, the design shall prevent unauthorized non-emergency through access.	Consistent	The project would also improve the integration of the site with the broader Los Gatos community by closing Farwell Lane to through traffic and transitioning this pathway connecting Los Gatos Meadows and Broadway into a naturally landscaped, pedestrian friendly connection to downtown Los Gatos. The conversion of Farwell Lane into a pedestrian and bicycle lane would improve safety for vehicle and pedestrian interaction at the intersection of Farwell Lane and Broadway. The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance, providing safe and efficient access to the site. The project would incorporate a dedicated area for fire access, which would be located on the western side of the property.
Open Space		
4. Tree Removal: The cutting of live trees shall be controlled under Town and County policies designed to restrict cutting.	Consistent with implementation of mitigation measure	See discussion for Policy CD-4.3
Safety		
1. Geologic Hazards Reviews: Development shall be avoided or carefully controlled in potentially hazardous geologic areas.	Consistent with implementation of mitigation measures.	See discussion for General Plan Policy SAF-1.1.
2. Fire Protection: a. Development should be avoided in areas subject to severe fire danger. b. Development should be avoided unless measures designed to assure the highest degree of fire prevention and fast, effective means of fire suppression are provided.	Consistent with implementation of mitigation measures	See discussion for General Plan Policies SAF-2.1, SAF-2.4, SAF-4.6, and SAF-8.2.

SOURCE: EMC Planning Group 2021; Los Gatos 2010; Los Gatos 2012; Los Gatos 1978

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4.0
Project Description

4.1 PROJECT OBJECTIVES

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

- Consistent with the Town's General Plan goals and policies and density allowed by the existing site zoning, rebuild the Los Gatos Meadows site into a contemporary, full-service senior living community (Life Plan Community) that provides seniors 62+ years and over an opportunity to age in place and live successfully in the Los Gatos Community;
- Revitalize the site with a request for a new (updated) Planned Development (PD) that would allow the same number of apartments permitted under the existing PD entitlement in a manner responsive to market demand and financially feasible for Covia Communities (property owner) to implement & operate;
- Revitalize the site with intent of minimizing overall building site coverage, integrating the apartments with the natural topography, minimizing visual impacts and substantially improving fire safety;
- Assist in the implementation of the Town's 2015-2023 Housing Element by furthering the Goals and Policies specific to providing housing opportunities, lifestyle living and assisted living facilities for seniors;
- Further the Town's Human Services Element by revitalizing Los Gatos Meadows into a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility and ensures a safe environment for Los Gatos seniors;
- Provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center and retail/entertainment uses;

- Utilize architectural design principles and techniques that incorporate the Town's Sustainable Design strategies and materials to promote a healthy living environment;
- Provide a mix of different unit sizes and varying levels of care that respond to the needs of an active, aging community;
- Improve the integration of the site with the broader Los Gatos Community by closing Farwell Lane to through traffic and transitioning the Lane from Los Gatos Meadows to Broadway into a naturally landscaped, pedestrian-friendly connection to Downtown Los Gatos;
- Use the project as an opportunity to integrate the site design & architecture with existing topography and natural landscape in a manner that more harmoniously reflects the site's natural beauty than exists today; and
- Integrate and evoke the experience of nature by utilizing natural building materials, finishes, forms, patterns and colors that reflect the character of the surrounding hillside setting.

4.2 PROJECT CHARACTERISTICS

The proposed project involves the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community. 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.

Background

Los Gatos Meadows, a CCRC owned and operated by Covia Communities, was originally developed as a CCRC and opened in 1971. The objective then, and now, is to provide seniors a place to age in place, living independently in the Los Gatos Community. In March 1968, the Town of Los Gatos adopted Ordinance NO. 938, which rezoned the 10.84-project site to Residential Planned Development (R:PD). The Town Code 29.80.120 provides that if a R:PD ordinance was in effect prior to the adoption of the Town's PD regulations in 1976, that prior ordinance continues to apply. However, as part of the request to rebuild the existing Los

Gatos Meadows facility, Rockwood Pacific and Covia Communities seek a new Planned Development permit. While the current PD Permit remains valid, per Section 29.80.075 of the Town Municipal Code, the applicant recognizes the need to update the permit to reflect their desire to rebuild on the current site. The site's proposed density of 16 dwelling units per acre is above the General Plan's maximum density limit of 12 dwelling units per acre; however, it is below the density of 18 dwelling units per acre allowed under the existing PD Permit conditions. The term "dwelling units" relates to independent residential apartments, not to the supporting care units, consistent with the interpretation of dwelling units under the original PD Permit.

In February 2019, after undertaking a facilities assessment by a third-party firm on the condition and physical status of its buildings, Covia concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Of the numerous conditions reviewed during the assessment, compromised accessibility for fire response services and other fire safety issues, inadequate building systems, aging infrastructure, and the accumulated risk of all other operational and structural factors led to this decision. Covia initiated a months-long closure and transition process to ensure that these risks would not cause harm to the residents of Los Gatos Meadows. As of September 30, 2019, all residents of Los Gatos Meadows had found new homes, with a vast majority of life care residents either moving to another community owned and operated by Covia Communities or moving to a non-Covia community but retaining their life care contract with Covia.

Application

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

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

Proposed Land Uses

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, consistent with density bonus laws in California, 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. A comparison of the proposed project to the existing PD permit conditions is provided in Table 4-1, Comparison of Planned Development Permit Conditions, below.

Table 4-1 Comparison of Planned Development Permit Conditions

Permit Condition	Original 1968 PD Conditions	Proposed Project Conditions
Site Coverage	24.6%[5]	22.5%
Total Site Area Coverage (Square Footage)	116,427	106,540
Maximum Dwelling Unit Density	18 units per acre	16 units per acre
Total Number of Independent Residential Apartments[1]	184	174
Total Number of Units in Health Center	38	17
Total Units Permitted	222[2]	191
Total Gross Square Footage (Floor Area)[6]	150,475	430,816
Open Space	75.4%	77.5%
Building Setbacks from property line[4]	Front: 20'-0" Side: 15'-0", 27'-0" Rear: 15'-0"	Front: 34'-10" Side: 40'-10", 60'-10" Rear: 32'-11"
Parking	111 parking spaces[3]	77 parking spaces
Height[4]	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.

SOURCE: Rockwood Pacific 2020; Covia 2020

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 4-1 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

Proposed Improvements

Senior Living Community

The proposed project involves the redevelopment of the site with a state-of-the-art senior living community that would replace the existing Los Gatos Meadows senior living community. Figure 4-1, Site Plan, presents the proposed redevelopment of the property. The complete set of plans is included in Appendix B. The project includes the construction of eight, three- to five-story buildings rising from a grade level base containing the main building entry and reception, health center, and garage. Building heights would vary between 59 feet and 85.5 feet, with residential villas varying between three and five stories. The project would include 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments. The project would include a 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care. In addition, the project would consist of 35,429 square feet of total amenity space (including fitness and dining areas) and 35,280 square feet for back of house and mechanical space. The project would include 91,827 square feet of parking space, with 77 standard parking spaces in the new structure. Table 4-2, Summary of Proposed Buildings, provides a summary of the proposed buildings, including all service and amenity areas.

Table 4-2 Summary of Proposed Buildings

Building	# of Apartments	Gross Square Footage (SF)	Building Heights[2]
A	46	157,054[1]	85.5
B	20	41,483	70.5
C	29	56,891	81.5
D	15	31,426	70.5
E	18	40,712	82
F	17	40,712	82
G	14	31,426	70.5
H	15	31,112	59

SOURCE: Rockwood Pacific 2020
NOTE: 1. Building A GSF includes service spaces on Level G including entry/reception, fitness area, health center and several back of house areas.
2. Finished building height dimensions are to ground level (+488').

Site improvements would include on-site amenity areas, parking, new landscaping, and a variety of energy efficient and sustainable interior and exterior building elements. Parking for residents, staff, and visitors would be provided within a new structure which would include 77 standard, non-tandem parking spaces of which approximately 30 would be near

the garage entrance and the balance on the main parking level. The property owner has indicated they would be able to increase the parking capacity to 229 spaces by implementing a valet parking service.

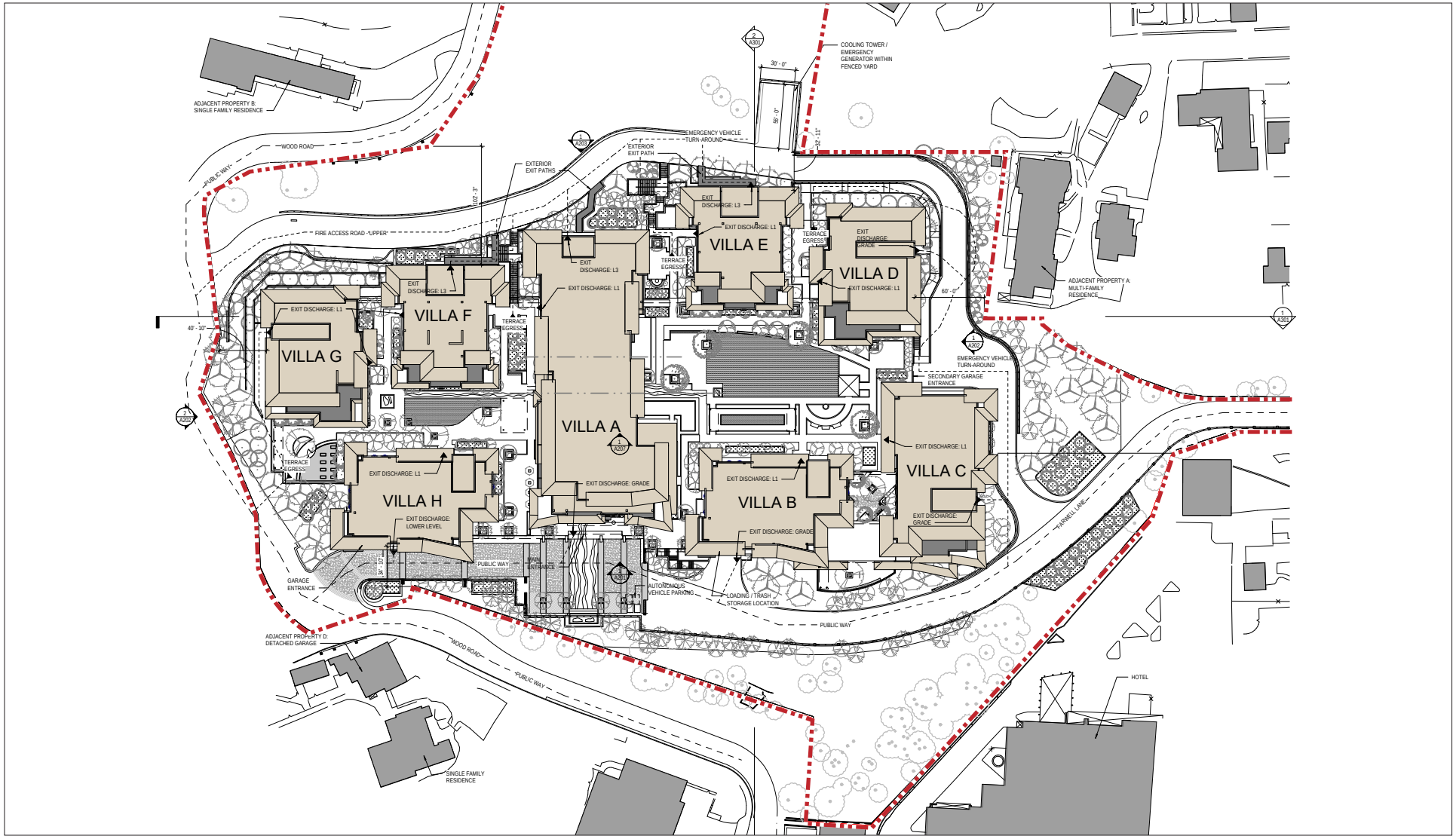
Site improvements would require demolition of all existing site improvements. The project is anticipated to be built over a period of approximately 26 to 30 months. Demolition of the existing improvements is expected to require approximately four (4) months.

Access and Circulation

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing "exit only" driveway (Farwell Lane) located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway would also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated road for emergency fire access, which would be located on the western side of the property.

Supplemental Transportation

As part of the project, the applicant has included an autonomous vehicle alternative transportation solution to enhance connectivity and mobility between the proposed project and Broadway, enabling access for residents to connect to Downtown Los Gatos. The project would consider Aurrigo, Automated Driverless Technology, as a vendor providing such services, headquartered in the United Kingdom. The project team has assessed the specifications of Aurrigo's four-seater devpod and concluded that the devpod aligns well with the constraints of and vision for Farwell Lane. The devpod is a full drive, steer and brake by wire vehicle system which is controlled through an application programming interface (API) enabling full control and customization of the devpod to its route. The current plan envisions one or more devpods and corresponding control systems deployed along Farwell Lane to enable an alternative means of transporting residents between Los Gatos Meadows and Town retail, entertainment, and civil services. The devpods would be equipped with fully compliant autonomous control systems comprised of stereo cameras, LIDAR sensors, GPS units, wheel odometry, safety lasers and ultrasonic transducers that enable autonomous mobility. In-cab passenger facing cameras are installed to ensure passenger safety. All camera feeds are available remotely and in conjunction with external CCTV and the Aurrigo control room, potentially providing all on-board supervisory needs, negating the need for a physical on-board safety person. Residents would be able to request a devpod via their mobile phones. Although the project is considering Aurrigo as the autonomous technology vendor, ultimate vendor selection would depend on cost, availability, and technology for meeting site requirements.



Source: Kimley-Horn 2020, Perkins Eastman 2020, Google Earth 2020

Figure 4-1
Site Plan

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Demolition

Site preparation would require demolition of all existing site improvements, which is expected to take approximately four (4) months.

Grading Activities

The preliminary cut and fill plan presents the preliminary earthwork quantity as follows: total cut is 146,700 cubic yards and total fill is 6,400 cubic yards, resulting in an export of 140,300 cubic yards. The Town Municipal Code Section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing activity.

Tree Removal

The tree preservation/removal plan shows that out of 375 existing trees, 213 trees would be removed and 118 trees would be preserved. The landscape plans indicate that new trees would be planted on the terrace level and grade level.

Open Space and Landscaping

Approximately 77.5 percent of the site would be open space, contributing to the visual compatibility of the surrounding hillside as well as create a natural environment for the residents. The project would result in a slight reduction in the overall development pad, increasing the amount of common open space available in comparison to the existing development. Small pockets of greenery and passive gardens would provide landscaped zones throughout the site. The plant palette for the proposed development includes several native tree and plant species along with ornamental shrubs, grasses, and groundcover. In addition, the project landscaping plan incorporates tree replacement and use of mature trees and a Village Green area, to ensure consistency with the surrounding hillside woodland habitat. The project would also include a series of covered walkways connecting to the buildings throughout the project site. Open space would be controlled by topography, use of underground parking, and specific building location, in order to protect the hillside.

Stormwater Management

Development of the project as proposed would result in a net decrease in impervious surface area of approximately 4,000 square feet. The project would mimic existing drainage patterns with modifications to meet current stormwater runoff requirements that would result in slower runoff during small storms. Stormwater would be collected on-site via drain inlets and roof drains and would be treated on-site. The stormwater would first be treated on-site with bioretention systems approved by the Town, and then would be conveyed to the existing public stormwater infrastructure that serves the site.

Standard best management practices (BMPs) have been integrated into the proposed project in order to reduce any runoff and potential erosion impacts during construction activities in compliance with the General Construction Permit. Standard BMPs that would be incorporated in the erosion control plan include, but are not limited to:

1. Inlet Protection;
2. Hydroseeding;
3. Fiber rolls; and
4. Check dams.

Sustainability Improvements

The proposed project, designed to meet or exceed the individual requirements of the California Building, Energy, and CalGreen Codes, as well as the Town's Build It Green (GreenPoint Rated) Standards, would bring significant improvements over the existing structures for energy efficiency, resiliency, water usage, and storm water management. Use of noncombustible building systems, as well as management of the surrounding forest and landscape would minimize fire spread factor both to and from the new buildings. A centralized building heating and cooling system would provide energy efficiency above code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with the state Energy Code requirement, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surfaces. Per the Cal Green requirements, 10 percent of all parking spaces would be designed to allow for future implementation of electric vehicle charging stations.

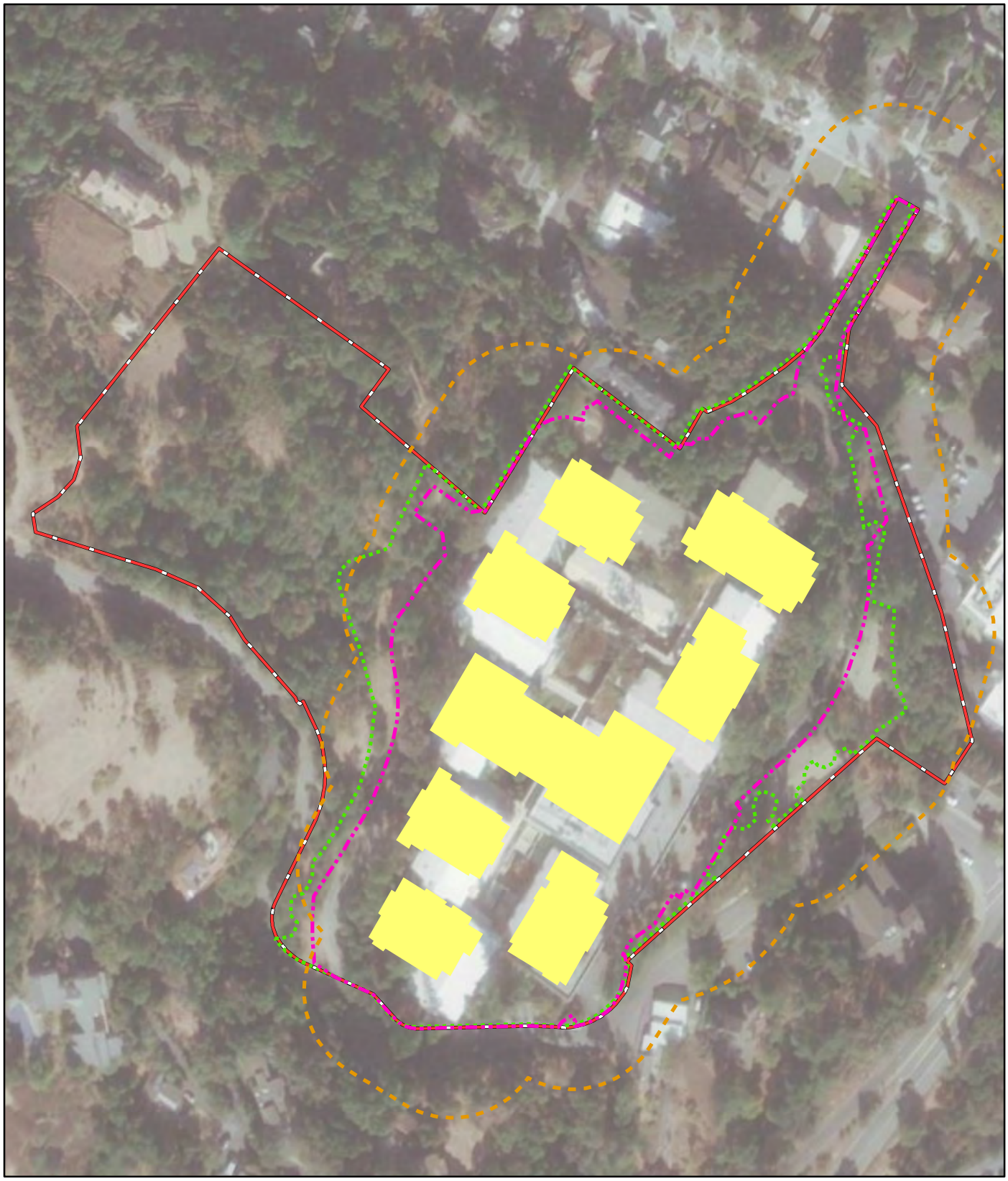
Area of Impact

Figure 4-2, Area of Impact, provides an overview of the actual development footprint of the proposed project. Table 4-3, Area of Impact, provides a further articulation in acreage of the impact footprint in relation to the overall project site acreage.

Table 4-3 Area of Impact

Impact Type	Impact Area Acreage[1]
Cut and Fill Area (Grading – Includes Existing Developed Area)	6.4
Tree Removal Area	7.3
Defensible Fire Space Area	7.1
Total Project Site	**10.9**

SOURCE: Kimley Horn 2020; EMC Planning Group 2021
NOTE: 1. Impact area acreage includes overlapping acreage with other impact types



Source: ESRI 2021, Santa Clara County 2020, Kimley Horn 2020

Figure 4-2

Area of Impact

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Construction Phasing

The project is anticipated to be built over a period of approximately 26 to 30 months. Demolition of the existing improvements is expected to require approximately four (4) months.

Population and Employment

Table 4-4, Approximate Population Projection, presents the anticipated resident population.

Table 4-4 Approximate Population Projection

Unit Type	Number of Units	Population Rate[1]	Total Residents
1 Bedroom	57	1.1	63
2 Bedroom	112	1.3	146
Penthouse (2 Bedroom)	5	1.3	7
Independent Residential Unit Subtotal	**174**		**216**
Supporting Care Units	17	1.0	17
Grand Total	**191**		**233**

SOURCE: Kimley-Horn 2021; Covia 2021
NOTE: 1. Population rates based on actual population in Covia facilities and are similar to number of residents previously housed at the Los Gatos Meadows facility. These rates are subject to minor fluctuations.

According to the applicant-prepared *Letter of Justification: Rebuild Los Gatos Meadows* (dated June 30, 2020), an estimated 120 full-time equivalent employees would be anticipated with the proposed project. This is commensurate to the number of employees on-site prior to the closure of the existing facility in September 2019.

4.3 Intended Uses of the EIR

In accordance with CEQA Guidelines section 15124(d), following is a list of agencies that are expected to use this EIR in their decision-making, and a list of the approvals for which this EIR may be used. These lists include information that is known to the Lead Agency.

Town of Los Gatos

- Planned Development Application (PD-20-001);
- Architecture and Site Permit;
- Tree Removal Permit;
- Demolition Permit;

- Grading Permit;
- Building Permit; and
- Occupancy Permit.

Other Agencies (Possible Permits)

- U.S. Army Corps of Engineers;
- California Department of Fish and Wildlife; and/or
- California Regional Water Quality Control Board.

5.0
Aesthetics

This section of the draft EIR addresses the project's effects on scenic resources, the change in the visual character of the project site and its surroundings due to the project, and the impacts of new sources of light and glare that could be added by the project. Information in this section is derived primarily from project plans prepared by the project applicant, *The Town of Los Gatos General Plan* and *The Town of Los Gatos General Plan Draft and Final EIRs* (2010), a site visit conducted by EMC Planning Group staff on August 28, 2020 and September 4, 2020, and visual simulations prepared by the applicant.

No comments were received in response to the notice of preparation regarding aesthetics. The Town's notice of preparation and comment letters on the notice are included in Appendix A.

5.1 Environmental Setting

Los Gatos Visual Qualities

The natural visual character of Los Gatos is defined by its setting at the eastern base of the Santa Cruz Mountains, which is integrated into the Town's fabric through views of forested hillsides, mature trees, and creek-side trails. The urban character of Los Gatos is densely knit with a high level of architectural detail. The Town has created and maintained an attractively built environment through careful attention to the design of buildings, landscaping, public improvements, and the preservation of and careful integration with the natural environment.

Mature trees cover much of the Los Gatos landscape, particularly in the hillside neighborhoods. Los Gatos is one of many communities in California designated a "Tree City USA" and has been in the Tree City USA Program since 1980. This program provides national recognition and technical assistance to towns and cities for preserving and maintaining trees in their jurisdictions.

A scenic vista is generally described as a clear, expansive view of significant regional features possessing visual and aesthetic qualities of value to the community. The primary scenic views within Los Gatos are those of the Santa Cruz Mountains, particularly the Sierra Azul Ridge to the south. Many major roads that run north-south have views of the ridge to the south. However, these views are often blocked or partially blocked by trees.

There are no State-designated scenic highways within Los Gatos. However, State Route 9 is a designated scenic highway just outside Town limits and State Route 17 passing through Los Gatos is an eligible State scenic highway. The project site is located more than ½ mile from State Route 9 and is not visible from this highway. At its closest point, the project is located approximately 470 feet from State Route 17. Views of the project site from this highway are intermittent and largely obscured by existing vegetation and structures.

Visual Quality and Character of Project Site

The project site is currently developed with 10 two-to-three-story residential buildings (up to 55 feet in height) making up the former Los Gatos Meadows senior living community. The facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. Los Gatos Meadows was constructed on a moderately steep to steep slope with slope inclinations averaging 24 percent and abundant tree cover and landscaping. The arborist report prepared for the project documents 331 trees onsite, which include 57 species but are largely made up of Coast live oak and California bay. The site is surrounded by commercial and rural residential properties. Photographs of the project site are presented in Figure 3-3, Existing Facility Representative Photos.

Public Views

Based on location and topography, the project site is principally visible from locations within the project site itself, though limited views of the project site are available from above the project on Wood Road, from S. Santa Cruz Avenue (looking west) and from East Main Street (looking south) as illustrated in the visual simulations prepared by the applicant (see sheets A406-A408). The project site is not viewable from any of the Town's four (4) "Viewing Areas" as established in the Town's Hillside Development Standards and Guidelines (discussed further below). These "Viewing Areas" are primarily situated to establish visual impacts to the hillsides further to the east across State Route 17. The closest established "Viewing Area" is located approximately 950 feet northwest of the project site at the northwest corner of the intersection of W. Main Street and Bayview Avenue. From this viewing area location, the project site is entirely obscured due to vegetation and/or buildings along Bayview Avenue.

Light and Glare

The existing senior living community contains sources of light and glare in the form of existing on-site nighttime lighting and reflective glass windows on portions of all existing buildings. Existing light and glare sources in the surrounding hillside area are primarily from existing residences. Sources of light and glare from the commercial downtown area to the northeast along North Santa Cruz Boulevard are primarily from existing commercial and office buildings.

5.2 REGULATORY SETTING

Section 3.0, Environmental Setting, includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan*, and the *Los Gatos Sustainability Plan*. In addition to those relevant policies, the following standards and guidelines also apply to the proposed project.

Hillside Specific Plan

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 Section 4.0, Project Description, 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 proposed project are intended to meet this request.

Town of Los Gatos Town Code

As part of its Zoning Ordinance, the Town of Los Gatos adopted a Tree Protection Ordinance (Sec 29.10.0950 et seq.) that sets forth parameters for tree removal. The Town's tree ordinance is discussed in greater detail within Section 7, Biological Resources. Town Code Section 29.10.09035 prohibits the production of direct or reflected glare (such as that produced by floodlighting) onto any area outside of the boundaries of a given property.

5.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of aesthetics, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of aesthetics impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant aesthetics impact would occur if implementation of the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

- In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings. In an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

These are the issues evaluated in the following impact analysis.

5.4 Analysis, Impacts, and Mitigation Measures

Approach to the Environmental Analysis

This section evaluates whether the proposed project would result in significant impacts on aesthetic, or scenic resources. The significance criteria above were used to evaluate the proposed project's effects on aesthetic resources relative to the existing baseline condition. The visual analysis is based on site investigations, evaluations of ground-based photographs of the project site and locations therein where modifications are proposed, review of project application materials and communications submitted by the applicant regarding visual aspects of the proposed project, and consideration of Town policies and guidelines related to visual resources.

Actions with long-term visual effects, such as constructing new buildings, grading, vegetation removal, and introducing new sources of nighttime light and daytime glare, can permanently alter the landscape in a manner that could affect existing scenic resources and the visual character or quality of an area, depending on the perspective of the viewer and the visual sensitivity of an area.

Effects on Scenic Vistas

IMPACT 5-1	The Proposed Project Would Have an Effect on a Scenic Vista	Less-than-Significant

As previous discussed, the property is not located in the area subject to the Town's HDS&G. However, the CDAC suggested that the spirit and intent of the HDS&G should be applied within the design of the project including as relates to protecting existing hillside scenic vistas and preventing ridgeline development. In addition, the Town's General Plan establishes goals and policies which are intended to preserve the natural beauty and ecological integrity of the Santa Cruz Mountains and surrounding hillsides (General Plan Goal CD-14) by discouraging inappropriate development on and near the hillsides that significantly impacts viewsheds (General Plan Policy CD 14.6).

As shown in the project plans (see sheets A205 through A207), the project would generally align building roof lines with the contour of the hill and incorporate smaller roof components, minimizing the contrast between buildings and the existing environment. As noted by the applicant and independently verified by Town staff and EMC Planning Group, the spirit of the HDS&G is integrated into the project by stepping the buildings into the hillside, minimizing the dimensions of the Town-facing buildings, saving some existing trees per the arborist plan, implementing a landscape and tree-replacement plan, and presenting a carefully developed scale. Views from downtown Los Gatos towards the site (as demonstrated in the E. Main Street View Corridor exhibit on sheet A406 and included as 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 of views towards the existing facility though at a slightly greater height as viewed from downtown. However, this increased visibility would not substantially alter scenic views towards the designated Hillside Area and Santa Cruz Mountains beyond the project site. Therefore, the proposed project would have a less-than-significant effect on a scenic vista.

Effects on Scenic Resources within a State Scenic Highway

IMPACT 5-2	**The Proposed Project Would Not Have an Adverse Effect on Scenic Resources within a State Scenic Highway**	**No Impact**

As previously noted, 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. Therefore, the proposed project would have no adverse impact on views from scenic highways.

Visual Character and Quality Effects

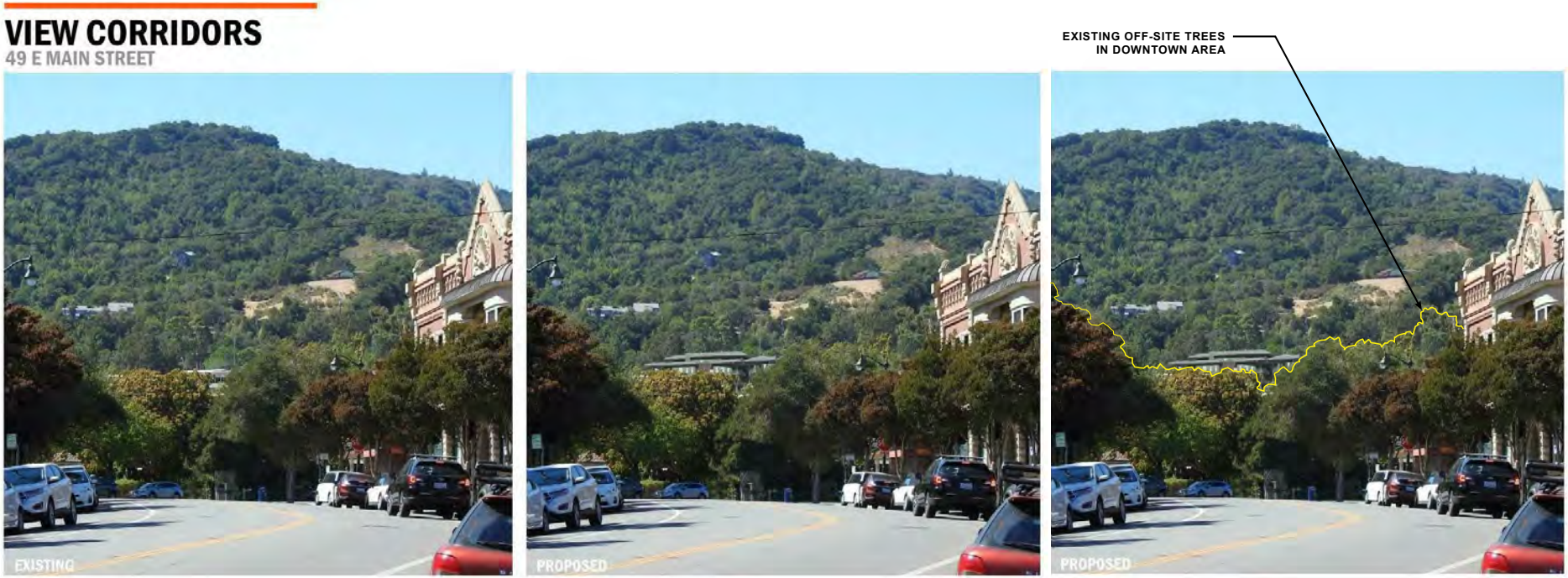
IMPACT 5-3	**The Proposed Project Would Alter the Existing Visual Character of the Site but Would Not Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality**	**Less than Significant**

The existing visual character of the project site can be considered as having a moderate visual quality based on the existing developed though heavily wooded hillside setting. As previously discussed, the property is not located in the area subject to the Town's HDS&G. However, the CDAC suggested that the spirit and intent of the HDS&G should be applied within the design of the project. The proposed project would result in the reduction of the overall site development (from 24.6 percent of the site to 22.5 percent of the site) and the increase in overall open space (from 75.4 percent of the site to 77.5 percent), which would generally be consistent with the HDS&G. In addition to this, development of the multi-story

senior living community would 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. Figure 5-2, Proposed Southeast Elevation (Villa H), provides an architectural elevation rendering of Villa H, as viewed from the southeast boundary of the project site. Figure 5-3, Proposed Northeast Elevation (Villa C), presents an architectural elevation rending of Villa C, as viewed from the northeast boundary of the project site.

The HDS&G also emphasize minimizing grading and preserving natural features (including drainage channels and trees). While this analysis acknowledges that some 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 would help to reduce any potential degradation of the visual character of the project vicinity. Figures 5-4, Existing and Proposed Project Site Cross Section, presents three cross sections of the project site with existing and proposed building outlines set against the surrounding hillside setting with building heights, exiting trees, and neighboring homes as seen from different directional vantage points looking towards the project site.

As discussed in the project's arborist report, Appendix C, and in the Biological Resources section of this draft EIR, 213 trees would be removed for new buildings, infrastructure and roadway improvements. Landscaping plans have been submitted for the senior living community site and show placement and selection of a variety of native plants, replacement trees, retention/preservation of 118 mature existing trees, a Village Green area, and passive gardens that are consistent with the General Plan and *Los Gatos Hillside Specific Plan* policies (see Table 3-1 under "Community Design Element"). In addition, landscaping plans are in keeping with landscaping design concepts and goals contained in the HDS&G, which emphasize maintaining the natural appearance of the hillsides where possible, designing for fire safety including maintaining adequate defensible space, utilizing native plant species, controlling erosion, screening buildings, and providing privacy. All these design principles also ensure consistency with the proposed PD zoning overlay (Town Code Section 28.80.075) by enhancing the natural features of the site, decreasing the overall developed area on the site and maintaining open space. The proposed project, while increasing the overall height and scale of buildings on site as seen from the surrounding area, 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 proposed project would be less than significant.



Source: Perkins-Eastman 2021

Figure 5-1
View Corridor from East Main Street to Project Site

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Source: Perkins-Eastman 2021

Figure 5-2
Proposed Southeast Elevation (Villa H)

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Source: Perkins-Eastman 2021

Figure 5-3
Proposed Northeast Elevation (Villa C)

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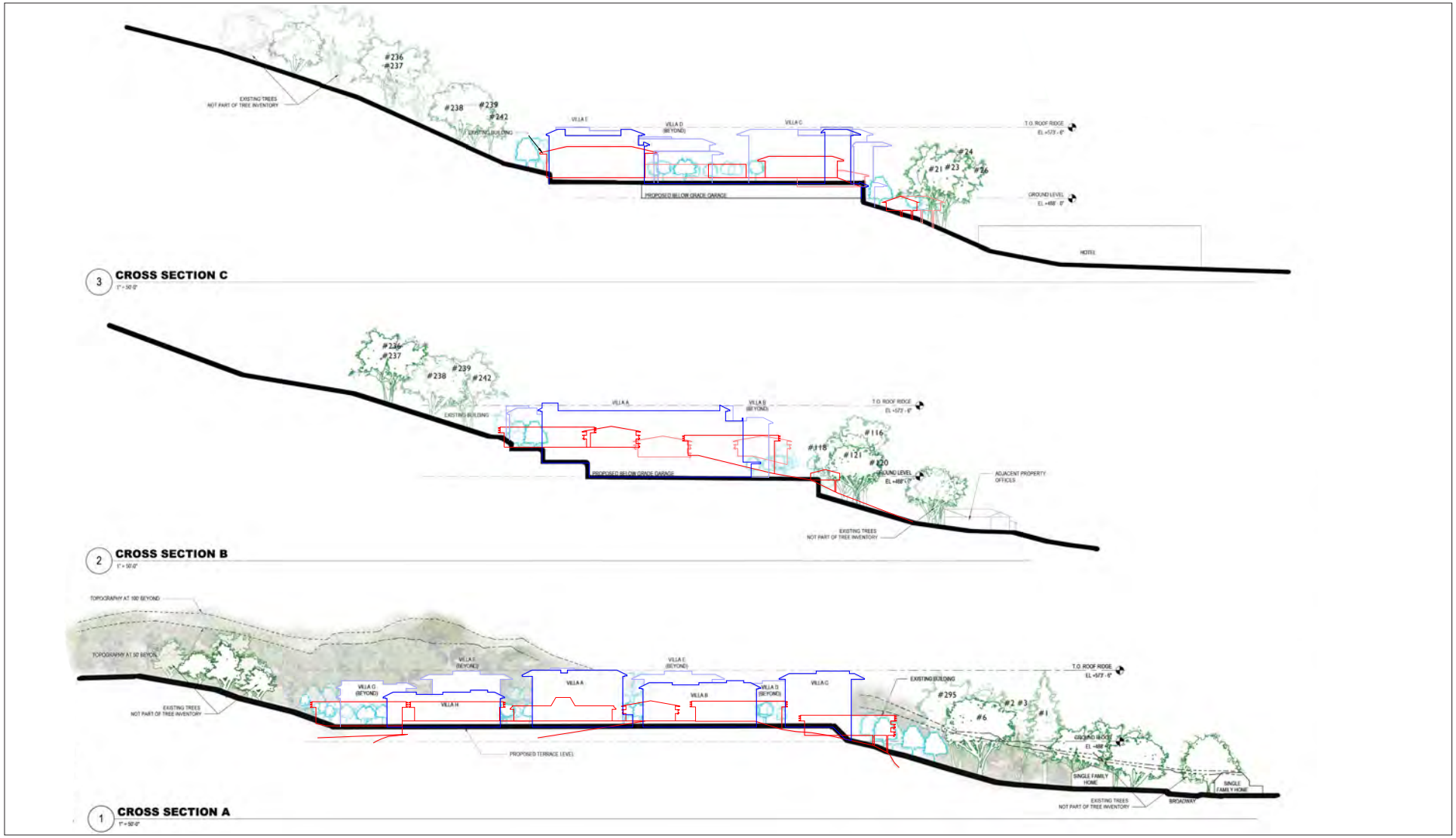

Source: Perkins-Eastman 2021

Figure 5-4

Existing and Proposed Project Site Cross Sections

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Light and Glare Effects

IMPACT 5-4	The Proposed Project Would Introduce New Sources of Light and Glare	Less than Significant

The existing facility currently has exterior security and surface parking lighting and lighting typical of multifamily residential and senior living communities. The proposed 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 project plans), proposed lighting fixtures for the project include post top lights, bollard lights, and various wall mounted lights all of which comply with Town Code Section 29.10.09035, 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 impact by requiring lighting design and controls for each building on the project site. Therefore, with the implementation of this condition, impacts would be reduced to a less-than-significant level. No mitigation measures are necessary.

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6.0
Air Quality

This section evaluates the potential impacts of the proposed project on regional and local air quality during construction activities. The health risks associated with project construction on nearby sensitive receptors are also evaluated.

The information within this section is derived from a variety of sources including:

- *California Environmental Quality Act Air Quality Guidelines* (Bay Area Air Quality Management District 2017a);
- *2017 Clean Air Plan: Spare the Air, Cool the Climate* (Bay Area Air Quality Management District 2017b);
- CalEEMod Results Winter and Summer (EMC Planning Group 2021a); and
- *110 Wood Road – Los Gatos Continuing Care Retirement Community Health Risk Assessment* (EMC Planning Group 2021b).

Additional sources of information are introduced where applicable. There were no responses to the NOP regarding air quality.

6.1 Environmental Setting

Regional Climate and Topography

The project site is located within the San Francisco Bay Area Air Basin ("air basin"). The air basin encompasses all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, and Napa counties, and the southern portions of Solano and Sonoma counties.

The air basin is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range splits at San Francisco Bay, resulting in a western coast gap, the Golden Gate, and an eastern coast gap, the Carquinez Strait, which allows air to flow in and out of the air basin and the Central Valley to the east.

The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady

northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold-water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds lessen the region's air pollution.

Criteria Air Pollutants and Precursors and Their Effects on Human Health

The six most common and widespread air pollutants of concern, or "criteria air pollutants," are ground-level ozone, nitrogen dioxide, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, reactive organic gases are a key contributor to the criteria pollutants because they react with other substances to form ground-level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in Table 6-1, Criteria Air Pollutants.

Health effects of criteria air pollutants include, but are not limited to, asthma, bronchitis, chest pain, coughing, throat irritation, and airway inflammation. Currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's criteria air pollutant emissions and specific human health impacts. Consequently, the Bay Area Air Quality Management District's thresholds of significance for criteria air pollutants are not intended to address regional impacts, but address localized human health impacts that may result from an individual project's criteria air pollutant emissions.

Ozone

Ground-level ozone (O_3) is created by complex chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Since ground-level O_3 is not emitted directly into the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant.

O_3 is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to O_3. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to O_3 damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that O_3 also damages vegetation.

Table 6-1 Criteria Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone	Ground-level ozone is not emitted directly into the air. It results from chemical reactions between nitrogen oxides and volatile organic compounds in presence of sunlight.	▪ Automobiles; ▪ Industrial facilities; ▪ Gasoline vapors; ▪ Chemical solvents; ▪ Electric utilities.	▪ Chest pain, coughing, throat irritation, and airway inflammation ▪ Worsens bronchitis, emphysema, and asthma. ▪ Affects sensitive vegetation and ecosystems.
Nitrogen Dioxide	Reddish-brown gas formed during combustion of fuel. Nitrogen dioxide is a part of a group of highly reactive gases known as nitrogen oxides.	▪ Combustion of fuel; ▪ Automobiles; ▪ Power plant; ▪ Off-road Equipment.	▪ Irritate respiratory system / increase respiratory infections ▪ Development of asthma ▪ Forms acid rain – harms sensitive ecosystems ▪ Creates hazy air ▪ Contributes to nutrient pollution in coastal waters
Respirable and Fine Particulate Matter	Mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, soot, dirt, or smoke can be seen with the naked eye. Others are so small that they can only be detected with an electron microscope.	▪ Automobiles; ▪ Power Plants; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Smokestacks.	▪ Aggravated asthma; ▪ Irritation of the airways, coughing, and difficulty breathing; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide	Colorless, odorless gas released when something is burned.	▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic.	▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Dizziness, unconsciousness, and death (at high levels).
Sulfur Dioxide	Colorless acid gas with a pungent odor formed during combustion of fuel. In the entire group of sulfur oxides, sulfur dioxide is the component of the greatest concern.	▪ Fuel combustion; ▪ Industrial processes; ▪ Locomotives, ships, and other heavy equipment; ▪ Volcanoes.	▪ Makes breathing difficult; ▪ Worsens asthma; ▪ Contributes to acid rain; ▪ Reduced visibility; ▪ Damages statues and monuments.
Lead	Lead is a naturally occurring element found in small amounts in the earth's crust.	▪ Ore and metal processing; ▪ Leaded aviation fuel; ▪ Waste Incinerators; ▪ Utilities; ▪ Lead-acid battery manufacturers.	▪ High blood pressure and heart disease in adults; ▪ Behavioral problems, learning deficits, and lowered IQ in infants and young children; ▪ Decreased plant and animal growth; ▪ Neurological effects in vertebrates.

SOURCE: United States Environmental Protection Agency 2018

If project-generated concentrations of reactive organic gases and/or nitrogen oxides exceed the applicable thresholds of significance, concentrations of ground-level O_3 resulting from these pollutants could potentially result in significant adverse human health impacts.

Reactive Organic Gases

Reactive organic gases (ROGs) are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal. ROGs are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, as well as a list of compounds specifically excluded by the California Air Resources Board or the United States Environmental Protection Agency.

Nitrogen Dioxide

Nitrogen dioxide (NO_2) primarily gets in the air from the combustion of fuel in cars, trucks and buses, power plants, and off-road equipment. NO_2 is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. NO_2 is one of a group of highly reactive gases known as nitrogen oxides (NO_X). NO_2 is used as the indicator for the larger group of NO_X, which also includes nitrous acid and nitric acid. NO_X is a major contributor to ozone formation. NO_X also contributes to the formation of particulate matter (see discussion below).

Particulate Matter

Particulate matter refers to a wide range of solid or liquid particles in the atmosphere, including smoke, dust, aerosols, and metallic oxides. Particulate matter with diameter of 10 micrometers or less is referred to as PM_{10}. $PM_{2.5}$ includes a subgroup of finer particles that have a diameter of 2.5 micrometers or less. Particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is respirable particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 micrometers in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10 micrometers in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless gas that is released when fuel is burned. The greatest sources of CO to outdoor air are cars, trucks and other vehicles or machinery that burn fossil fuels.
A variety of household items such as gas space heaters, furnaces, fireplaces, lanterns, gas stoves, grills, and lawn equipment also release CO and can affect air quality indoors.

When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia, as well as fetuses. Even healthy people exposed to high CO concentrations can experience headaches, dizziness, fatigue, unconsciousness, and even death.

Sulfur Dioxide

Within the larger group of gaseous sulfur oxides (SO_X), sulfur dioxide (SO_2) is the component of greatest concern, and is used as the indicator for the group. Emissions that lead to high concentrations of SO_2 generally also lead to the formation of other SO_X. SO_2 is a colorless acid gas with a pungent odor. SO_2 is produced by the combustion of sulfur-containing fuels, such as oil, coal and diesel. SO_2 dissolves in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment. Health effects of SO_2 include damage to lung tissue and increased risk of acute and chronic respiratory disease.

Lead

Lead (Pb) is a metal found naturally in the environment as well as in manufactured products. Thirty years ago, mobile sources were the main contributor to ambient Pb concentrations in the air. Pb was phased out of on-road vehicle gasoline between 1975 and 1996 (Newell and Rogers 2003). Consequently, levels of Pb in the air decreased 98 percent between 1980 and 2014 (United States Environmental Protection Agency 2017). As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of Pb in air are generally found near Pb smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants (“TACs”) are pollutants that may be expected to result in an increase in mortality or serious illness or may pose a present or potential hazard to human health. Health effects include cancer, birth defects, neurological damage, damage to the body's natural defense systems, and diseases that lead to death. TACs can be classified as either carcinogens or non-carcinogens.

Diesel Emissions

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and TACs. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter (DPM). Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the TACs contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Diesel engine emissions are responsible for about 70 percent of California's estimated cancer risk attributable to TACs (California Air Resources Board 2020a). As a significant fraction of particulate pollution, diesel particulate matter contributes to numerous health impacts, including increased hospital admissions, particularly for heart disease, but also for respiratory illness, and even premature death.

Construction Emissions

Emissions generated during construction are “short-term” in the sense that they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of volatile organic compounds, nitrogen oxides, diesel particulate matter, suspended particulate matter, and carbon monoxide. Emissions of volatile organic compounds, nitrogen oxides, DPM, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Suspended particulate matter emissions are generated primarily by wind erosion of exposed graded surfaces.

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, retirement homes, and hospitals.

Existing sensitive receptors located adjacent to or in the vicinity of the project site include single-family residences to the north and east, a single-family home to the southeast, and hillside residences to the south and west (refer to Figure 3-2, Aerial Photograph).

6.2 REGULATORY SETTING

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) was established on December 2, 1970 to create a single agency that covered several agency concerns: federal research, monitoring, standard-setting and enforcement.

The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1993 to reduce nitrogen oxides and particulate emissions from off-road and highway diesel equipment. Before EPA began regulating sulfur in diesel, diesel fuel contained as much as 5,000 parts per million (ppm) of sulfur. In 2006, EPA introduced stringent regulations to lower the amount of sulfur in diesel fuels to 15 ppm (Environmental Protection Agency 2017). This fuel is known as ultra-low sulfur diesel.

EPA Tier 1 non-road diesel engine standards were introduced in 1996, Tier 2 in 2001, Tier 3 in 2006, with final Tier 4 in 2014 (DieselNet 2017). Table 6-2, Typical Non-road Engine Emissions Standards, compares emissions standards for NO_X and particulate matter from non-road engine Tier 1 through Tier 4 for typical engine sizes. As illustrated in the table, emissions for these pollutants have decreased significantly for construction equipment manufactured over the past 20 years, and especially for construction equipment manufactured in the past five years.

Table 6-2 Typical Non-road Engine Emissions Standards

Engine Tier and Year Introduced	NO_X Emissions[1]			Particulate Emissions[1]		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	--[2]	--[2]	--[2]	0.22	0.15	0.15
Tier 3 (2006)	--[2]	--[2]	--[2]	-- †[3]	-- †[3]	-- †[3]
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2017

NOTES:

1. Expressed in g/bhp-hr. where g/bhp-hr. stands for grams per brake horsepower-hour.
2. Tier 1 standards for NO_X remained in effect.
3. † - Not adopted, engines must meet Tier 2 PM standard.

Federal Clean Air Act

Air quality is regulated at the federal level by the Clean Air Act, which was adopted in 1970 and then amended in 1990. The federal Clean Air Act required the EPA to set National Ambient Air Quality Standards for several air pollutants on the basis of human health and welfare criteria. The Clean Air Act also set deadlines for the attainment of these standards. The Clean Air Act established two types of national air standards: primary and secondary standards. Primary standards set limits to protect public health, including the health of sensitive persons such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. Historically, air quality laws and regulations have divided air pollutants into two broad categories of airborne pollutants: criteria pollutants and TACs.

National Ambient Air Quality Standards

Ambient air quality is described in terms of compliance with the state and national standards. In general, criteria pollutants are pervasive constituents, such as those emitted in vast quantities by the combustion of fossil fuels. Both the state and federal governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. Table 6-3, National and California Ambient Air Quality Standards, lists national and California ambient air quality standards for common air pollutants.

National Emissions Standards for Hazardous Air Pollutants are emissions standards set by the EPA for an air pollutant not covered by National Ambient Air Quality Standards that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness. The standards for a particular source category require the maximum degree of emission reduction that the EPA determines to be achievable, which is known as the Maximum Achievable Control Technology.

State

California Air Resources Board

The federal Clean Air Act gives states primary responsibility for directly monitoring, controlling, and preventing air pollution. The California Air Resources Board (CARB) is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. CARB oversees regional or local air quality management or air pollution control districts that are charged with developing attainment plans for the areas over which they have jurisdiction.

Table 6-3 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	National Standards[1]				California Standards[2]	
		Primary[3,4]		Secondary[3,5]		Concentration[3]	
		ppm	µg/m³	ppm	µg/m³	ppm	µg/m³
O_3[6]	1 Hour	-	-	-	-	0.09	180
	8 Hour	0.07	137	0.07	137	0.07	137
PM_{10}[7]	24 Hour	-	150	-	150	-	50
	Annual	-	-	-	-	-	20
$PM_{2.5}$[7]	24 Hour	-	35	-	35	-	-
	Annual	-	12	-	15	-	12
CO	8 Hour	9	10	-	-	9.0	10
	1 Hour	35	40	-	-	20.0	23
NO_2[8]	Annual	0.053	100	0.053	100	0.03	57
	1 Hour	0.10	188	-	-	0.18	339
SO_2[9]	Annual	0.03	See note 9	-	-	-	-
	24 Hour	0.14	See note 9	-	-	0.04	105
	3 Hour	-	-	0.5	1,300	-	-
	1 Hour	0.075	196	-	-	0.25	655
Pb[10,11]	30 Day Average	-	-	-	-	-	1.5
	Rolling 3-month Average	-	0.15	-	0.15	-	-
	Calendar Quarter	See note 10	1.5	See note 10	1.5	-	-
Visibility Reducing Paarticles[12]	8 Hour	No Federal Standards				See note 12	
Sulfates	24 Hour					-	25
Hydrogen Sulfide	1 Hour					0.03	42
Vinyl Chloride[10]	24 Hour					0.01	26

SOURCE: California Air Resources Board 2016

NOTES:

1. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
2. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or

exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
7. On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 µg/m^3 to 12.0 µg/m^3. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 µg/m^3, as was the annual secondary standard of 15 µg/m^3. The existing 24-hour PM_{10} standards (primary and secondary) of 150 µg/m^3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
9. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
10. The California Air Resources Board has identified lead and vinyl chloride as 'TACs' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m^3 as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
12. In 1989, the California Air Resources Board converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Air Quality Management Plans

The federal Clean Air Act requires areas with unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts prepare State Implementation Plan elements and submit them to the CARB for review and approval. CARB forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register.

California Air Toxics Program

California has a comprehensive and effective Air Toxics Program. Several pieces of legislation form the basis for the CARB to identify and control air toxics from a multitude of sources, inform the public of significant toxic exposures and provide ways to reduce risks from these exposures.

The Toxic Air Contaminant Identification and Control Act of 1983 or Assembly Bill ("AB") 1807 established the California Air Toxics Program that was designed to reduce exposure to air toxics. The program involves a two-step process: risk identification and risk management. In the risk identification step, upon CARB's request, the Office of Environmental Health Hazard Assessment evaluates the health effects of substances other than pesticides and their pesticidal uses. Substances with the potential to be emitted or are currently being emitted into the ambient air may be identified as a TAC. Once a substance is identified as a TAC, and with the participation of local air districts, industry, and interested public, CARB prepares a report that outlines the need and degree to regulate the TAC through a control measure (California Air Resources Board 2021a).

The Air Toxics Hot Spots Information and Assessment Act or AB 2588 was enacted in 1987, and requires stationary sources to report the types and quantities of certain substances their facilities routinely release into the air. The goals of AB 2588 are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels (California Air Resources Board 2021b).

California Ambient Air Quality Standards

The California Ambient Air Quality Standards were established in 1959 by the California Department of Public Health to set air quality standards and controls for vehicle emissions.

The California Ambient Air Quality Standards are often stricter than the National Ambient Air Quality Standards (refer to Table 6-3, National and California Ambient Air Quality Standards). When state thresholds are exceeded at regional monitoring stations, an "attainment plan" must be prepared that outlines how an air quality district will achieve compliance with the state standards.

Truck and Bus Regulation

As heavy-duty on-road vehicles are a significant source of TACs, the Truck and Bus Regulation is one of the most far-reaching and important tools to reduce smog-forming and toxic emissions and protect public health in disadvantaged communities. The Truck and Bus Regulation requires all trucks and buses, by January 1, 2023, to have 2010 or newer model year engines to reduce DPM and NO_x emissions (California Air Resources Board 2021a). To help ensure that the benefits of this regulation are achieved, starting January 1, 2020, only vehicles compliant with this regulation will be registered by the California Department of Motor Vehicles.

California Supreme Court Decision Affecting Air Quality Analysis in CEQA Documents

The Friant Ranch Case

On December 24, 2018, the California Supreme Court released a decision on *Sierra Club v. County of Fresno (Friant Ranch, L.P.)* (2018) ("Friant Ranch Case"). The Friant Ranch project consists of a 942-acre master-planned, mixed-use development with over 2,500 senior residential units, 250,000 square feet of commercial space, and extensive open space/ recreational amenities on former agricultural land in north central Fresno County.

In 2011, litigation was filed by the Sierra Club and other groups challenging the adequacy of Fresno County's EIR for failing to comply with CEQA. The Superior Court upheld all aspects of the EIR, but an appeal then followed, ultimately reversing the decision.

The Supreme Court ruled that the EIR's air quality analysis failed to adequately disclose the nature and magnitude of significant, long-term air quality impacts from emissions of ozone precursors "in sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises." The Court noted that the air quality analysis did not provide a discussion of the foreseeable effects of project-generated emissions on the likelihood of exceeding the National Ambient Air Quality Standards and California Ambient Air Quality Standards, nor did it draw a connection between the project emissions and adverse health consequences or explain why it was not "scientifically possible" to define such a connection. The Court concluded that "because the EIR as written makes it impossible for the public to translate the bare numbers provided into adverse health impacts or to understand why such translation is not possible at this time," the EIR's discussion of air quality impacts was inadequate to inform the public.

Regional/Local

Bay Area Air Quality Management District

The Bay Area Air Quality Management District ("air district") is the agency with primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. The air district is charged with regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, and preparing an air quality management plan to maintain or improve air quality in the air basin. The air district also requires construction health risk assessments, where construction would occur within 1,000 feet of sensitive receptors. The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. The guidance is contained in the *2017 CEQA Air Quality Guidelines* ("2017 CEQA Guidelines").

Air Basin Attainment Status

In accordance with the Clean Air Act, CARB is required to designate regions of the state as attainment, non-attainment, or unclassified with regard to that region's compliance with criteria air pollutants standards. An "attainment" designation for a region signifies that pollutant concentrations do not violate the standard for that pollutant in that region. A "non-attainment" designation indicates that a pollutant concentration violated the standard at least once. An "unclassified" designation signifies that available data does not support either an attainment or non-attainment status. The air basin is currently designated as a non-attainment area for state and national ozone standards, for state and national $PM_{2.5}$ standards, and state PM_{10} standards. With respect to national PM_{10} standards, the air basin is unclassified. Table 6-4, San Francisco Bay Area Air Basin Attainment Status Designations, identifies the current status within the air basin for each criteria pollutant.

Table 6-4 San Francisco Bay Area Air Basin Attainment Status Designations

Pollutant	State Standards	National Standards
O_3	Non-attainment	Non-attainment
PM_{10}	Non-attainment	Unclassified
$PM_{2.5}$	Non-attainment	Non-attainment
CO	Attainment	Attainment
NO_2	Attainment	Unclassified/Attainment
SO_2	Attainment	Unclassified/Attainment
Pb	-	Attainment

SOURCE: Bay Area Air Quality Management District 2017a

The air district has responsibility at the local level to implement both federal and state mandates for improving air quality in the air basin through an air quality plan. When thresholds are exceeded at regional monitoring stations on consecutive accounts, an attainment plan must be prepared that outlines how the air district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods. The air district periodically prepares and updates plans in order to attain state and national air quality standards, comply with quality planning requirements, and achieve the goal of clean and healthful air. These plans also report on progress in improving air quality and provide a road map to guide the air district's future activities.

2017 Clean Air Plan

The air district has adopted several plans in an attempt to achieve state and federal air quality standards. Because the air basin has been designated as a non-attainment area for the national ozone standard since 1998, the air district has prepared ozone attainment plans in

1999, 2001, 2005, and 2010. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* ("2017 Clean Air Plan") updates the air district's most recent state ozone plan, the 2010 Clean Air Plan, pursuant to the requirements of the California Health and Safety Code. The 2017 Clean Air Plan defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, ozone precursors and greenhouse gases. The 2017 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation; some of the control measures relate to residential or commercial development. Refer to Volume 2 of the 2017 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2017a).

6.3 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of air quality, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of air quality impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. The Town has done so here.

For the purposes of this EIR, a significant impact related to air quality would occur if implementation of the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; and
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Air District Significance Threshold Criteria

2017 Clean Air Plan Consistency

The 2017 CEQA Guidelines specify 2017 Clean Air Plan consistency methods for plan-level evaluation only. Guidance for project-level analysis focuses on attainment of criteria air pollutant emissions thresholds and health risk standards. The proposed project could be considered to be consistent with the 2017 Clean Air Plan if emissions are within the project-level thresholds presented below.

Criteria Air Pollutant Thresholds

The air district's thresholds of significance for criteria air pollutant emissions generated during construction and operation are presented in Table 6-5, Thresholds of Significance for Criteria Air Pollutants and Precursors.

Table 6-5 Thresholds of Significance for Criteria Air Pollutants and Precursors

Criteria Air Pollutants and Precursors	Construction Thresholds[1]	Operational Thresholds	
	Average Daily Emissions (lb/day)	Average Daily Emissions (lb/day)	Annual Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

SOURCE: Bay Area Air Quality Management District 2017a
NOTES:
1 The air district's numeric thresholds for particulate matter emissions from project construction apply to exhaust emissions only. The air district recommends implementation of best management practices to reduce fugitive dust emissions.

Carbon Monoxide Thresholds

The quantitative thresholds for localized carbon monoxide are presented below:

- 1-Hour CAAQS Averaging Time: concentration of 20.0 ppm; and
- 8-Hour CAAQS Averaging Time: concentration of 9.0 ppm.

According to the air district's 2017 CEQA Guidelines, a proposed project would result in less-than-significant impacts to localized carbon monoxide concentrations if all of the following screening criteria are met:

- The project is consistent with an applicable congestion management program (CMP) established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Community Risk and Hazard Thresholds

The community risk and hazard thresholds for new source toxic air contaminants and receptors within the 1,000-foot radius are presented below:

- Compliance with a qualified community risk reduction plan; or
- Increased cancer risk of greater than 10.0 in a million, increased non-cancer risk of greater than 1.0 hazard index (chronic or acute); or ambient $PM_{2.5}$ increase greater than 0.3 $\mu g/m^3$ annual average.

Odor Thresholds

The thresholds of significance for odor impacts are qualitative in nature. According to the air district's 2017 CEQA Guidelines, the threshold of significance for odor sources is five confirmed complaints per year averaged over three years.

6.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based the air quality impact analysis guidance from the air district in the *California Environmental Quality Act Air Quality Guidelines* (Bay Area Air Quality Management District 2017a).

Conflict with Clean Air Plan

IMPACT 6-1	**Proposed Project does not Conflict with the Clean Air Plan**	**No Impact**

During its construction and operation, the proposed project would generate criteria air pollutant emissions that do not exceed the air district thresholds for criteria pollutants (see the discussion in impact 6-2 below). Further, the proposed project's construction-related impacts on the health of nearby sensitive receptors would be less than significant with implementation of mitigation measures 6-5a and 6-5b (see the discussion in impact 6-5 below).

Conclusion

Since the project's emissions would be reduced to below the air district's thresholds, the proposed project would not conflict with or obstruct the implementation of the 2017 Clean Air Plan.

Criteria Air Pollutant Emissions During Construction

IMPACT 6-2	Criteria Air Pollutant Emissions During Project Construction Would Degrade Air Quality, but Would not Exceed the Air District Thresholds	Less Than Significant

Construction emissions include mobile source exhaust emissions, emissions generated during the application of asphalt paving material and architectural coatings, as well as emissions of fugitive dust during demolition and grading. The criteria air pollutants generated during construction of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. According to the model results, the proposed project would not generate criteria pollutants emissions volumes that exceed the air district standards listed in Table 6-5. Table 6-6, Construction Criteria Air Pollutant Emissions, summarizes the unmitigated criteria air pollutant emissions resulting from project construction and compares them against the air district thresholds). The CalEEMod results and an assessment describing the CalEEMod modeling assumptions and methodology, *110 Wood Road – Criteria Air Pollutant Emissions Modeling Assumptions and Methodology* are included in Appendix D.

Table 6-6 Construction Criteria Air Pollutant Emissions

Emissions	ROG	NO_X	PM_{10}	$PM_{2.5}$
Total Annual Emissions (tons/year)[1]	3.48	4.60	0.84	0.33
Average Daily Emissions (pounds/day)[1,2]	17.89	25.20	4.32	1.81
Air District Thresholds (pounds/day)	54	54	82	54
Exceeds Thresholds?	*No*	*No*	*No*	*No*

SOURCE: EMC Planning Group 2021
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. CalEEMod estimates construction criteria air pollutant emissions in tons per year. A U.S. ton is equal to 2,000 pounds. The emissions estimates in ton per year are multiped by 2,000 pounds to arrive at emissions in pounds per year. CalEEMod estimates a total of 389 construction days (see Section 3.0 of the CalEEMod results in Appendix D). Average daily emissions (in pounds per day) are computed by dividing the annual construction emissions (in pounds per year) by the number of construction days.

Conclusion

As summarized in Table 6-6, construction of the proposed project would not result in criteria air emissions that exceed the air district thresholds. Emissions generated during construction would result in a less-than-significant air quality impact; the contribution of the project's construction criteria pollutant emissions to regional air quality conditions is less than cumulatively considerable.

Criteria Air Pollutant Emissions During Operations

IMPACT 6-3	Criteria Air Pollutant Emissions During Project Operations Would Degrade Air Quality, but Would not Exceed the Air District Thresholds	Less Than Significant

The project site is currently developed with a 205-unit senior living community that includes independent residential apartments and supporting health care units. The proposed project would replace the existing facility with a 191-unit facility and underground parking garage. Project operations would generate mobile, area, and energy source criteria air pollutant emissions. Existing and proposed operational emissions were modeled using CalEEMod and are reported in tons per day (refer to Appendix D).

Existing and proposed operational criteria pollutant emissions are compared in Table 6-7, Operational Criteria Pollutant Emissions.

Table 6-7 Operational Criteria Pollutant Emissions

Source	ROG[1,2]	NOx[1,2]	CO[1,2,3]	CO[1,2,3]	PM_{10}[1,2]	$PM_{2.5}$[1,2]
Existing	1.75	1.95	6.61[4]	1.63[5]	0.56	0.26
Proposed[5]	2.14	0.51	0.94	0.94	0.39	0.12
Change	+0.39	-1.44	-5.67	0.69	-0.17	-0.14

SOURCE: EMC Planning Group 2020; 2021
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. All values are reported in tons per day.
3. Mobile-source CO emissions, Baseline, Year 2005.
4. Mobile-source CO emissions, Year 2019.
5. Mitigated operational emissions.

With the exception of ROG emissions, the proposed project would generate fewer operational criteria pollutant emissions than the existing facility. The proposed project would increase ROG emissions by about 2.14 pounds per day [(0.39 x 2000)/365]; however, the increased emissions are far below the air district threshold.

Conclusion

The proposed project's operational ROG emissions would not exceed air district thresholds and would be less than significant. All other project operational criteria pollutant emissions would be reduced from baseline conditions, which is a beneficial impact.

Exposure of Sensitive Receptors to Carbon Monoxide

IMPACT 6-4	Vehicle Trips Associated with the Project Would not Expose Sensitive Receptors to Increased Levels of Carbon Monoxide	Beneficial

According to the traffic report, the proposed project would increase vehicle trips from baseline conditions by 10 average daily trips (Kimley-Horn 2020); however, as vehicles become more fuel efficient, most carbon-based mobile-source emissions decrease. To demonstrate this point, mobile-source CO emissions based on the facility's last year of operations (2019) were estimated in addition to modeling 2005 baseline emissions. The CalEEMod results for 2019 mobile-source emissions are included in Appendix D.

Despite an increase in vehicle trips from either baseline conditions or 2019 conditions to proposed conditions, the emissions modeling results for mobile source CO emissions under each scenario (Table 6-7) show that the proposed project would generate fewer mobile-source CO emissions than the baseline (2005) facility by approximately 5.67 tons per year (31 pounds per day), and from 2019 conditions by 0.69 tons per year (3.78 pounds per day). Therefore, this is a beneficial impact.

Community/Sensitive Receptor Exposure to Toxic Air Contaminants

IMPACT 6-5	Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	Less Than Significant with Mitigation

A community health risk assessment (HRA) was prepared to evaluate substantial sources of TACs that could affect sensitive receptors located within 1,000 feet of the project's construction boundary. The potential health risk impacts to nearby sensitive receptors from exposure to emissions generated by project demolition and construction activity were evaluated individually and in combination with exposures to existing TACs generated by vehicles traveling on State Route 17, a high-volume roadway. The impact analysis is based on guidance provided by the air district and OEHHA.

Construction emissions volumes were modeled using CalEEMod; downwind concentrations of DPM were calculated using AERMOD, and the location of the Maximally Exposed Individual (MEI) was also determined. The MEI is the individual who would be exposed to the highest concentration of construction emissions. The MEI is located at a single-family home west of the project site. The MEI and other sensitive receptors located within a 1,000-foot radius of proposed construction activity, are shown in Figure 2-1 of the HRA. The HRA is included as Appendix E.

Cancer Risks

The HRA concluded that the maximum increased lifetime adult residential cancer risk and DPM hazard index derived from unmitigated construction emissions would not exceed the air district thresholds and are less than significant. However, the infant/child cancer risk at the MEI is during building construction (estimated year 2024) is 36.48 cases per million (HRA Table 4-1 A), which exceeds the air district significance threshold of 10 cases per million and is a significant impact. Mitigation is necessary to reduce DPM emissions by 78 percent to achieve the necessary infant/child cancer risk reduction. Modeling results demonstrate that emissions volumes can be reduced to meet the air district cancer risk threshold by the use of Tier III engines on heavier construction equipment (HRA Table 4-2). Adherence to the air district's best management practices for the control of equipment exhaust PM_{10}, such as limiting engine idling and reducing speeds on unpaved roads, would also reduce DPM emissions. Other options for reducing DPM emissions include the use of alternative fuels and electrifying construction equipment.

$PM_{2.5}$ Concentrations

The HRA determined that the maximum annual $PM_{2.5}$ concentration at the MEI would be 0.50 $\mu g/m^3$ (HRA Table 4-4) which exceeds the air district significance threshold of 0.30 $\mu g/m^3$, even with the use of Tier III engines on heavy equipment. This is a significant impact and mitigation is necessary to further reduce $PM_{2.5}$ concentrations during excavation and grading activities to meet the threshold. Additional measures to reduce $PM_{2.5}$ emissions include, but would not be limited to, increasing the frequency of watering unpaved roads and excavated soils, reducing travel speeds on unpaved surfaces, limiting construction activities to low wind or non-windy days, and installing low-porosity windscreens downwind of construction activities.

Conclusion

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. These are significant impacts. Implementation of the following Mitigation Measures would reduce the impacts to a less-than-significant level.

Mitigation Measures

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

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;

b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;

d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;

e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;

f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;

j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;

k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;

l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and

m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

6-5b Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 78 percent reduction of DPM emissions and a 60 percent reduction of $PM_{2.5}$ exposures at the MEI to meet the air district's risk thresholds.

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

a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;

b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);

c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and

d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

Implementation of these mitigation measures would reduce significant impacts associated with exposure of sensitive receptors to TACs during construction by requiring that the project contractor implement dust and exhaust emissions reductions measures to reduce cancer risks through a 78 percent reduction in DPM emissions and implement a plan to reduce construction particulate matter emissions by 60 percent, subject to review and approval of the Town of Los Gatos Community Development Director.

Odor Generation

IMPACT 6-6	Construction of the Proposed Project Would Generate Odors that Could Affect Sensitive Receptors	Less Than Significant

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). Odor impacts could result from siting a new odor source near existing sensitive receptors or siting a new sensitive receptor near an existing odor source. Examples of land uses that have the potential to generate considerable odors include, but are not limited to: wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project is not an industrial use that would generate substantial odors and is not located in proximity to industrial facilities that have the potential to expose receptors to substantial odors.

Construction of the project may generate nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature.

Conclusion

The proposed project is a senior living community that does not site a new odor source. The proposed project is not located within the screening distances from existing odors sources identified in the air district's 2017 CEQA Guidelines Table 3-3, Odor Screening Distances. Therefore, no odor impacts would occur during project operations. Short term construction activities have the potential to generate temporary odors that could generate nuisance complaints. Odors produced during construction would not be permanent. Therefore, the proposed project would not result in significant odor impacts.

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7.0
Biological Resources

This section addresses existing biological resources on the project site; the federal, state, and regional/local regulatory framework pertaining to biological resources; and anticipated impacts to biological resources as a result of the proposed project. This evaluation is based on a reconnaissance field survey conducted by an EMC Planning Group biologist; a review of existing scientific literature, aerial photographs, technical background information, and policies applicable to projects located in the Town of Los Gatos and Santa Clara County.

Information in this section is derived from various sources including:

- Project applications and plans;
- *Town of Los Gatos 2020 General Plan*;
- *Town of Los Gatos 2020 General Plan EIR;*
- *Town of Los Gatos Municipal Code*;
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2020);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2020);
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2020a) and *National Wetlands Inventory* (USFWS 2020b);
- *Arborist Report, Los Gatos Meadows, Los Gatos, CA* (HortScience | Bartlett Consulting 2018);
- *Arborist's Review, 110 Wood Road, Los Gatos, CA* (Monarch Consulting Arborists 2020);
- *Arborist Report Update, Los Gatos Meadows, Los Gatos, CA* (HortScience | Bartlett Consulting 2020);
- *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* (Gates and Associates 2020); and
- *Los Gatos Meadows Focused Survey Report* (EMC Planning Group 2021).

The arborist reports, arborist reports peer review, and the focused survey report are included in Appendix C. One comment on the NOP was received on March 4, 2021 from the CDFW. Measures to address potential impacts to roosting bats and nesting birds were recommended, and are included in this EIR section, below.

7.1 ENVIRONMENTAL SETTING

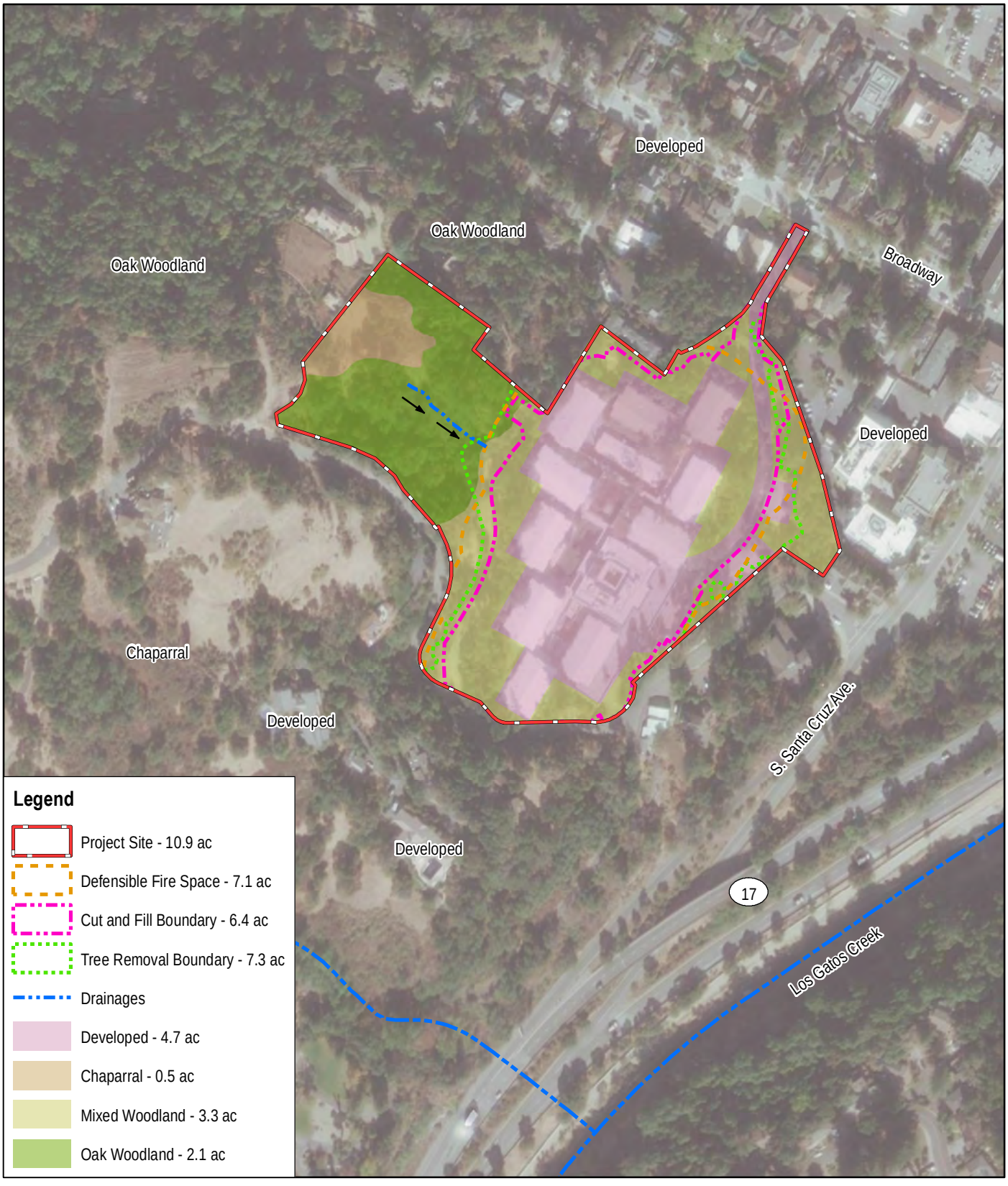
EMC Planning Group biologist Patrick Furtado, MS, conducted a reconnaissance-level biological survey at the project site on September 4, 2020 to document existing plant communities and wildlife habitats, and to evaluate the potential for special-status biological resources to occur on the site. Qualitative observations of plant cover, structure, and species composition were used to determine plant communities and wildlife habitats. Habitat quality and disturbance levels were documented.

Mr. Furtado subsequently conducted a focused plant survey at the project site on April 22, 2021 for special-status plant species with the potential to occur on the site. This survey was conducted in accordance with California Department of Fish and Wildlife (CDFW) and California Native Plant Society (CNPS) rare plant survey protocols. The survey was conducted in the approximately 4.5 acres of mixed woodland found within the project impact boundary. All of the project impact area was systematically surveyed and plant species observed were recorded in field notes.

Existing Conditions

The project site is located in the Town of Los Gatos, California, on an approximately 10.84-acre site near the intersection of Wood Road and South Santa Cruz Avenue. The site is situated on the Los Gatos U.S. Geological Survey (USGS) 7.5-minute quadrangle map, and ranges in elevation from roughly 434 to 682 feet. The site is within the San Francisco Bay Bioregion, which encompasses a diversity of plant communities from wet redwood forest to dry oak woodland and chaparral. The climate in the area is Mediterranean, with warm and dry summers, and winters tending to be cool and wet. Most of the annual rainfall occurs between the months of December and March. The soil type mapped across the project site is Katykat-Mouser-Sanikara complex (30 to 50 percent slopes), which consists of loam to sandy clay loam, with sandstone and mudstone parent materials (USDA NRCS 2020).

The site is currently developed with ten residential buildings, two cottages, several auxiliary buildings, parking garage, parking spaces, and a paved entry road. The proposed project includes the demolition of existing structures and the rebuilding of the facility on the same footprint with some modifications. Figure 7-1, Habitat Map, shows habitat mapped on the project site.



Source: ESRI 2021, Santa Clara County 2020, Kimley Horn 2020

Figure 7-1

Habitat Map

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Developed

The proposed project will generally follow the existing footprint of the developed area. The vegetation within and around the buildings and infrastructure consists of nonnative horticultural plantings of oleander (*Nerium oleander*), pittosporum (*Pittosporum* spp., English ivy (*Hedera helix*), box (*Buxus sempervirens*), Japanese maple (*Acer palmatum*), Chinese elm (*Ulmus parvifolia*), Italian cypress (*Cupressus sempervirens*), cycad (*Cycas* spp.), blue gum (*Eucalyptus globulus*), and strawberry tree (*Arbutus unedo*). Native California bay (*Umbellularia californica*) and coast live oak (*Quercus agrifolia*) can also be found outside of the building areas. The combination of developed areas, ornamental species, and disturbance defines this area as low-quality mixed oak woodland.

Oak Woodland

The upslope (western) section of the parcel is undeveloped and consists primarily of native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. Other common species include valley oak (*Quercus lobata*), poison oak (*Toxicodendron diversilobum*), California coffee berry (*Frangula californica*), toyon (*Heteromeles arbutifolia*), California buckeye (*Aesculus calfornica*), and California blackberry (*Rubus ursinus*). The combination of species present and relatively low level of disturbance defines the area northeast part of the parcel as high-quality oak/bay woodland.

Bird species observed on the site include red-shouldered hawk (*Buteo lineatus*), dark-eyed junco (*Junco hyemalis*), California scrub jay (*Aphelocoma californica*), Steller's jay (*Cyanocitta stelleri*), acorn woodpecker (*Melanerpes formicivorus*), chestnut-backed chickadee (*Poecile rufescens*), white-breasted nuthatch (*Sitta carolinensis*), and mourning dove (*Zenaida macroura*). Bird species expected to utilize the habitat include wild turkey (*Meleagris gallopavo*), bushtit (*Psaltriparus minimus*), Anna's hummingbird (*Calypte anna*), turkey vulture (*Cathartes aura*), and California quail (*Callipepla californica*).

Mammal species expected to utilize the habitat include California vole (*Microtus californicus*), Botta's pocket gopher (*Thomomys bottae*), striped skunk (*Mephitis mephitis*), California ground squirrel (*Spermophilus beecheyi*), and raccoon (*Procyon lotor*). Reptile species expected to utilize the habitat include western fence lizard (*Sceloporus occidentalis*), California alligator lizard (*Elgaria multicarinata multicarinata*), Pacific ring-necked snake (*Diadophis punctatus amabilis*), coast garter snake (*Thamnophis elegans terrestris*), Pacific gopher snake (*Pituophis catenifer catenifer*), and northern Pacific rattlesnake (*Crotalus oreganus oreganus*).

Wetlands and Waterways

A drainage descends from the upslope oak woodland and flows towards the project site. These drainages are likely ephemeral and only flow during rain events. They are not mapped on the USFWS National Wetlands Inventory Wetlands Mapper or on the USGS topographical map of the area.

Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system. No wetland plant species were observed in the drainages during the reconnaissance-level biological survey of the project site, however runoff from elevations higher than the project may flow through the drainage and the site in the direction of Los Gatos Creek, just south of State Route 17.

Special-Status Species with Potential to Occur in Vicinity

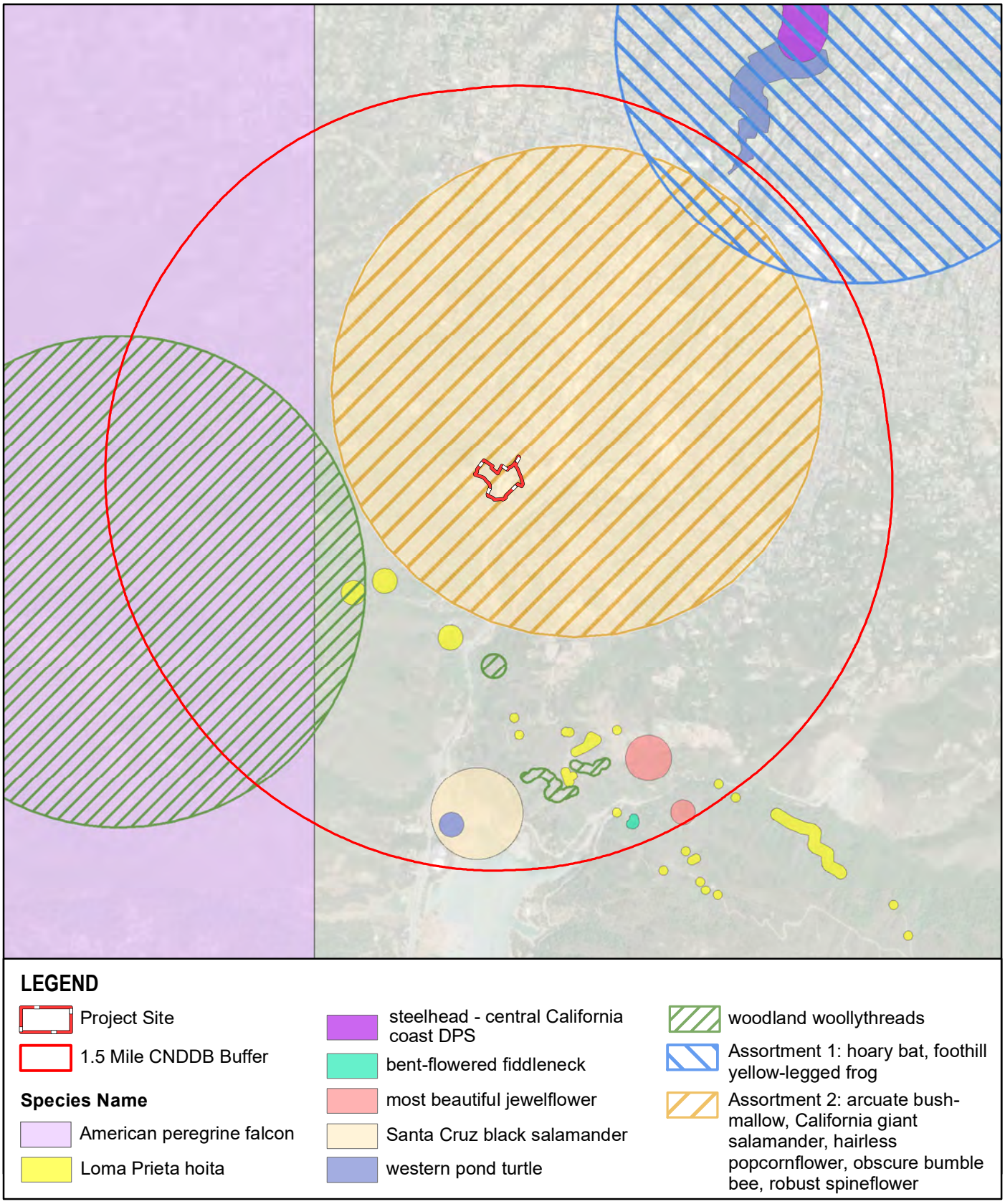
Special-status species are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, California Native Plant Society (CNPS) Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW *California Natural Diversity Database* (CDFW 2020) was conducted for the Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, Santa Teresa Hills, Felton, Laurel, and Loma Prieta USGS quadrangles in order to evaluate potentially occurring special-status plant and wildlife species in the project vicinity. Figure 7-2, Special-Status Species, shows the locations of special-status species recorded in the project vicinity. Records of occurrence for special-status plants were reviewed for the same USGS quadrangles in the CNPS *Inventory of Rare and Endangered Plants* (CNPS 2020). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for Santa Clara County (USFWS 2020a).

Table 7-1, Special-Status Plant Species with Potential to Occur in Vicinity, and Table 7-2, Special-Status Wildlife Species with Potential to Occur in Vicinity, show special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site.

Special-Status Plants

The upslope, undeveloped habitats of the parcel provide marginally suitable habitat for three special-status plant species. These habitats are upslope (west) of the construction footprint and are not expected to be disturbed. Database search results and the potential for special-status plants to occur on the project site and vicinity are presented in Table 7-1, Special-Status Plant Species with Potential to Occur in the Project Vicinity, and are discussed in the Impacts and Mitigation Measures section, below. These species include arcuate bush-mallow (*Malacothamnus arcuatus*), Loma Prieta hoita (*Hoita strobilina*), and woodland woollythreads (*Monolopia gracilens*).



Source: ESRI 2020, California Natural Diversity Database 2020

Figure 7-2

Special-Status Species

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Table 7-1 Special-Status Plant Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Anderson's manzanita *(Arctostaphylos andersonii)*	--/--/1B.2	Broadleaved upland forest, chaparral, and North Coast coniferous forest. Known only from the Santa Cruz Mountains. Prefers open sites in redwood forest; elevation 180-800m. Blooming Period: November – April.	Not expected. Species occurs at higher elevations in Santa Cruz Mountains.
Arcuate bush-mallow *(Malacothamnus arcuatus)*	--/--/1B.2	Chaparral, in gravelly alluvium; elevation 80-355m. Blooming Period: April – September.	Not expected. Proposed project will not encroach chaparral vegetation found along the northwestern boundary.
Ben Lomond buckwheat *(Eriogonum nudum* var. *decurrens)*	--/--/1B.1	Chaparral, cismontane woodland, lower montane coniferous forest, and ponderosa pine sand hills; elevation 50-800m. Blooming Period: June – October.	Not expected. No suitable habitat found on the site.
Ben Lomond spineflower *(Chorizanthe pungens* var. *hartwegiana)*	FE/--/1B.1	Lower montane coniferous forest; found on Ben Lomond sands and Zayante coarse sands in maritime ponderosa pine sand hills; elevation 120-470m. Blooming Period: April - July	Not expected. No suitable habitat found on the site.
Bent-flowered fiddleneck *(Amsinckia lunaris)*	--/--/1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland, on decomposed shale soils; elevation 3-500m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Big-scale balsamroot *(Balsamorhiza macrolepis)*	--/--/1B.2	Valley and foothill grassland, and cismontane woodland; sometimes on serpentine; elevation 35-1000m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Bonny Doon manzanita *(Arctostaphylos silvicola)*	--/--/1B.2	Chaparral, closed-cone coniferous forest, and lower montane coniferous forest. Known only from inland marine Zayante sands in Santa Cruz County; elevation 120-390m. Blooming Period: February – March.	Not expected. No suitable habitat found on the site.
Bristly sedge *(Carex comosa)*	--/--/2B.1	Coastal prairie, marshes and swamps (lake margins), and valley and foothill grassland; elevation 0-625m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Caper-fruited tropidocarpum *(Tropidocarpum capparideum)*	--/--/1B.1	Valley and foothill grassland on alkaline clay; elevation 0-445m. Blooming Period: March – April.	Not expected. No suitable habitat found on the site.
Chaparral ragwort *(Senecio aphanactis)*	--/--/2B.2	Cismontane woodland and coastal scrub. Prefers drying alkaline flats; elevation 20-575m. Blooming Period: January – April.	Not expected. No suitable habitat found on the site.
Choris' popcorn-flower *(Plagiobothrys chorisianus* var. *chorisianus)*	--/--/1B.2	Chaparral, coastal scrub, coastal prairie, mesic sites; elevation 15-100m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Congdon's tarplant *(Centromadia parryi* spp. *congdonii)*	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Known to occur on various substrates, and in disturbed and ruderal (weedy) areas. Blooming Period: June – November.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Contra Costa goldfields *(Lasthenia conjugens)*	FE/--/1B.1	Wet areas in cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools; elevation 0-470m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Coyote ceanothus *(Ceanothus ferrisiae)*	FE/--/1B.1	Serpentine sites in chaparral, coastal scrub, and valley and foothill grassland; elevation 120-460m. Blooming Period: January – May.	Not expected. No suitable habitat found on the site.
Deceiving sedge *(Carex saliniformis)*	--/--/1B.2	Wet areas in coastal prairie, coastal scrub, meadows and seeps, and coastal salt marshes and swamps; elevation 3-230m. Blooming Period: June – July.	Not expected. No suitable habitat found on the site.
Dudley's lousewort *(Pedicularis dudleyi)*	--/SR/1B.2	Chaparral, North Coast coniferous forest, valley and foothill grassland. Deep shady woods of older coast redwood forests, also in maritime chaparral; elevation 100-490m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Dwarf soaproot *(Chlorogalum pomeridianum var. minus)*	--/--/1B.2	Chaparral, serpentine; elevation 120-1220m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Fragrant fritillary *(Fritillaria liliacea)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m. Blooming Period: February – April.	Not expected. No suitable habitat found on the site.
Hairless popcorn flower *(Plagiobothrys glaber)*	--/--/1A	Meadows and seeps (alkaline), marshes and swamps (coastal salt); elevation 15-180m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site. Possibly extirpated.
Hall's bush-mallow *(Malacothamnus hallii)*	--/--/1B.2	Chaparral, some populations on serpentine; elevation 10-550m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Kellogg's horkelia *(Horkelia cuneata* ssp. *sericea)*	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings; elevation 10-200m. Blooming Period: April – September.	Not expected. No suitable habitat found on the site.
Loma Prieta hoita *(Hoita strobilina)*	--/--/1B.1	Wet areas on serpentine substrate in chaparral, cismontane woodland, and riparian woodland; elevation 30-860m. Blooming Period: April – September.	Not expected. Species not found during focused surveys conducted during the blooming period.
Marsh microseris *(Microseris paludosa)*	--/--/1B.2	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Marsh sandwort *(Arenaria paludicola)*	FE/SE/1B.1	Sandy openings in freshwater or brackish marshes and swamps; elevation 3-170m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Metcalf Canyon jewel-flower *(Streptanthus albidus* ssp. *albidus)*	FE/--/1B.1	Valley and foothill grassland. Endemic to Santa Clara County. Relatively open areas in dry grassy meadows on serpentine soils/serpentine balds; elevation 45-245m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Minute pocket moss *(Fissidens pauperculus)*	--/--/1B.2	North coast coniferous forest. Moss growing on damp soil along the coast; elevation 10-100m. Evergreen.	Not expected. No suitable habitat found on the site.
Monterey spineflower *(Chorizanthe pungens* var. *pungens)*	FT/--/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland; elevation 3-450m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Most beautiful jewel-flower *(Streptanthus albidus* ssp. *peramoenus)*	--/--/1B.2	Chaparral, valley and foothill grassland, and cismontane woodland; serpentine outcrops, on ridges and slopes; elevation 120-730m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Mt. Hamilton fountain thistle *(Cirsium fontinale* var. *campylon)*	--/--/1B.2	Serpentine seeps in chaparral, cismontane woodland, and valley and foothill grassland; elevation 100-890m. Blooming Period: February – October.	Not expected. No suitable habitat found on the site.
Northern curly-leaved monardella *(Monardella sinuata ssp. nigrescens)*	--/--/1B.2	Sandy sites in chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills); elevation 0-300m. Blooming Period: April – September.	Not expected. No suitable habitat found on the site.
Pacific Grove clover *(Trifolium polyodon)*	--/SR/1B.1	Closed-cone coniferous forest, coastal prairie, meadows and seeps, valley and foothill grassland, mesic; elevation 5-120m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Point Reyes horkelia *(Horkelia marinensis)*	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Robust spineflower *(Chorizanthe robusta* var. *robusta)*	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site. Possibly extirpated locally.
Rock sanicle *(Sanicula saxatilis)*	--/SR/1B.2	Rocky sites in broadleaved upland forest, chaparral, and valley and foothill grassland; prefers bedrock outcrops and talus slopes; elevation 620-1175m. Blooming Period: April – May.	Not expected. No suitable habitat found on the site.
Saline clover *(Trifolium hydrophilum)*	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
San Francisco campion *(Silene verecunda* ssp. *verecunda)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral, and coastal prairie on mudstone/shale and serpentine substrates; elevation 30-645m. Blooming Period: March – August.	Not expected. No suitable habitat found on the site.
San Francisco collinsia *(Collinsia multicolor)*	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site.
San Francisco popcornflower *(Plagiobothrys diffusus)*	--/SE/1B.1	Valley and foothill grassland, and coastal prairie. Historically from grassy slopes with marine influence; elevation 60-485m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Santa Clara Valley dudleya *(Dudleya abramsii* ssp. *setchellii)*	FE/--/1B.1	Valley and foothill grassland, and cismontane woodland. Endemic to serpentine outcrops and on rocks within grassland or woodland in Santa Clara County; elevation 80-335m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Santa Cruz clover *(Trifolium buckwestiorum)*	--/--/1B.1	Broadleaved upland forest, cismontane woodland, and coastal prairie; prefers moist grassland and gravelly margins; elevation 105-610m. Blooming Period: April – October.	Not expected. No suitable habitat found on the site.
Santa Cruz cypress *(Hesperocyparis abramsiana* var. *abramsiana)*	FE/SE/1B.2	Closed-cone coniferous forest and lower montane coniferous forest in the Santa Cruz Mountains on sandstone and granitic derived soils; elevation 300-800m. Evergreen	Not expected. No suitable habitat found on the site.
Santa Cruz microseris *(Stebbinsoseris decipiens)*	--/--/1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, valley and foothill grassland, open areas, sometimes serpentine; elevation 10-500m. Blooming Period: April - May	Not expected. No suitable habitat found on the site.
Santa Cruz Mountains beardtongue *(Penstemon rattanii* var. *kleei)*	--/--/1B.2	Chaparral and lower montane coniferous forest. Sandy shale slopes in transition zone between forest and chaparral; elevation 400-1100m. Blooming Period: May – June.	Not expected. No suitable habitat found on the site.
Santa Cruz Mountains pussypaws *(Calyptridium parryi* var. *hesseae)*	--/--/1B.1	Sandy or gravelly openings in chaparral and cismontane woodland; elevation 305-1530m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Santa Cruz tarplant *(Holocarpha macradenia)*	FT/SE/1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland; often on clay or sandy soils; elevation 10-220m. Blooming Period: June – October.	Not expected. No suitable habitat found on the site.
Santa Cruz wallflower *(Erysimum teretifolium)*	FE/SE/1B.1	Lower montane coniferous forest and chaparral. Pine Parkland Area, on inland marine sands (Zayante coarse sand); elevation 120-610m. Blooming Period: March – July.	Not expected. No suitable habitat found on the site.
Scotts Valley polygonum *(Polygonum hickmanii)*	FE/SE/1B.1	Valley and foothill grassland. Purisima sandstone or mudstone with a thin soil layer, vernally moist due to runoff; elevation 210-250m. Blooming Period: May – October.	Not expected. No suitable habitat found on the site.
Scotts Valley spineflower *(Chorizanthe robusta* var. *hartwegii)*	FE/--/1B.1	Meadows, and valley and foothill grassland. In grasslands with mudstone and sandstone outcrops; elevation 230-245m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site.
Slender silver-moss *(Anomobryum julaceum)*	--/--/2B.2	Broadleaved upland forest, lower montane coniferous forest, North Coast coniferous forest, damp rocks and soil, usually seen on road cuts; elevation 100-1000m. Evergreen.	Not expected. No suitable habitat found on the site.
Smooth lessingia *(Lessingia micradenia* var. *glabrata)*	--/--/1B.2	Chaparral; endemic to Santa Clara County. Serpentine, often on roadsides; elevation 120-485m. Blooming Period: July – November.	Not expected. No suitable habitat found on the site.
Swamp harebell *(Campanula californica)*	--/--/1B.2	Mesic sites in bogs and fens, closed-cone coniferous forest, coastal prairie, meadows and seeps, freshwater marshes and swamps, and	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
		North Coast coniferous forest; elevation 1-405m. Blooming Period: June – October.	
Tear drop moss *(Dacryophyllum falcifolium)*	--/--/1B.3	Carbonate substrates in North Coast coniferous forest; elevation 50-275m. Evergreen.	Not expected. No suitable habitat found on the site.
Western leatherwood *(Dirca occidentalis)*	--/--/1B.2	Broadleaf upland forest, chaparral, closed cone coniferous forest, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. Found on brushy slopes, in mesic sites, mostly in mixed evergreen and foothill woodland communities; elevation 30-550m. Blooming Period: January – April.	Not expected. No suitable habitat found on the site.
White-flowered rein orchid *(Piperia candida)*	--/--/1B.2	Broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest; sometimes serpentine; elevation 30-1310m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
White-rayed pentachaeta *(Pentachaeta bellidiflora)*	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site.
Woodland woollythreads *(Monolopia gracilens)*	--/--/1B.2	Serpentine, open sites in broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland; elevation 100-1200m. Blooming Period: March – July.	Not expected. Species not found during focused surveys conducted during the blooming period.

SOURCE: CDFW 2020, CNPS 2020

NOTE: Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)

SE: Listed as Endangered under the California Endangered Species Act.

ST: Listed as Threatened under the California Endangered Species Act.

SR: Listed as Rare under the California Endangered Species Act.

SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.

SSC: Species of Special Concern.

SFP: Fully Protected species under the California Fish and Game Code.

SD: Delisted under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions
1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.
2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.
.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).
.2: Fairly endangered in California (20-80% occurrences threatened).
.3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Table 7-2 Special-Status Wildlife Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
American badger *(Taxidea taxus)*	--/SSC	Most abundant in drier, open stages of most shrub, forest, and herbaceous habitats. Need sufficient food and open, uncultivated ground with friable soils to dig burrows. Prey on burrowing rodents.	Not expected. No suitable habitat found on site.
American peregrine falcon *(Falco peregrinus anatum)*	FD/SD,SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	Not expected. No suitable nesting habitat found on site.
Bay checkerspot butterfly *(Euphydryas editha bayensis)*	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. *Plantago erecta* is the primary host plant; *Castilleja densiflora* and *C. exserta* are secondary host plants.	Not expected. No habitat found on site.
Black swift *(Cypseloides niger)*	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea bluffs above surf; forages widely.	Not expected. No suitable nesting habitat found on site.
Burrowing owl *(Athene cunicularia)*	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	Not expected. No suitable nesting habitat found on site.
California giant salamander *(Anodonta californiensis)*	--/SSC	Known from wet coastal forests near streams ad seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected. No suitable habitat found on site.
California red-legged frog *(Rana draytonii)*	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	Not expected. No suitable habitat found on site.
California tiger salamander *(Ambystoma californiense)*	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding habitat.	Not expected. No suitable habitat found on site.
Coast horned lizard *(Phrynosoma blainvillii)*	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	Not expected. No suitable habitat found on site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Coho salmon *(Oncorhynchus kisutch)*	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	Not expected. No suitable habitat found on the site.
Cooper's hawk *(Accipter cooperii)*	--/SSC	Oak or riparian woodlands.	Low potential to occur. Marginally suitable habitat found on site.
Foothill yellow-legged frog *(Rana boylii)*	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Not expected. No suitable habitat found on the site.
Golden eagle *(Aquila chrysaetos)*	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	Not expected. No suitable habitat found on the site.
Hoary bat *(Lasiurus cinereus)*	--/SSC	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Not expected. No suitable habitat found on the site.
Long-eared myotis *(Myotis evotis)*	--/--	Found in all brush, woodland and forest habitats from sea level to about 9,000 feet. Prefers coniferous woodlands and forests. Nursury colonies in buildings, crevices, spaces under bark and snags. Caves used primarily as night roosts.	Low potential to occur. Marginally suitable habitat found on site.
Marbled murrelet *(Brachyramphus marmoratus)*	FT/SE	Feeds near shore, and nests up to six miles inland from coast from Half Moon Bay to Santa Cruz in old-growth redwood forests, often in Douglas fir trees.	Not expected. No suitable habitat found on the site.
Mount Hermon (=barbate) June beetle *(Polyphylla barbata)*	FE/--	Sand hills at Mount Hermon.	Not expected. No suitable habitat found on the site.
Northern california legless lizard *(Anniella pulchra)*	--/SSC	Sandy or loose loamy soils under sparse vegetation, moist soils. Anniella pulchra is traditionally split into two subspecies: *A. pulchra pulchra* (silvery legless lizard) and *A. pulchra nigra* (black legless lizard), but these subspecies are typically no longer recognized.	Not expected. No suitable habitat found on the site.
Ohlone tiger beetle *(Cicindela ohlone)*	FE/--	Remnant native grasslands in Santa Cruz County. Substrate is poorly drained clay or sandy clay soil over bedrock of Santa Cruz mudstone.	Not expected. No suitable habitat found on the site.
Opler's longhorn moth *(Adela oplerella)*	FSC/--	From Marin county and the Oakland area on the inner coast ranges south to Santa Clara County. Serpentine grassland, larvae feed on *Platystemon californicus*.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Osprey *(Pandion haliaetus)*	--/--	Ocean shore, bays, fresh-water lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Not expected. No suitable habitat found on the site.
Pallid bat *(Antrozous pallidus)*	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	Low potential to occur. Marginally suitable habitat found on site.
Purple martin *(Progne subis)*	--/SSC	Inhabits woodlands, particularly low elevation coniferous forests (Douglas fir, ponderosa pine, and Monterey pine). Nests in cavities, often in tall, isolated trees or snags, and also in man-made structures.	Not expected. No suitable habitat found on site.
San Francisco dusky-footed woodrat *(Neotoma fuscipes annectens)*	--/SSC	Forest habitats of moderate canopy and moderate to dense understory. Constructs nest of shredded grass, leaves, and other materials.	Low potential to occur. Marginally suitable nesting resources available within oak woodland habitats on site. No nests identified during survey.
Santa Cruz black salamander *(Aneides flavipunctatus niger)*	--/SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara Counties. Adults found under rocks, talus, and damp woody debris.	Low potential to occur. Marginally suitable habitat found on site. Species has been observed in proximity to project site.
Santa Cruz kangaroo rat *(Dipodomys venustus venustus)*	--/--	Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains. Needs soft, well-drained sand.	Not expected. No suitable habitat found on the site.
Smith's blue butterfly *(Euphilotes enoptes smithi)*	FE/--	Coastal dunes and coastal sage scrub plant communities. Host plants include *Eriogonum latifolium* and *E. parvifolium* for larval and adult stages.	Not expected. No suitable habitat found on the site.
Snowy egret *(Egretta thula)*	--/--	(Nesting) Colonial nester with nest sites situated in protected beds of dense tules. Rookery sites situated close to foraging areas, including marshes, tidal flats, streams, wet meadows, and borders of lakes.	Not expected. No suitable habitat found on the site.
Steelhead *(Oncorhynchus mykiss irideus)*	FT/--	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	Not expected. No suitable habitat found on the site.
Swainson's hawk *(Buteo swainsoni)*	--/ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas, such as grasslands or agricultural fields supporting rodent populations.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Townsend's big-eared bat *(Corynorhinus townsendii)*	--/SCT	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Low potential to occur. Marginally suitable habitat found on site.
Tricolored blackbird *(Agelaius tricolor)*	--/SE	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	Not expected. No suitable habitat found on the site.
Western bumble bee (*Bombus occidentalis*)	--/CE	Meadows and grasslands with flowering plants; can also be found in natural areas within urban environments.	Not expected. No suitable habitat found on the site.
Western pond turtle *(Emys marmorata)*	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	Not expected. No suitable habitat found on the site.
White-tailed kite *(Elanus leucurus)*	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Not expected. No suitable habitat found on the site.
Yellow rail *(Corturnicops noveboracensis)*	--/SSC	Summer resident in eastern Sierra Nevadas, prefers freshwater marshlands.	Not expected. No suitable habitat found on the site.
Yuma myotis *(Myotis yumanensis)*	--/--	Optimal habitats are open forests and woodlands with sources of water over which to feed. Distribution is closely tied to bodies of water. Maternity colonies in caves, mines, buildings, or crevices.	Not expected. No suitable habitat found on the site.
Zayante band-winged grasshopper *(Trimerotropis infantilis)*	FE/--	Isolated sandstone deposits in the Santa Cruz Mountains, Zayante Hills ecosystem.	Not expected. No suitable habitat found on the site.

SOURCE: CDFW 2020

NOTE: Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)
SE: Listed as Endangered under the California Endangered Species Act.
ST: Listed as Threatened under the California Endangered Species Act.
SR: Listed as Rare under the California Endangered Species Act.
SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.
SSC: Species of Special Concern.
SFP: Fully Protected species under the California Fish and Game Code.
SD: Delisted under the California Endangered Species Act.

Special-Status Wildlife

Special-status wildlife species potentially occurring in the project vicinity were evaluated for their potential to occur on the project site. Database search results and the potential for special-status wildlife to occur on the project site and vicinity are presented in Table 7-2, Special-Status Wildlife Species with Potential to Occur in the Project Vicinity, and are discussed in in the Impacts and Mitigation Measures section, below. These species include: San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and nesting raptors and migratory birds.

Regulated Trees

The project site contains hundreds of native and nonnative trees representing over fifty species. In accordance with the Town's Tree Protection Ordinance, a tree inventory and assessment were conducted in 2018 by HortScience|Bartlett Consulting under contract with the applicant for the proposed project and included all trees with trunk diameters greater than four inches (those trees protected by the Ordinance). A total of 375 trees representing 57 species were evaluated.

A peer review of the 2018 arborist report was performed in 2020 by Monarch Consulting Arborists, the Town's consulting arborist. Monarch found the 2018 arborist report outdated as at least 20 trees had been removed since the report was drafted. Monarch also found that within the report there is no differentiation between "Protected," "Large Protected," "Heritage," and "Exceptions" trees. Los Gatos has specific definitions for these designations and they are not interchangeable. The peer review recommended that the 2018 arborist report and tables be revised to reflect current conditions and trees recently removed.

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review. Hort Science | Bartlett Consulting prepared an *Arborist Report Update* to incorporate data on trees removed and also responds to the peer review conducted by Monarch Consulting (2020). Forty-four (44) trees were removed and three hundred thirty-one (331) trees remain. A *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* was also submitted to address how comments and recommendations from the peer review and revised Arborist Report were incorporated into the landscape and tree planting plans (Gates and Associates 2020).

Sensitive Natural Communities

As described in more detail above in the Existing Conditions section, the site supports low-quality mixed oak woodland and high-quality native oak/bay woodland habitat. Oak woodlands are generally considered sensitive natural communities by CDFW because they support a diverse assemblage of native species. CDFW also recognizes wetlands and waterways as sensitive natural communities (described in the wetlands and waterways section above).

Wildlife Movement

Wildlife movement includes migration (usually movement one way per season), inter-population movement (long-term dispersal and genetic flow), and small travel pathways (daily movement within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main populations, permitting an increase in gene flow among populations. These habitat linkages can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete locales and populations located within larger habitat areas.

The project site is located within an area between developed areas and wildland areas generally known as "urban/wildland interface". The northwestern portion of the parcel contains relatively undisturbed oak woodland and chaparral plant communities contiguous to wild areas north of the site. As shown on Figure 7-1, Habitat Map, the project impact boundary is limited to areas close to the existing developed area and does not extend far into the oak woodland north of the developed area. Movement within the habitats in and around the buildings is likely restricted to that of common wildlife species and this portion of the project site does not function as a regional wildlife movement corridor or habitat linkage.

7.2 REGULATORY SETTING

This section briefly describes federal, state, and local regulations, permits, and policies pertaining to biological resources and wetlands as they apply to the project.

Federal Plans and Regulations

Endangered Species Act

The federal Endangered Species Act of 1973 (known hereafter as the "Act") protects species that the USFWS has listed as "Endangered" or "Threatened." Permits may be required from USFWS if activities associated with a proposed project would result in the "take" of a federally listed species or its habitat. Under the Act, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in "take." "Take" of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 prohibits killing, possessing, or trading in migratory birds, and protects the nesting activities of native birds including common species, except in accordance with certain regulations prescribed by the Secretary of the Interior. Over 1,000 native nesting bird species are currently protected under the federal law. This Act encompasses whole birds, parts of birds, bird nests, and eggs.

The USFWS published a proposed rule to clarify prohibitions governing the "take" of birds under the Migratory Bird Treaty Act on February 3, 2020. This proposed rule clarifies that the scope of the Migratory Bird Treaty Act applies only to intentional injuring or killing of birds. Conduct that results in the unintentional (incidental) injury or death of migratory birds is not prohibited under the Act. On January 7, 2021, the final regulation defining the scope of the Migratory Bird Treaty Act was published in the Federal Register. The rule goes into effect on February 8, 2021.

With the change of administrations, the future of the new rule is uncertain. The effective date of the rule will likely be extended, along with other rules that have not yet taken effect as the Biden Administration begins in January 2021. With the status of the revised rule unknown, the previous interpretation of the law, which prohibits intentional and unintentional take of migratory birds, remains in effect.

Clean Water Act

Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into “Waters of the U.S.”. “Waters of the U.S.” are waters such as oceans, rivers, streams, lakes, ponds, and wetlands subject to U.S. Army Corps of Engineers (USACE) Regulatory Program jurisdiction under Section 404 of the Clean Water Act. Certain artificial drainage channels, ditches and wetlands are also considered jurisdictional “Waters of the U.S.” On June 22, 2020, the Environmental Protection Agency and the Department of the Army’s Navigable Waters Protection Rule: Definition of “Waters of the United States” (NWPR) became effective in 49 states and in all US territories. The San Francisco USACE District uses the NWPR definitions of “Waters of the U.S.” when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property.

The USACE determines the extent of its jurisdiction as defined by ordinary high-water marks on channel banks, wetland boundaries, and/or connectivity to a navigable water. Wetlands are habitats with soils that are intermittently or permanently saturated or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 *Corps of Engineers Wetlands Delineation Manual* and the 2008 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*.

Activities that involve the discharge of fill into jurisdictional wetlands or waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the project proponent agrees to provide compensatory mitigation which results in no net loss of area, function, or value, either through wetland creation, restoration, or the purchase of credits through an approved mitigation bank. In addition to individual discharge permits, the USACE also issues nationwide permits applicable for certain activities.

State Plans and Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the "take" of a state-listed Threatened or Endangered species. "Take" is defined under these laws as an activity that would directly or indirectly kill an individual of a species. If a project would result in the "take" of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

Nesting Birds and Birds of Prey

Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders Falconiformes and Strigiformes) are specifically protected in California under provisions of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the breeding season, is considered take by the CDFW.

Streambed Alterations

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that support wildlife resources and/or riparian vegetation are subject to CDFW regulations. Activities that would disturb these drainages are regulated by the CDFW; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates measures that will protect the habitat values of the drainage in question.

California Porter-Cologne Water Quality Control Act

Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (regional board) may necessitate Waste Discharge Requirements for the fill or alteration of "Waters of the State," which according to California Water Code Section 13050 includes "any surface water or groundwater, including saline waters, within the boundaries of the state." The regional board may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state regional board is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System permits.

Local Plans and Regulations

Town of Los Gatos 2020 General Plan

Los Gatos has been recognized for excellence in urban forestry management and is proud of its status as a "Tree City USA." As stated in the General Plan, "Trees and other plant life can prevent soil erosion, landslides, and flooding while ensuring a scenic buffer from the effects of development and providing wildlife habitats. Wildlife populations must be preserved as having intrinsic value that contributes to the quality of Town life, while keeping in mind the safety and well-being of Town residents."

The 2020 General Plan Environment and Sustainability (ENV) element contains the following goal and policies associated with biological resources that are applicable to the proposed project:

Goal ENV-1: To preserve and protect native plants and plant communities in the Town, and promote the appropriate use of local, native plants in habitat restoration and landscaping.

> **Policy ENV-1.1:** Preserve trees that are protected under the Town's Tree Protection Ordinance, as well as other native heritage, heritage and specimen trees.
>
> **Policy ENV-1.2:** Public and private projects shall protect special-status native plant species.
>
> **Policy ENV-1.3:** Prohibit development that significantly depletes, damages or alters existing special-status plants.
>
> **Policy ENV-1.4:** Prohibit bicycles in native plant habitats unless on designated trails.

Policy ENV-1.5: Prohibit the use of invasive plant species listed by the California Invasive Plant Council (Cal-IPC) for all new construction.

Policy ENV-1.6: Use native plants that are indigenous to the Los Gatos area on Town-owned and controlled property.

Policy ENV-1.7: Require new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat.

Town of Los Gatos Municipal Code

The *Town of Los Gatos Municipal Code* Section 29.10.0960 Scope of Protected Trees defines the following as protected trees:

1. All trees which have a twelve-inch or greater diameter (thirty-seven and one-half-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eighteen inches or greater diameter (fifty-six and one-half-inch circumference) of the sum of all trunks, where such trees are located on developed residential property.
2. All trees which have an eight-inch or greater diameter (twenty-five-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eight inches or greater diameter (twenty-five-inch circumference) of the sum of all trunks, where such trees are located on developed Hillside residential property.
3. All trees of the following species which have an eight-inch or greater diameter (twenty-five-inch circumference) located on developed residential property: Blue Oak (*Quercus douglasii*); Black Oak (*Quercus kellogii*); California Buckeye (*Aesculus californica*); Pacific Madrone (*Arbutus menziesii*).
4. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.
5. Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (6) of this section (e.g., landscape or site plans).
6. Any tree that was required by the Town to be planted or retained by the terms and conditions of a development application, building permit or subdivision approval in all zoning districts, tree removal permit or code enforcement action.
7. All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on property other than developed residential property.

8. All publicly owned trees growing on Town lands, public places or in a public right-of-way easement, which have a four-inch or greater diameter (twelve and one-half-inch circumference) of any trunk.
9. A protected tree shall also include a stand of trees, the nature of which makes each dependent upon the other for the survival of the stand.
10. The following trees shall also be considered protected trees and shall be subject to the pruning permit requirements set forth in section 29.10.0982 and the public noticing procedures set forth in section 20.10.0994: Heritage trees; Large protected trees.

Fire Hazards Hazardous Brush Abatement Program

The Santa Clara County Fire Department provides fire protection services to the Town of Los Gatos and manages and implements a hazardous brush abatement program for hillside areas within its jurisdictional boundaries. In January of each year, homeowners are reminded that they must remove native brush and vegetation from around their home to create defensible space at least 100 feet from building edges. The brush abatement program entails inspections of hillside properties by fire crews beginning early April each year. If properties are found out of compliance with the regulations found in the California Fire Code relative to vegetation clearance, they are given notice of the violation. If compliance is still not achieved by approximately the end of June each year, a contractor is authorized to perform the necessary work. The costs associated with the abatement work are then placed on the property tax bill for that parcel (Santa Clara County Fire Department 2018).

7.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

The CEQA Guidelines indicate that a project may have a significant effect on the environment if it would have any of the effects listed below.

- 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, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- 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 U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

No habitat conservation plans apply to the project area. No further discussion of this topic is required. The applicable issues for the proposed project are evaluated in the impact analysis below.

7.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based a review of existing scientific literature, aerial photographs, technical background information; relevant documents addressing biological resources at the project site; surveys conducted by EMC Planning Group; arborist reports, and policies applicable to projects located in the Town of Los Gatos. See the beginning of this EIR section for a list of relevant documents used in this analysis.

Effects on Special-Status Plant and Wildlife Species

IMPACT 7-1	**Potential Effect on Special-Status Plant Species: Arcuate Bush-Mallow, Loma Prieta Hoita, and Woodland Woollythreads**	**No Impact**

The project site contains marginally suitable habitat for three special-status plant species: arcuate bush-mallow, Loma Prieta hoita, and woodland woollythreads.

Arcuate bush-mallow (*Malacothamnus arcuatus*) is listed by the CNPS as 1B.2 (fairly endangered in California) and is found in chaparral plant communities with gravelly alluvium substrates. This species blooms from April to September. The nearest recorded observation of this species is approximately 0.5 miles northeast of the project site (Occurrence No. 38, CNDDB 2020). Arcuate-bush mallow could potentially be found growing within chaparral along the northern parcel boundary (Figure 7-1, Habitat Map). This area is outside of the project impact boundary and will not be disturbed as a result of the proposed project. No mitigation is necessary.

Loma Prieta hoita (*Hoita strobilina*) is listed by the CNPS as 1B.1 (seriously endangered in California) and is found on serpentine substrate in chaparral and oak woodland. This species blooms from April to September. The nearest recorded observation of this species is

approximately 0.6 miles southwest of the project site (Occurrence No. 19, CNDDB 2020). Loma Prieta hoita could potentially be found growing in oak woodland within the upslope (western) portion of the project site or within mixed oak woodland closer to the existing developed area (Figure 7-1, Habitat Map).

Woodland woollythreads (*Monolopia gracilens*) is listed by the CNPS as 1B.2 (fairly endangered in California) and is found in open sites in chaparral and oak woodland. This species blooms from March to July. The nearest recorded observation of this species is approximately 1.5 miles southwest of the project site (Occurrence No. 30, CNDDB 2020). Woodland woollythreads could potentially be found growing in oak woodland within the upslope (western) portion of the project site or within mixed oak woodland closer to the existing developed area (Figure 7-1, Habitat Map).

Conclusion

No special-status plant species, including Loma Prieta hoita (*Hoita strobilina*) and woodland woollythreads (*Monolopia gracilens*), were observed during the focused plant survey on April 22, 2021 (EMC Planning Group 2021). Focused plant survey results are generally considered valid for about five years. The proposed project will have no impact on special-status plant species and no mitigation is required.

IMPACT 7-2	Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	Less than Significant with Mitigation

San Francisco dusky-footed woodrat is a California Species of Special Concern and is typically found within dense chaparral or oak woodland habitats with moderately dense understory growth and abundant dead wood available for midden construction. A midden is a small pile or "house" made of sticks, leaves, bones, seeds, etc. gathered by a rodent. The project site is within the known range of this species. The nearest observation of the species was recorded in 2016 approximately six miles north of the project site (Occurrence No. 17, CNDDB 2020). Possible midden locations were identified in the mixed woodland and oak/bay woodland areas where fallen tree branches, leaves, and sticks had accumulated to provide resources for midden construction.

Conclusion

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

Mitigation Measure

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

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

Implementation of this mitigation measure would reduce the potential impact by requiring pre-construction surveys for San Francisco dusky-footed woodrat middens, and avoidance or dismantling of any middens within the development footprints. Therefore, this impact is less than significant with mitigation incorporated.

IMPACT 7-3	Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	Less than Significant with Mitigation

The proposed project includes the removal of 213 trees and requires demolition of structures. Cavities in mature, hollow trees and structures on the project site provide potential roosting habitat for two special-status bat species: the California Species of Special Concern pallid bat and candidate species for state listing as threatened Townsend's big-eared bat. Both species are known to occur in the project region. The nearest observation of the pallid bat was recorded in 2004 approximately 4.4 miles east of the project site (Occurrence No. 100, CNDDB 2020). The nearest observation of Townsend's big-eared bat was recorded in 2002 approximately 2.8 miles southwest of the project site (Occurrence No. 600, CNDDB 2020).

Conclusion

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

animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

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

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

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

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer

zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

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

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

Implementation of this mitigation measure would reduce the potential significant impact to special-status bats to a less-than-significant level by requiring pre-construction surveys and incorporation of appropriate avoidance and minimization measures should evidence of roosting bats be found on the project site. Therefore, this impact is less than significant with mitigation incorporated.

IMPACT 7-4	Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	Less than Significant with Mitigation

Various bird species may nest throughout the project site, including in buildings, on open ground, or in any type of vegetation. Several avian species were observed at the project site during the reconnaissance field survey, including red-shouldered hawk, dark-eyed junco, California scrub jay, Steller's jay, acorn woodpecker, chestnut-backed chickadee, white-breasted nuthatch, and mourning dove. No nesting activity was observed during the surveys. However, many bird species are migratory and fall under the jurisdiction of the Migratory Bird Treaty Act, protections for birds of prey, and/or are considered Fully Protected Species.

Protected nesting birds, including raptor species such as Cooper's hawk (*Accipiter cooperii*), have potential to nest on and adjacent to the project site during the nesting bird season (January 15 through September 15).

Conclusion

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

Mitigation Measure

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

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

a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.

b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

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

Implementation of this mitigation measure would reduce potential significant impacts to nesting birds and raptors to less than significant by requiring a preconstruction survey prior to construction in and adjacent to the project site boundary. If nesting activity is observed, measures to protect the nest(s) shall be implemented. Therefore, this impact is less than significant with mitigation.

Protected Wetlands or Waters of the U.S.

IMPACT 7-5	Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	Less than Significant with Mitigation

A potentially jurisdictional aquatic feature was identified within the project site boundary (Figure 7-1, Habitat Map). An approximately 230-foot-long ephemeral drainage was identified within the oak woodland northwest of the developed area. Runoff from upslope likely collects within the drainage as a result of natural elevation changes directing flow south towards Los Gatos Creek. Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system.

Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology. Waterways or drainage channels are defined by their ordinary high-water marks on channel banks and their connection to other waterways or aquatic features. Although no wetland vegetation was identified associated with the drainage, the drainage feature could connect to Los Gatos Creek.

Conclusion

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

Mitigation Measures

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

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

qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

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

a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.

b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Implementation of these mitigation measure shall ensure that impacts to potentially jurisdictional wetlands and waterways are mitigated by avoiding the feature through establishment of a setback or requiring a wetland assessment/jurisdictional determination and associated permitting if avoidance is not possible. With implementation of these mitigation measures, construction of the proposed project would not have a substantial adverse effect on federally or state-protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, this impact is less than significant with mitigation.

Protection of Regulated Trees

IMPACT 7-6	Damage or Removal of Regulated Trees	Less than Significant with Mitigation

The *Town of Los Gatos Municipal Code* Section 29.10.0960 Scope of Protected Trees includes a definition of protected trees (see details in the Regulatory Section above), and outlines the requirements if protected trees may be damaged or removed by a project (Town of Los Gatos 2020).

A tree inventory and assessment were conducted in 2018 by HortScience|Bartlett Consulting for the proposed project and included all trees with trunk diameters greater than four inches (those trees protected by the Ordinance). A total of 375 trees representing 57 species were evaluated. A peer review of the 2018 arborist report was performed in 2020 by Monarch Consulting Arborists.

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review. Hort Science | Bartlett Consulting prepared an *Arborist Report Update* to incorporate data on trees removed and also responds to the peer review conducted by Monarch Consulting (2020). Forty-four (44) trees were removed and three hundred thirty-one (331) trees remain. A *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* was also submitted to address how comments and recommendations from the peer review and revised Arborist Report were incorporated into the landscape and tree planting plans (Gates and Associates 2020).

Conclusion

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

Table 7-3 Trees Planned for Removal and Preservation

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

Source: HortScience | Bartlett Consulting 2020

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

Mitigation Measure

7-6 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree

Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

Implementation of this mitigation measure would reduce potential impacts to regulated trees by requiring Town approval prior to removal of regulated trees, installation of adequate replacement trees, and protection of all retained trees during construction. Therefore, this impact is less than significant with mitigation incorporated.

Wildlife Movement

IMPACT 7-7	Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Less than Significant

Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory).

Conclusion

The Town of Los Gatos General Plan 2020 states that "Town staff shall review site plans to ensure that existing significant wildlife habitats and migration corridors are not adversely affected by either individual or cumulative development impacts (Policy ENV-4.11)."

The proposed project would impede to a limited degree the local movement of common wildlife species due to habitat loss. However, the impact to animals that may occasionally traverse these areas would be less than significant given the amount of similar habitat in the vicinity and region. Therefore, no mitigation measures are necessary.

Sensitive Natural Communities

IMPACT 7-8	Effect on Sensitive Natural Communities	Less than Significant with Mitigation

Sensitive natural communities are those that are listed in the CNDDB due to the rarity of the community in the state or throughout its entire range (globally). Ranking of plant communities occurs according to their degree of imperilment, as measured by rarity, trends, and threats. Sensitive natural communities that may occur in the Central California region include, but are not limited to, the following: wetland and marsh, riparian forest, sycamore alluvial woodland, oak woodland, maritime chaparral, manzanita chaparral, dune scrub, and vernal pools.

The proposed project would disturb approximately 0.3 acres of oak/bay woodland and 5.2 acres of mixed woodland within the proposed project impact area. Oak/bay and mixed oak woodlands are considered a CDFW-designated sensitive natural community. Given that replacement plantings would be required for removal of each Town-regulated tree, including native oaks, this is a less than significant environmental impact. No additional mitigation measures are required.

Conclusion

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

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

Mitigation Measure

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

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

Implementation of this mitigation measure would reduce potential impacts to sensitive plant communities by requiring Town approval of the plant palette prior to landscaping. Therefore, this impact is less than significant with mitigation incorporated.

8.0 Cultural, Paleontological, and Tribal Resources

Information in this section is derived from a variety of sources including:

- California Historical Resources Information System, Northwest Information Center, Sonoma State University, September 9, 2020, File No. 20-0383;
- EMC Planning Group archaeological survey of the project site (August 27, 2020);
- *Town of Los Gatos 2020 General Plan Final EIR* (June 2010); and
- Correspondence with the Native American Heritage Commission, August 31, 2020.

The Native American Heritage Commission responded with a list of tribes that are traditionally and culturally affiliated with the geographic area of the project site and recommended consultation with the tribes. Consultation was conducted and the results are presented herein. In addition, a response to the notice of preparation was received from the Native American Heritage Commission (dated February 1, 2021). The notice of preparation and responses are included as Appendix A. The response is a standard letter about AB 52 and SB 18 consultation.

8.1 Environmental Setting

General Plan EIR

The environmental setting for cultural resources within Los Gatos is summarized in Chapter 5 of the General Plan EIR, which addresses cultural and historic resources. According to the General Plan EIR, the proposed project site is not located within the major archaeological resource areas.

Tribal Cultural Resources/Sacred Lands

On August 31, 2020, the Native American Heritage Commission responded to a request for knowledge of sacred lands and other cultural resources within the proposed project site. They responded with a list of tribes that are traditionally and culturally affiliated with the geographic area of the site. A request for additional information was sent to the tribes on the

list and only one response was received from Valentin Lopez, Chairperson of the Amah Mutsun Tribal Band, who stated the project site is outside the tribe's traditional tribal territory and therefore, they have no comment.

Northwest Information Center Search Results

EMC Planning Group conducted a records search through the California Historical Resources Information System (CHRIS). According to the results of the records search, there are no previously recorded archaeological resources within the project site and one resource (P-43-002455), a historic building, within a quarter mile radius. There was no history of archaeological reports prepared for the project site.

National Register of Historic Places Search Results

A search of the National Register of Historic Places database did not result in any listed properties within the project site or area.

8.2 REGULATORY SETTING

Federal Regulations-National Park Service

National Historic Preservation Act (1966)

This Act was passed into law in 1966. The purpose of the Act is to establish systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. This Act includes Title I, Historic Preservation Programs, Section 101, which states the Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Additional information about this Act can be found under Title 54 U.S.C. Chapter 3021-National Register of Historic Places, 54 U.S.C. 302101 (National Conference of State Historic Preservation Officers 2021).

Native American Graves Protection and Repatriation Act

This Act was passed into law on November 16, 1990 and has been amended twice. This Act describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. Additional information about this Act can be found under Public Law 101-601; 54 U.S.C. (National Park Service 2021).

State Laws, Regulations, and Statutes

California Environmental Quality Act (CEQA) Archaeological Resources (California Public Resources Code § 21083.2)

It is the responsibility of the lead agency to determine whether a project may have a significant effect on archaeological resources. If the lead agency determines that a project may have a significant effect on historic resources or unique archaeological resources, the EIR shall address the issue of those resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state.

Assembly Bill 52

The legislation requires consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, unique archaeological, and paleontological resources. AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area.

To participate in AB 52, a tribe requests, in writing, that they wish the lead agency to notify them through a formal notification of proposed projects within the tribe's geographic area where they are traditionally and culturally affiliated. The lead agency has 14 days after determining that an application for a project is complete, or a decision by a public agency to undertake a project, to provide formal notification to the designated contact or tribal representative of traditionally and culturally affiliated California Native American tribes that have requested notice.

The Town of Los Gatos has not received any written requests for consultation from tribes traditionally or culturally affiliated with the project area. Therefore, tribal cultural resources consultation is not required and no further discussion of tribal cultural resources is required.

State Historical Resources Commission (California Public Resources Code § 5020)

Under California Public Resources Code section 5020.5, the State Historical Resources Commission shall develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted. The commission shall also develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens. The commission oversees the California Register (California Office of Historic Preservation 2021).

State Historic Preservation Officer (SHPO) (California Public Resources Code § 5020.6)

In consultation with the State Historical Resource Commission, the SHPO acts as the executive secretary of the commission and shall be the chief administrative officer of the Office of Historic Preservation (California Office of Historic Preservation 2019).

California Register of Historical Resources (California Public Resources Code § 5024.1)

The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (California Office of Historic Preservation 2021).

Native American Heritage Commission (California Public Resources Code § 5097.9)

The commission shall identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The commission shall notify landowners on whose property such graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property. The commission shall make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans (California Office of Historic Preservation 2021).

Human Remains (California Health and Safety Code § 7050.5)

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstance, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his/her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall

make his/her determination within two workings days from the time the person responsible for the excavation, or his/her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his/her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission (California Office of Historic Preservation 2021).

8.3 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of cultural resources and tribal cultural resources, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of cultural and tribal cultural resources impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

Historic and Unique Archaeological Resources

- Cause a substantial adverse change in the significance of a historical resource;
- Cause a substantial adverse change in significance of a (unique) archaeological resource; or
- Disturb any (Native American) human remains, including those interred outside of dedicated cemeteries.

Paleontology

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Tribal Cultural Resources

- 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, 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:

- 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
- 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Issues not Discussed Further in this Section

- Directly or indirectly destroy a unique geologic feature.

The proposed project site is developed with steep slopes surrounding the property. Due to the disturbed nature of the property, unique geologic features are not addressed in this EIR.

8.4 Analysis, Impacts and Mitigation Measures

Historic Resources and Unique Archaeological Resources

IMPACT 8-1	**Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction**	**Less than Significant**

According to the General Plan EIR, the proposed project site is not situated within identified major archaeological resources, however, should there be unanticipated impacts on historic resources and unique archaeological resources from development of the project site, the impacts would be less that significant with implementation of General Plan policies and mitigation measures in the General Plan EIR. The subject policies and mitigations are identified in Chapter 5 of the General Plan EIR.

The cultural resources survey identified one ground stone isolate, a handstone (planning tool), on the surface among sparse landscaping on the southwest part of the site. Careful searching around the isolate did not locate additional artifacts. The isolate was not in situ and therefore cannot be considered a significant or unique cultural resource. However, there is always a possibility that additional subsurface or nearby resources could be found during soil-disturbing activities.

While it is possible that unknown historic and unique archaeological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following Los Gatos standard conditions of approval would ensure that this potential impact, if it were to occur, would be less than significant. No mitigation is necessary.

Standard Conditions of Approval

In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.

If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.

If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.

A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Paleontological Resources

IMPACT 8-2	Potential Destruction of a Unique Paleontological Resource or Site During Construction	Less than Significant

The geologic units exposed at ground surface in the Town of Los Gatos and vicinity include Mesozoic rocks of the Franciscan Assemblage, the Miocene Temblor Sandstone, the Miocene Monterey Formation, the Pliocene-Pleistocene Santa Clara Formation, and Quaternary Alluvium. The Temblor Sandstone, Monterey Formation, and Santa Clara Formation have previously yielded numerous vertebrate fossils in Santa Clara County and throughout California.

The Society of Vertebrate Paleontology has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. Based these guidelines, the Miocene to Pleistocene sedimentary deposits in the Town of Los Gatos (i.e., the Temblor Sandstone, Monterey Formation, and Santa Clara Formation) have a high potential to yield paleontological resources (Town of Los Gatos 2019).

Conclusion

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

Mitigation Measure

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

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

Native American Human Remains

IMPACT 8-3	Potential Adverse Impact to Native American Human Remains During Construction	Less than Significant

The archival records search through CHRIS and the Native American Heritage Commission did not identify any known Native American burials or cemeteries within the proposed project site, and no human remains were discovered during the archaeological survey.

Conclusion

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 standard conditions of approval presented earlier under Impact 8-1 would ensure that this potential impact, if it were to occur, would be less than significant.

9.0 Energy

This section of the EIR includes analysis of projected operational and construction energy demand for the proposed project and includes a determination about whether that demand could be considered wasteful or inefficient. Applicable uniform regulations for energy efficiency and conservation are also reviewed.

No comments regarding energy were received in response to the notice of preparation. The notice of preparation and comment letters are included in Appendix A.

9.1 Environmental Setting

Population growth is a key driver for increasing residential and commercial energy electricity and natural gas demand, and Los Gatos' population and energy demand will continue to grow. To minimize the need for additional electricity generation facilities, both the state and regional energy utilities have focused investments on many energy related sector initiatives. Energy purveyors have also focused on obtaining larger shares of retail power from renewable sources.

Pacific Gas and Electric, one of the five largest utilities in the state, is the primary purveyor of electricity and natural gas in Los Gatos. Pacific Gas and Electric operates a major network of electricity and natural gas transmission lines within its service area, including Los Gatos.

9.2 Regulatory Setting

Energy Use and Conservation

For decades, federal, state, and regional energy agencies and energy providers have been focused on reducing growth in fossil fuel-based energy demand, especially in the form of transportation fuel and electricity. Key related environmental goals have been to reduce air pollutants and greenhouse gases. Public and private investments in a range of transportation technology, energy efficiency and energy conservation programs and technologies to improve transportation fuel efficiency have been increasing, as has the focus on land use planning as a tool to reduce vehicle trips/lengths and transportation-related energy use.

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and to transportation (e.g., vehicle fuel efficiency standards). At the state level, Title 24 of the California Code of Regulations sets energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

Representative state energy efficiency and conservation, and transportation energy demand guidance, regulations, and legislation are summarized below. Additional related regulations and legislation are found in Section 10.0, Greenhouse Gas Emissions.

State

California Energy Commission

The California Energy Commission is California's primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division ensures that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The Energy Action Plan Update establishes energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods) as the first-priority actions to address increasing energy demands. Additional priorities include using renewable sources of power and distributed generation (e.g., using relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The Energy Action Plan Update examines policy changes in

the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Building Codes

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce energy consumption. The California Energy Code is updated every three years as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Adopted by the California Energy Commission in May 2018, the 2019 BEES went into effect on January 1, 2020. The 2019 BEES are structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. Multi-family homes and non-residential buildings built to the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

The Green Building Standards Code, also known as CALGreen, which requires all new buildings in the state to be more energy efficient and environmentally responsible, was most recently updated in July 2019. These comprehensive regulations are intended to achieve major reductions in interior and exterior building energy consumption.

Assembly Bill 2021 (Energy Efficiency Act of 2006)

This bill encourages all investor-owned and municipal utilities to aggressively invest in achievable, cost-effective, energy efficiency programs in their service territories.

Assembly Bill 1493 (Pavley I Rule)

AB 1493 was enacted on July 22, 2002. It requires the CARB to develop and adopt regulations that improve fuel efficiency of vehicles and light-duty trucks. Pavley I requirements apply to these vehicles in the model years 2009 to 2016.

Advanced Clean Cars

In January 2012, CARB adopted an Advanced Clean Cars program, which is aimed at increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

Renewable Energy Legislation/Orders

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard

approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The Legislature then codified this mandate in 2011 with the enactment of SB X1-2. SB 350, adopted in September 2015, increases the standard to 50 percent by 2030. This same legislation includes statutes directing the California Energy Commission and Public Utilities Commission to regulate utilities producing electricity so that they will create electricity-generation capacity sufficient for the widespread electrification of California's vehicle fleet, as a means of reducing GHG emissions associated with the combustion of gasoline and other fossil fuels. The Legislature envisions a dramatic increase in the sales and use of electric cars, which will be recharged with electricity produced with increasingly cleaner power sources.

On September 10, 2018, former Governor Jerry Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045, and sets a goal to maintain net negative emissions thereafter.

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research to update the CEQA Guidelines to replace automobile delay—as described solely by level of service or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts.

Local

GreenPoint Rated Building Guidelines

In 2008, the Town of Los Gatos adopted the GreenPoint Rated Building Guidelines. These guidelines address design, construction, and operation of new homes and remodels. GreenPoint Rated is administered by Build It Green, a non-profit organization whose mission is to promote healthy, energy and resource efficient buildings in California. GreenPoint Rated includes measures that give builders and contractors multiple pathways to achieve above-code, high-performing homes at GreenPoint Rated certified, silver, gold, and platinum levels, with additional recognition for net zero energy.

Town of Los Sustainability Plan

The Town adopted its *Town of Los Gatos Sustainability Plan* in 2012. The Sustainability Plan addresses the major sources of GHG emissions in Los Gatos and sets forth a detailed and long-term strategy that the Town and community can implement to achieve the GHG

emissions reduction target set by the Town. The Sustainability Plan includes numerous GHG reduction measures that the Town is implementing over time to reduce GHG emissions, including measures that would directly or indirectly reduce electricity, natural gas and transportation fuel demand. Examples include green building, renewable energy, energy conservation, transportation and land use, and water and wastewater measures.

9.4 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of energy resources, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of energy resource impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries included in Appendix G and to use that language in fashioning thresholds. The Town has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Issues or Potential Impacts not Discussed Further

Conflict with State or Local Plan for Renewable Energy or Energy Efficiency

A multitude of state regulations and legislative acts are aimed at improving energy efficiency and enhancing energy conservation. While most of the energy-related legislation is enforced at the state level, the California Building Standards Code is enforceable at the local level by the Town of Los Gatos through the development review process. That enforcement is the primary mechanism through which the applicant will be required to implement state-mandated energy efficiency/conservation measures that are within the control of the applicant and the city.

The City GreenPoint Rated building guidelines and Sustainability Plan function as relevant local plans for renewable energy and energy efficiency as both include related measures.

The proposed project includes several renewable energy and energy efficiency features. As described in Section 4.0, Project Description, the proposed project would include a centralized building heating and cooling system that would operate at efficiencies that exceed code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with state energy code requirements, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surface. Per CALGreen requirements, 10 percent of all parking spaces would be designed with capacity to install electric vehicle charging stations. Further, the overall project would be designed to meet the minimum requirements to certify the project through the GreenPoint Rated system. Given these features, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No further discussion is required.

9.5 Analysis, Impacts, and Mitigation Measures

Energy Use

IMPACT 9-1	Proposed Project Results in the Consumption of Energy Resources	Less than Significant

Energy Consumption - Operations

This analysis of project impacts from energy use is qualitative. The proposed project transportation fuel, electrical energy, and natural gas demand characteristics are evaluated relative to the baseline condition. This approach is being taken because the baseline use and the proposed project are of the same use type and have similar resident/employee capacity. If the proposed project demand is similar to or lower than the existing demand, a qualitative conclusion can be made that the proposed project does not result in excessive energy consumption. Where proposed project demand is greater than baseline demand, further examination of how the project must comply with uniform regulations for energy demand reduction is provided.

Transportation Energy Demand

Section 10.0, Greenhouse Gas Emissions, includes a review of the vehicle miles traveled (VMT) by all vehicles traveling to and from the site under baseline project conditions and proposed project conditions. In basic terms, the number of vehicle miles traveled on a daily or annual basis is the product of the average vehicle trip volume and average trip length. VMT is an indicator of the magnitude of potential transportation fuel demand – as VMT increases, transportation fuel demand increases.

Since the baseline and the proposed project are the same use type, it is assumed that the average trip lengths for each would be similar. Thus, the difference between daily trip volumes for each condition becomes the primary variable for comparing their respective fuel demand characteristics. Table 3, Project Trip Generation, in the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) included as an attachment to the initial study (see Appendix A), shows that the proposed project would result in a net increase of 10 daily vehicle trips relative to the baseline use. This is equivalent to the number of daily vehicle trips generated by a single-family home. Given this very minor change in VMT, the proposed project transportation fuel demand would similar to the baseline use.

Electricity Demand

The proposed project would replace the existing 205-unit senior community facility with a 191-unit senior community facility. While the proposed project has fewer units, its total building capacity is about 280,341 square feet greater than the existing facility (430,816 square feet proposed compared to 150,475 square feet existing). Electricity and natural gas demand commonly increase as building square footage increases. Consequently, the lower unit number is not inherently an indicator that electrical and/or natural gas energy demand from the proposed use would be lower than the existing use. Conversely, the existing use was constructed at a time when energy efficiency standards were much less stringent than under the current BESS, such that baseline electricity demand would be higher than an equivalent project constructed under the current standards.

Electricity demand for baseline and proposed project conditions were estimated using CalEEMod. The CalEEMod results for each run are contained in Appendix D, with electricity demand calculations shown in Section 5.3, Energy by Land Use – Electricity. Baseline electricity demand is estimated at about 880,680 kilowatt hours per year. Baseline demand was calculated based on Title 24 energy efficiency requirements in effect in 2005, the earliest year for which Title 24 regulations are provided as a model run option. Since the existing facility was constructed in the early 1970s, the 2005 Title 24 regulations do not reflect the much less stringent building energy efficiency regulations in place at that time. Therefore, the baseline conditions result likely underestimates actual baseline electricity demand.

With more square footage of building floor area plus a new parking garage, the proposed project demand is estimated at 1,405,158 kilowatt hours per year. Proposed project demand is greater than the baseline demand.

Natural Gas Demand

Natural gas demand for baseline versus proposed project conditions is also shown in the CalEEMod results in Appendix D, with natural gas demand calculations shown in Section 5.2, Energy by Land Use – Natural Gas. For baseline conditions, demand was estimated at 5,308,540,000 British Thermal Units per year, or 5,308 therms per year. Like

electricity demand, baseline demand was calculated based on Title 24 requirements in effect in 2005, which do not reflect the much lower building energy efficiency regulations in place when the existing facility was constructed. Therefore, the baseline natural gas demand is likely underestimated. The proposed project demand is estimated at 1,544,370,000 British Thermal Units, or 1,544 therms. Proposed project demand is notably lower than the baseline demand.

Energy Consumption - Construction

During construction, diesel and gasoline use in construction equipment, construction material transport vehicles, portable power generation systems, and worker vehicles would be the primary source of energy use. Construction energy demand would be higher for the proposed project than for typical development on vacant land because the existing facility must first be demolished.

The Environmental Protection Agency regulates diesel engine design and fuel composition at the federal level, and has adopted multiple tiers of emission standards that result in reduced fuel consumption. Generally, California policy and regulations are as or more comprehensive and stringent than federal actions. At the state-level, the California Air Resources Board enforces off-road diesel engine vehicle and equipment regulations. Representative legislation and standards for improving transportation fuel efficiency of off-road vehicles includes, but is not limited to the Truck and Bus Regulation, Regulation for In-Use Off-Road Diesel-Fueled Fleets, and Portable Equipment Registration Program. The California Air Resources Board also regulates on-road vehicles including passenger cars, light-duty trucks, and medium-duty vehicles that would be used by construction workers. Representative legislation and standards for improving transportation fuel efficiency of on-road vehicles includes, but is not limited to the Pavley standards and the Advanced Clean Cars program.

Conclusion

The proposed project would have similar operational transportation fuel demand and lower natural gas demand than the baseline use. Therefore, the proposed project would have no impact with regard to demand for these types of energy.

The proposed project would have greater electricity demand than the baseline use. However, the increased demand is not wasteful, inefficient or unnecessary. The proposed project is a common land use development type whose energy demand would not be excessive. The proposed use would provide a community resource, senior housing, on a site that has already been developed for the same use and is designated for such use by the Town. Thus, the proposed use is not considered to be unnecessary or excessive. Further, the proposed project includes several design features that would reduce energy demand, including

electricity demand, and its design must conform to a range of regulations designed to improve energy efficiency, including the BESS and CALGreen. The Town of Los Gatos enforces the BESS and CALGreen through the development review process.

Given the considerations summarized above, the proposed project would have a less-than-significant impact from wasteful, inefficient, or unnecessary energy resource demand during operations and construction.

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10.0
Greenhouse Gas Emissions

The proposed project is of the same use type and of similar development intensity as the existing senior living community that was constructed on the site in the early 1970s. The existing use is considered to be the baseline condition. Because the baseline use and proposed project are similar, a detailed, quantified operational analysis of greenhouse gas (GHG) effects of the proposed project has not been conducted. Rather, the impact analysis and significance determination are based on a qualitative comparison of operational GHG effects of the proposed project relative to the baseline use. The extent to which the proposed use produced GHG emissions of substantially greater volume than the baseline use is the basis for determining impact significance. Construction GHG emissions are quantified and reviewed for significance.

Information in this section is derived primarily from project plans found in Appendix B, results of CalEEMod modeling found in Appendix D, and the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) found in an appendix to the initial study found in Appendix A to this EIR.

No comments regarding GHG emissions were received in response to the notice of preparation. The notice of preparation and comment letters are included in Appendix A.

10.1 Environmental Setting

This section provides a general overview of climate change science, causes and effects of climate change, California and local GHG inventories, and GHG emissions produced from the current use of the project site.

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. The federal

government, under former President Obama, began to tackle concerns about climate change through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Regulatory Setting section below.

Causes of Climate Change

The greenhouse effect naturally regulates the Earth's temperature. However, human activity has increased the intensity of the greenhouse effect by releasing increasing amounts of GHGs into the atmosphere. GHGs can remain in the atmosphere for decades or even hundreds of thousands of years (depending on the particular GHG). The GHG emissions that are already in the atmosphere will continue to cause climate change for years to come, just as the warming being experienced now is the result of emissions produced in the past. Climatic changes are happening now and are projected to increase in frequency and severity before the benefits of GHG emission reductions will be realized. Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes.

Effects of Climate Change

Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes.

Rising Temperatures

The Intergovernmental Panel on Climate Change, which includes more than 1,300 scientists from the United States and other countries, estimated that global temperatures have increased by about 2 degrees Fahrenheit (°F) during the 20th century (NASA 2020). The Intergovernmental Panel on Climate Change forecasts indicate that global temperatures can be expected to continue to rise between 2.5 and 10°F over the next century. According to the *California's Fourth Climate Change Assessment: Statewide Summary Report* (2019), average temperatures in California are projected to increase 5.6°F to 8.8°F by 2100.

According to Cal-Adapt, a climate change projection modeling tool developed by California Energy Commission, temperatures in Los Gatos have historically (1961-1990) averaged about 70.5°F. Average temperatures are projected to rise between 3.9 and 6.9°F by 2099, based on medium and high emissions scenarios. Los Gatos has historically experienced four extreme heat days per year (over 97.0°F). The model projections fluctuate on an annual basis. The number of extreme heat days per year is expected to increase to 11 days by 2099 (Cal-Adapt 2021a).

Reduced Snowpack

The Sierra Nevada snowpack acts as a large natural reservoir that stores water during the winter and releases it into rivers and reservoirs in the spring and summer. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months. It has already been documented that California's snow line is rising. More precipitation is expected to fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack. The spring snowpack in the Sierra Nevada decreased by 10 percent in the last century and may decrease as much as 70 to 90 percent by 2100 (Cal-Adapt 2021b). It is estimated that for each 1.8°F increase in Earth's average temperature, the Sierra snowpack will retreat 500 feet in elevation and an overall reduction of 25 to 40 percent reduction in snowpack by 2050 is projected. The Sierra Nevada snowpack provides approximately 80 percent of California's annual water supply. The rapid decrease in snowpack and spring melt poses a threat to groundwater resources in many parts of the state where rivers that recharge groundwater with melt water from the Sierra Nevada will have reduced groundwater recharge potential.

Water Supply

Climate change is expected to increase pressure on and competition for water resources, further exacerbating already stretched water supplies. Decreasing snowpack and spring stream flows and increasing demand for water from a growing population and hotter climate could lead to increasing water shortages. Water supplies are also at risk from rising sea levels. Competition for water between cities, farmers, and the environment is expected to increase.

Anticipated changes to source water conditions including more intense storm events, longer drought periods, reduced snowpack at lower elevations, and earlier spring runoff will likely impact the quality of the source waters. Changes in source water quantity and quality may result in increased treatment needs and increased treatment costs.

Precipitation Levels

Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Generally, higher temperatures increase evaporation and decrease snowfall, resulting in a drier climate. On average, Cal-Adapt projections show little change in total annual precipitation in California (Cal-Adapt 2021c). Furthermore, among several models, precipitation projections do not show a consistent trend during the next century. The Mediterranean seasonal precipitation pattern is expected to continue, with most precipitation falling during winter from North Pacific storms. One of the four climate models projects

slightly wetter winters, and another model projects slightly drier winters with a 10 to 20 percent decrease in total annual precipitation. However, even modest changes would have a significant impact because California ecosystems are conditioned to historical precipitation levels and water resources are nearly fully utilized.

The Los Gatos area has historically averaged about 29.0 inches of rainfall per year. That number is forecast to average about 38.6 inches by the end of the century (Cal-Adapt 2021c).

More Frequent and Extreme Storm Events

Extreme weather is expected to become more common throughout California as a result of climate change. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks. Warmer ocean surface temperatures have caused warmer and wetter conditions in the Sierra Nevada, increasing flood risk. Strong winter storms may produce atmospheric rivers that transport large amounts of water vapor from the Pacific Ocean to the California coast. As the strength of these storms increases, the risk of flooding increases.

Sea Level Rise

Sea level rise is one of the most significant effects of climate change. Sea level has been rising over the past century, and the rate has increased in recent decades. Global mean sea level in 2017 was the highest annual average in the satellite era (since 1993) with a value of 77 millimeters above the 1993 average (Hartfield, Blunden, and Arndt 2018). Globally, sea levels are rising due to two main reasons: thermal expansion of warming ocean water and melting of ice from glaciers and ice sheets. Rising sea levels amplify the threat and magnitude of storm surges in coastal areas. Water infrastructure, often located along the coast or tidally-influenced water bodies, can be vulnerable to greater changes in storm surge intensity. The threat of flooding and damage to water infrastructure will continue to increase over time as sea levels rise and the magnitude of storms increase. Rising sea levels will create stress on coastal ecosystems that provide recreation, protection from storms, and habitat for fish and wildlife, including commercially valuable fisheries. Rising sea levels can also introduce new, or exacerbate existing, saltwater intrusion into freshwater resources.

Diminished Air Quality

Climate change is expected to exacerbate air quality problems by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures and increased ultraviolet radiation from climate change are expected to facilitate the chemical formation of more secondary air pollutants from ground-level sources. Conversely, decreased precipitation is expected to reduce the number of particulates cleansed from the air. Incidents of wildfires are expected to increase due to climate change, further contributing to air quality problems.

According to the American Lung Association's 2020 *State of the Air* report, nearly half of all Americans were exposed to unhealthy air in 2016-2018. The report found that California cities dominate the rankings of the nation's most widespread air pollutants, ozone and particle pollution. In California, over 38 million residents live in counties where ozone or particulate pollution placed their health at risk (American Lung Association 2020).

Ecosystem Changes

Climate change effects will have broad impacts on local and regional ecosystems, habitats, and wildlife as average temperatures increase, precipitation patterns change, and more extreme weather events occur. Species that cannot rapidly adapt are at risk of extinction. As temperatures increase, California vegetation is expected to change. Desert and grassland vegetation are projected to increase while forest vegetation is projected to generally decline. The natural cycle of plant flowering and pollination, as well as the temperature conditions necessary for a thriving locally adapted agriculture, may also be affected. Perennial crops, such as grapes, may take years to recover. Increased temperatures also provide a foothold for invasive species of weeds, insects, and animals.

Social Vulnerability to Climate Change

The impacts of climate change will not affect people equally. People exposed to the most severe climate-related hazards are often those least able to cope with the associated impacts, due to their limited resources and adaptive capacity. Climate change is expected to have a greater impact on larger populations living in poorer and developing countries with lower incomes that rely on natural resources and agricultural systems that will likely be affected by changing climates.

Certain groups in developed countries like the United States will also experience more impacts from climate change than others. People in rural areas are more likely to be affected by climate change related droughts or severe storms compared to their urban counterparts. However, certain groups living in cities will also be at higher risk than others. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Residents at greatest risk include children, the elderly, those with existing health problems, the socially and/or economically disadvantaged, those who are less mobile, and those who work outdoors. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Health Effects/Illness

As temperatures rise from global warming, the frequency and severity of heat waves will grow and increase the potential for bad air days, which can lead to increases in illness and death due to dehydration, heart attack, stroke, and respiratory disease. Additionally, dry conditions can lead to a greater number of wildfires producing smoke that puts people with asthma and respiratory conditions at risk of illness or death.

Higher temperatures and the increased frequency of heat waves are expected to significantly increase heat-related illnesses, such as heat exhaustion and heat stroke, while also exacerbating conditions associated with cardiovascular and respiratory diseases, diabetes, nervous system disorders, emphysema, and epilepsy. An increase of 10°F in average daily temperature is associated with a 2.3 percent increase in mortality. During heat waves mortality rates can increase to about nine percent. As temperatures in the area increase, vulnerable populations such as children, the elderly, people with existing illnesses, and people who work outdoors will face the greatest risk of heat-related illness.

As climate change affects the temperature, humidity, and rainfall levels across California, some areas could become more suitable habitats for insects (especially mosquitoes), ticks, and mites that may carry diseases. Wetter regions are typically more susceptible to vector-borne diseases, especially human hantavirus cardiopulmonary syndrome, Lyme disease, and West Nile virus.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons. The contribution of these GHGs to global warming based on the U.S. inventory of GHGs in 2018 (United States Environmental Protection Agency 2020) is summarized in Table 10-1, Greenhouse Gas Emissions Types and Their Contribution to Global Warming.

Table 10-1 Greenhouse Gas Emissions Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide (CO_2)	81 percent	Combustion of fuels, solid waste, wood
Methane (CH_4)	10 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N_2O)	7 percent	Combustion of fuels, solid waste, agricultural/industrial processes
Chlorofluorocarbons (CFCs)	3 percent	Industrial processes

SOURCE: United States Environmental Protection Agency 2020
NOTE: Percentages may not add up to 100 percent due to independent rounding.

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO_2e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO_2 as the base reference. Carbon dioxide equivalent is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons, or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO_2e. Table 10-2, Greenhouse Gas Emissions Global Warming Potentials presents a summary of the global warming potential of various GHGs.

Table 10-2 Greenhouse Gas Emissions Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO_2	50-200	1
Methane CH_4	12 (+/- 3)	21
Nitrous Oxide N_2O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF_4	50,000	6,500
PFC Hexafluoroethane C_2F_6	10,000	9,200
Sulfur Hexafluoride SF_6	3,200	23,900

SOURCE: United Nations Framework Convention on Climate Change 2020

Methane has a global warming potential of 21 times that of carbon dioxide, and nitrous oxide has a global warming potential of 310 times that of CO_2. The families of chlorofluorocarbons, hydrofluorocarbons, and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO_2. While CO_2 represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

Greenhouse Gas Inventories

California GHG Emissions Inventory

Based on the CARB's current state GHG inventory data, a net of about 425.3 million metric tons (MMT) of CO_2e were generated in California in 2018 (California Air Resources Board 2021e). In 2018, about 40 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation for imported electricity) were the second and third largest categories at about 21 percent and 15 percent, respectively. The commercial and residential use sectors combined to generate about 10 percent of the 2018 emissions, while the agricultural sector contributed about 8 percent.

Los Gatos GHG Emissions Inventory

The Town conducted a GHG emissions inventory as part of its *Town of Lost Gatos Sustainability Plan*, which was adopted in 2012. More information about the Sustainability Plan is provided below. The inventory was compiled as a three-year average over the period 2006 to 2008, during which Los Gatos's average annual communitywide GHG emissions were 381,640 metric tons CO_2e (carbon dioxide equivalent). Transportation sources constituted about 65 percent of the total, with electricity and natural gas combined about 30 percent of the total.

Existing Sources of GHG Emissions within the Project Site

The project site has historically been in use as a senior living community. The facility was last fully operational in 2019. It consists of 205 independent residential apartments and support care units, with ancillary dining and commons, infirmary, garage and services, multi-purpose, and cottage buildings and facilities at a total building capacity of 150,475 square feet. At the time of full operation, the facility housed approximately 222 residents and employed up to 120 employees. The existing use is considered to be the environmental setting or baseline against which proposed project effects, including GHG impacts, can be compared. Operations of the existing use generated GHGs from transportation sources (e.g., vehicle trips by residents, visitors, employees, vendors, etc.), electricity and natural gas use, water use, wastewater treatment and solid waste disposal.

10.2 Regulatory Setting

The federal government has taken significant regulatory steps toward addressing climate change. Generally, California policy and regulations and regulations implemented at the regional and local levels are as or more comprehensive and stringent than federal actions; therefore, this section focuses on state, regional, and local regulatory actions whose implementation would lessen the contribution of the proposed project to climate change.

State

Overall Statutory Framework

The California Legislature has enacted a series of statutes addressing the need to reduce GHG emissions across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing CARB to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the state; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by CARB; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as CARB "Scoping Plans" intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

Assembly Bill 32 (Global Warming Solutions Act)

In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Senate Bill 32

Effective January 1, 2017, Senate Bill (SB) 32 added a new section to the Health and Safety Code. It requires CARB to ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below those that occurred in 1990 no later than December 31, 2030.

Between AB 32 and SB 32, the Legislature has codified some of the GHG emissions reduction targets included within certain Executive Orders issued by prior governors. The 2020 GHG emissions reduction target in AB 32 was consistent with the second of three statewide GHG emissions reduction targets set forth in the 2005 Executive Order known as S-3-05. Executive Order S-3-05 included the following GHG emissions reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. Executive Order, B-30-15, issued in 2015, created a new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030. The 2030 GHG reduction target in SB 32 is consistent with the reduction target set forth in Executive Order B-30-15.

The Legislature has not yet set a 2050 target, though references to a 2050 target can be found in statutes outside the Health and Safety Code. In 2015, the Legislature passed SB 350, which is discussed in more detail below. This legislation essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain state agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that reducing GHG emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification and that accelerating investments in transportation electrification is needed to reduce greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

Statutes Setting Targets for the Use of Renewable Energy for the Generation of Electricity

In September 2002, the Legislature enacted SB 1078, which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase 20 percent of the State's electricity from renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.

In September 2006, the Legislature enacted SB 107, which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. In April 2011, the Legislature enacted SB X1-2, which set even more aggressive statutory target that 33 percent of the State's electricity come from renewables by 2020.

In 2015, the Legislature enacted SB 350. SB 350 encourages a substantial increase in the use of electric vehicles and increased the Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. In 2018, former Governor Jerry Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and 60 percent by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045; and sets a goal to maintain net negative emissions thereafter.

In March 2012, former Governor Jerry Brown issued an Executive Order, B-16-12, which embodied a similar vision of a future in which zero-emission vehicles will play a big part in helping the state meet its GHG reduction targets. Executive Order B-16-12 directed state government to accelerate the market in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets:

- By 2015, all major cities in California will have adequate infrastructure and be "zero-emission vehicles ready";
- By 2020, the state will have established adequate infrastructure to support one million zero-emission vehicles in California;
- By 2025, there will be 1.5 million zero-emission vehicles on the road in California; and
- By 2050, virtually all personal transportation in the State will be based on zero-emission vehicles, and greenhouse gas emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

In sum, California has set a statutory goal of requiring that, by the year 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity intended to be sufficient to allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other zero-emission vehicles. The Legislature is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon intensive. A number of statutes in recent years have addressed that strategy. These are discussed below.

Statutes and California Air Resources Board Regulations Addressing the Carbon Intensity of Petroleum-based Transportation Fuels

In July 2002, the Legislature enacted AB 1493 (Pavley Bill), which requires the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. In September 2004, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations are commonly known as the "Pavley standards." In September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created what are commonly known as the "Pavley II standards."

In January 2012, CARB adopted an Advanced Clean Cars program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This program combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the Advanced Clean Cars program are the low-emission vehicle regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the zero-emission vehicle regulation,

which requires manufacturers to produce an increasing number of pure zero-emission vehicles (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years.

It is expected that the Advanced Clean Car regulations will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Statute Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

Senate Bill 375 (Sustainable Communities' Strategy)

This 2008 legislation sets forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region for the year 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities' strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities' strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities' strategy, then an alternative planning strategy must be developed that demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Local agencies that adopt land use, housing, and transportation policies that are consistent with and facilitate implementation of the related GHG reduction strategies in a sustainable communities strategy benefit through potential CEQA streamlining for qualifying projects proposed within their boundaries. Adoption of such policies can be a part of a general plan update or other similar policy adoption process. However, a local agency's general plan is not required to be consistent with a sustainable communities strategy.

2017 Climate Change Scoping Plan

CARB has been tasked with preparing five-year strategies for how California will achieve GHG reductions embodied in key statewide GHG reduction target-setting legislation. With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for developing CARB's 2017 Scoping Plan. It reflects the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels. The GHG reduction strategies in the plan that CARB will implement to meet the target include:

- SB 350 - achieve 50 percent Renewables Portfolio Standard by 2030 and doubling of energy efficiency savings by 2030;

- Low Carbon Fuel Standard - increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020);
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario) - maintaining existing GHG standards for light- and heavy-duty vehicles, put 4.2 million zero-emission vehicles on the roads, and increase zero-emission buses, delivery and other trucks;
- Sustainable Freight Action Plan - improve freight system efficiency, maximize use of near-zero emission vehicles and equipment powered by renewable energy, and deploy over 100,000 zero-emission trucks and equipment by 2030;
- Short-Lived Climate Pollutant Reduction Strategy - reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and reduce emissions of black carbon 50 percent below 2013 levels by 2030;
- SB 375 Sustainable Communities' Strategies - increased stringency of 2035 targets;
- Post-2020 Cap-and-Trade Program - declining caps, continued linkage with Québec, and linkage to Ontario, Canada;
- 20 percent reduction in greenhouse gas emissions from the refinery sector; and
- By 2018, develop an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Building Code Requirements Intended to Reduce GHG Emissions

California Energy Code

The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the California Building Standards Code, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity produced by fossil fuel powered power plants that generate GHGs. The BEES apply to new construction of, and additions and alterations to, residential and non-residential buildings.

The current 2019 BEES went into effect on January 1, 2020. Residential and non-residential buildings permitted after January 1, 2020 are required to comply with the 2019 BEES. The 2019 BEES are structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. That is, the amount of energy provided by on-site renewable energy sources is equal to the amount of energy used by the homes. For residential buildings, the 2019 BEES encourage demand responsive technologies including

battery storage and heat pump water heaters and require improved building thermal envelopes through high performance attics, walls and windows. In non-residential buildings, the 2019 BEES update indoor and outdoor lighting making maximum use of LED technology.

Single-family homes built with the 2019 BEES will use about seven percent less energy versus those built under the 2016 BEES. Multi-family homes and non-residential buildings built under the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

California Green Building Standards Code

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) is to improve building design and construction to reduce negative environmental impacts through sustainable construction practices. Design and construction categories include: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The 2019 California Green Building Standards update instituted mandatory and voluntary environmental performance standards for all ground-up new construction of commercial, low-rise residential uses, and state-owned buildings, as well as schools and hospitals.

The mandatory standards require the following:

- Water conserving plumbing fixtures and fittings for indoor water use;
- 65 percent construction/demolition waste must be diverted from landfills;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Low pollutant-emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

The voluntary standards require the following:

- Tier I: on-site renewable energy generation, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste, 10 percent recycled content, 20 percent permeable paving, 20 percent cement reduction, 90 percent resilient flooring systems, electric vehicle charging spaces, thermal insulation, and cool/solar reflective roof.
- Tier II: on-site renewable energy generation, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste, 15 percent recycled content, 30 percent permeable paving, 25 percent cement reduction, 100 percent resilient flooring systems, electric vehicle charging spaces, thermal insulation, and cool/solar reflective roof.

Regional/Local

Plan Bay Area 2040

Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040 ("Plan Bay Area 2040") (Association of Bay Area Governments and Metropolitan Transportation Commission 2017) is the strategic update to *Plan Bay Area: Strategy for a Sustainable Region*, and it builds on earlier work to develop an efficient transportation network, provide more housing choices and grow in a financially and environmentally responsible way.

Plan Bay Area 2040 fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008, which requires a sustainable communities strategy as a part of the regional transportation plan. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Two performance targets are mandated by SB 375: reduce its per-capita CO_2 emissions from cars and light-duty trucks by 15 percent by 2040; and provide adequate housing by requiring the region to house 100 percent of its projected population growth by income level. Plan Bay Area 2040 integrates land use strategies by establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2040.

Bay Area Air Quality Management District Clean Air Plan

The air district adopted the 2017 Clean Air Plan on April 19, 2017. The 2017 Clean Air Plan defines a vision for achieving ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

There are 85 control measures in the 2017 Clean Air Plan, many of which are applicable only for regional or government implementation. The 2017 Clean Air Plan control measures that address GHG emissions include TR1: Clean Air Teleworking Initiative; TR 2: Trip Reduction Programs; TR19: Medium and Heavy Duty Trucks; TR 22: Construction, Freight, and Farming Equipment; BL1: Green Buildings; BL2: Decarbonize Buildings; BL4: Urban Heat Island Mitigation; and SL1: Short-Lived Climate Pollutants.

Town of Los Gatos Sustainability Plan

The Town adopted its Sustainability Plan in 2012. The Sustainability Plan is the Town's guidance for addressing climate change. It sets forth a GHG emissions reduction target and identifies GHG reduction measures that together would achieve the reduction target. The

Sustainability Plan was based on an emissions reduction goal associated with AB 32 for the year 2020. Therefore, it does not identify an emissions reduction target or related emission reductions needed for the Town to contribute to achieving the deeper emissions reductions needed between 2020 and 2030 that are needed to achieve the 2030 statewide emissions reduction goal identified in SB 32. Nevertheless, the Sustainability Plan still serves as an effective guide for reducing GHG emissions in the Town relative to baseline conditions.

The Sustainability Plan includes a variety of emissions reduction measures that address transportation and land use, green building, renewable energy, energy conservation, water and wastewater, solid waste, open space, purchasing, and community action. Most of the measures are to be implemented by the Town itself. However, several are within the control of individual developers and would apply to new development.

10.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of greenhouse gas emissions, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of public services impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant GHG impact would occur if implementation of the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

10.4 ANALYSIS, IMPACTS AND MITIGATION MEASURES

This section includes information and data regarding GHGs that are relevant to the proposed project based on the thresholds of significance described above. The information and data are used as a basis for determining impact significance as described below.

Generation of Greenhouse Gas Emissions

IMPACT 10-1	Generate Greenhouse Gas Emissions	Less than Significant

Operational GHG Analysis

This analysis of operational project impacts from generating GHGs is qualitative. It is based on comparing GHG emissions from the baseline condition to GHG emissions under proposed project conditions. This approach is being taken because the baseline use and the proposed project are of the same use type and have similar resident/employee capacity. Taken together, transportation- and electricity-source GHG emissions constitute a substantial percentage of the total GHG emissions inventory for most land use projects. Therefore, the comparison focuses on these two GHG sources. The impact determination is based on the extent to which these emissions from the proposed project exceed those of the baseline use.

Transportation-Source GHG Emissions Comparison

Vehicle miles traveled (VMT) by all vehicles traveling to and from the site is an indicator of the magnitude of potential transportation-source GHG emissions volumes that were generated under baseline project conditions and that would be generated under proposed project conditions. In basic terms, the number of vehicle miles traveled on a daily or annual basis is the product of the average daily vehicle trip volume and average trip length. Since the baseline and the proposed project are the same use type, it is assumed that the average trip lengths for each would be similar. Thus, the difference between daily trip volumes for each condition becomes the primary variable for comparing their respective transportation-source GHG emissions. Table 3, Project Trip Generation, in the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) found in an appendix to the initial study prepared for the project (see Appendix A), shows that the proposed project would result in a net increase of 10 daily vehicle trips relative to the baseline use. This is equivalent to the number of daily vehicle trips generated by a single-family home.

The GHG emissions volume generated by 10 daily vehicle trips is minor. For context, the air district's 2017 *CEQA Guidelines* state that a single-family residential development with up to 56 homes (that would generate GHG emissions from mobile-source as well as non-mobile sources including electricity and natural gas) would be considered to have a less-than-significant GHG impact. This GHG impact screening threshold is based on the air district's year 2020 GHG emissions reduction target for the air basin, which in turn is based on AB 32. The 2020 target is less rigorous than would be a current SB 32-based, year 2030 emissions reduction target for the air basin (refer to the Regulatory Setting section above for AB 32 and SB 32 summaries). Regardless, the screening threshold is a clear indicator that the net increase in mobile source GHG emissions volume from the proposed project would be minor.

Electricity-Source GHG Emissions Comparison

The existing facility was approved in 1969 and constructed in the early 1970's. Building energy efficiency requirements at that time were substantially less stringent than the requirements with which the proposed project must conform (refer to the Regulatory Setting section above for summaries of current building energy efficiency and green building standards). Further, the carbon intensity of utility-provided electricity was substantially higher in the 1970s than is currently the case. Carbon intensity refers to the volume of GHG emissions produced per unit of electrical energy produced. As evidence, the carbon intensity of electricity generated in 2005 (the earliest year for which carbon intensity data is available as a model run option in CalEEMod) was 641 pounds CO_2/kilowatt hour. The current default carbon intensity is 206 pounds CO_2/kilowatt hour. Though the facility operated for approximately 35 years prior to 2005 when the carbon intensity of energy produced was even higher, the year 2005 is being used as a conservative reference point.

The CalEEMod results shown in Section 5.3, Energy by Land Use – Electricity, for baseline conditions and proposed project conditions (both found in Appendix D) allow comparison of GHG emissions volumes from electricity demand. GHG emissions from baseline operations are estimated at 257 metric tons CO_2e per year. GHG emissions from the proposed project are projected at about 133 metric tons CO_2e per year. Thus, GHG emissions from the proposed project would be below the baseline volume.

Conclusion

Transportation-source GHG emissions from the proposed project would be similar to the baseline use. Electricity-source GHG emissions from the proposed project would be substantially lower than the baseline use. Consequently, the proposed project would not likely result in GHG emissions that exceed the baseline use and would not generate new GHG emissions that would have a substantial impact on the environment. The project impact is less than significant. No mitigation measures are required.

Construction GHG Analysis

The air district's 2017 *CEQA Guidelines* do not include a threshold of significance for construction GHG emissions. However, the air district recommends that construction GHG emissions be quantified and disclosed, and that their significance be determined.

Construction GHG emissions for the proposed project were quantified using CalEEMod. Construction emissions are summarized in Section 2.1, Overall Construction, of the CalEEMod results in Appendix D. Over the approximate three-year project construction period, about 1,420 metric tons of CO_2e would be produced.

It is common practice to amortize construction emissions over the operational life of a project (commonly 30 years) and to then evaluate the sum of annual construction and annual operational emissions against a threshold of significance. Annual amortized emissions would be approximately 47 metric tons CO_2e/year. Since annual operational emissions are expected to be very minor, construction emissions represent nearly the entire annual GHG emissions volume from the project.

The air district's *CEQA Guidelines* include a bright line operational GHG emissions threshold of significance of 1,100 metric tons CO_2e/year. This threshold is only applicable up to the year 2020 because the district's guidance is based on achieving the statewide AB 32 GHG reduction target of 20 percent below 1990 levels by 2020. As described previously, the 2020 threshold is less rigorous than would be an updated bright line threshold of significance designed to achieve the 40 percent below 1990 statewide target defined in SB 32. Nevertheless, at approximately four percent of the 2020 bright line threshold volume, annual project construction emissions would be so low that their impact would be less than significant.

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11.0
Noise

The discussion in this section is based upon information from the *Town of Los Gatos 2020 General Plan* and the Municipal Code (Chapter 16 – Noise). The Town did not receive any responses to the notice of preparation regarding noise.

11.1 Environmental Setting

Acoustic Fundamentals

When describing sound levels, the more common descriptors used are Day/Night Level ("DNL or L_{dn}"), and Community Noise Equivalent Level ("CNEL"). The descriptor L_{eq} refers to the equivalent sound level, which contains the same total energy intensity of noise over any given period of time. DNL refers to the day/night average sound level during a 24-hour day, which is obtained after the addition of ten decibels, as a penalty, to the sound levels after 10 pm and before 7 am.

The CNEL is the average equivalent sound level during a 24-hour day, achieved after the supplement of five decibels to the sound level, as a penalty, in the evening from 7 pm to 10 pm. An additional ten decibels are also added to the sound level in the night, before 7 am and after 10 pm.

Effects of Noise on People

The effects of noise on people vary from person to person. Therefore, the common and most effective way to determine noise impacts is to compare a new noise, typically the noise created or generated by a project, to the existing noise within the area. Existing noise is also referred to as the "ambient" environment. As a general rule of thumb, a new noise would be less acceptable if it exceeds the current ambient noise level. At extreme noise levels noise can result in adverse physical and mental effects.

Baseline Noise Conditions

The project site is currently developed with a presently closed senior living community and is located within a rural, hillside residential area of Los Gatos; however, for purposes of this noise analysis, the baseline noise conditions are the conditions when the existing senior living community was operational. The ambient noise environment at the project site is

generally quiet with varying levels of perceptible vehicle traffic noise from S. Santa Cruz Avenue and State Route 17 to the east (350 feet away) and southeast (500 feet away), respectively. According to General Plan Figure 4.10-3, Future Noise Contours, projected noise levels with 2020 buildout of the General Plan, immediately north and south of S. Santa Cruz Avenue, are projected to be 60 CNEL. Noise contours associated with State Route 17 are anticipated to be between 65 and 70 CNEL within a large portion of the project site according to General Plan Figure 4.10-3.

The nearest airports to the project site are Norman Y. Mineta San Jose International Airport, approximately 10.25 miles to the north, and Reid-Hillview Airport, 12 miles to the northeast. The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip.

11.2 Regulatory Setting

Section 3.0, Environmental Setting includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Hillside Specific Plan.* No other regulations associated with the proposed project's noise impacts on the environment apply to the proposed project.

11.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of noise, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of noise impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant noise impact would occur if implementation of the proposed project would result in:

- Generation of a substantial temporary increase in ambient noise levels during construction activities in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- Generation of excessive groundborne vibration or groundborne noise levels during construction.

In addition, the General Plan Noise Element includes a goal, policies and an action to address short-term construction noise impacts. Goal NOI-1 ensures noise from new development would not adversely affect existing land uses. Policy NOI-1.1 would minimize construction noise by requiring applicants to prepare an acoustical analysis for proposed projects. Policy NOI-5.1 protects residential uses from noise by requiring appropriate site design, sound walls and landscaping, and by using noise attenuating construction techniques and materials.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 6:00 pm on weekdays, 9:00 am to 4:00 pm Saturdays, and prohibits construction activities on Sundays and holidays. The noise ordinance requires that no individual piece of equipment produce a noise level exceeding 85 dBA at 25 feet (Town Code Section 16.20.35(a)(1) and (c)).

Checklist Questions Deemed Not Applicable

- 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, would the project expose people residing or working in the project area to excessive noise levels.

Since the project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip, the proposed project would not expose residents or workers to excessive noise levels from airport or airstrip operations. No further discussion of this issue is necessary.

11.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding noise that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Effects Adequately Addressed in the Initial Study

As noted in the initial study prepared to evaluate the proposed project (see Appendix A), operational noise levels associated with the proposed project would be similar to the existing development while it was operational. Since the proposed project would not result in an increase in noise over baseline conditions, there would be no impacts associated with operational noise. Operational activities are also not expected to result in any vibration impacts at nearby sensitive uses.

Construction Noise Impacts

IMPACT 11-1	Construction Activities Could Cause a Substantial Temporary Noise Increase	Less than Significant

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. Construction-related noise can range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment (Federal Highway Administration 2015).

Construction of the proposed project would take place near existing hillside residences as close as 100 feet from the boundaries of the project site. Most residences in the vicinity are located north toward Broadway. Rural, hillside residences and estates are located south and west uphill from the project site. These sensitive receptors may be affected by construction-related noise.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 6:00 pm on weekdays and 9:00 am to 4:00 pm on Saturdays. Construction activities are prohibited on Sundays and holidays. No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. The General Plan EIR states that adherence to the Town's Noise Ordinance would reduce construction-related noise impacts to a less-than-significant level (General Plan EIR, page 4.10-16).

Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas (single-family residences) during the anticipated 30 months of construction. However, based on the distance to adjacent residences, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction on the project site would not occur during nighttime hours, when occupants of the residences would be expected to be most sensitive to noise.

As a result, construction noise generation from the proposed project would be considered a less-than-significant impact, assuming that construction activities are conducted in accordance with the implementation of the following construction best management practices, as identified in the Town's Noise Ordinance:

- Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and holidays.
- Pursuant to the Municipal Code, construction activities meet at least one of the following noise limitations:

- No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to 25 feet from the device as possible.
- The noise level at any point outside of the property plane shall not exceed 85 dBA.
- All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

With the incorporation of noise ordinance requirements, the construction noise impact resulting from construction of the proposed project and other site improvements would be less than significant.

Construction Groundborne Vibration Impacts

IMPACT 11-2	**Groundborne Vibration during Construction Activities**	**Less than Significant**

According to the Federal Transportation Administration (FTA), a significant impact would be identified if the construction of the project would generate groundborne vibration levels at adjacent structures exceeding 0.3 in/sec PPV because these levels would have the potential to result in "architectural" damage to normal buildings.

Construction activities include demolition of existing structures, site grading and excavation, underground garage construction, new building construction, and paving. The applicant has indicated that pile driving would not be needed for project construction. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 11-1, Vibration Source Levels for Construction Equipment, presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet (Federal Transit Administration 2006).

Table 11-1 Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in./sec.)	Approximate L_v at 25 ft. (VdB)
Pile Driver (impact)	Upper range	1.518	112
	Typical	0.644	104
Pile Driver (sonic)	Upper range	0.734	105
	Typical	0.170	93
Clam shovel drop (slurry wall)		0.202	94
Hydromill (slurry wall)	In soil	0.008	66
	In rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

SOURCE: Federal Highway Administration 2006b (Table 12-2, p. 12-12)

The California Department of Transportation (Caltrans) provides further guidance on vibration issues associated with construction and operation of project in relation to human perception and structural damage in its 2020 *Transportation and Construction Vibration Guidance Manual*. Recommendations are provided for levels of vibration that could result in damage to structures exposed to continuous vibration. 0.2 in/sec PPV is Caltrans' recommended vibration level where the risk of architectural damage could occur to normal dwelling houses (Caltrans 2020, Technical Advisory, Table 2).

Operation of construction equipment can cause ground vibrations that diminish in strength with distance from the source. Buildings founded on the soil in the vicinity of a construction site may be affected by these vibrations, with varying results ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels. Typically ground vibration does not reach a level where it damages structures unless the structure is extremely fragile.

Maximum ground vibration levels would be associated with the potential use of large bulldozers during construction activities. According to FTA, vibration levels associated with large bulldozers are 0.089 in/sec PPV and 87 VdB at 25 feet. Vibration levels from large bulldozers could exceed Caltrans recommended level of 0.2 in/sec PPV with respect to the structural damage within 15 feet of large bulldozer activities (Caltrans 2020) and could

exceed FTA's maximum acceptable level of 80 VdB with respect to human response within 43 feet of large bulldozer activities (FTA 2006). The nearest existing structures to project construction areas include single-family residences located as close as approximately 60 feet from the property line to the north, and commercial structures located as close as approximately 75 feet east of the site, along S. Santa Cruz Avenue. Therefore, ground vibration levels from potential large bulldozer activities would not result in levels that could damage nearby structures or result in human disturbance. Project impacts associated with construction-related ground vibration and vibration noise would be less than significant.

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12.0
Wildfire Hazards

Information is this section is derived from the following sources, as well as sources noted herein:

- *Town of Los Gatos 2020 General Plan* (Town of Los Gatos 2011);
- *Town of Los Gatos 2020 General Plan Draft Environmental Impact Report* (Town of Los Gatos 2010);
- *Town of Los Gatos Emergency Operations Plan* (Town of Los Gatos 2015); and
- *Town of Los Gatos 2040 Background Report* (Town of Los Gatos 2019).

The Town of Los Gatos did not receive any comments regarding wildfire hazards in response to the notice of preparation.

12.1 Environmental Setting

The project site consists of approximately 10.84 acres of heavily vegetated hillside property and is located in the southwestern portion of Los Gatos. Site topography varies and includes slopes that average 24 percent but are as steep as 40 percent. The upslope (western) section of the parcel is undeveloped and consists primarily of native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. Semi-rural, single family residences are located north, south, east, and west of the property along with commercial uses to the east along S. Santa Cruz Avenue.

The project site is located in a very high fire hazards area, within a state-mandated Local Responsibility Area (LRA) (Town of Los Gatos 2011, Figure SAF-3, "Wildland-Urban Interface Fire Area"). Figure 12-1, Fire Hazard Severity Zones, presents the project site within the context of very high fire hazard areas as identified in the Town's General Plan.

The wildfire risk in Los Gatos and in the Santa Cruz Mountains above it to the south and west is seasonal in nature. Because of the types of vegetation and typically high moisture content this risk is usually small. Wind patterns in the Santa Clara Valley are influenced greatly by terrain, resulting in a prevailing wind flow roughly parallel to the Valley's northwest-southeast axis. However, during years of drought there are occasions when winds blowing east to west dry out the hillsides and cause wildfire concerns (Town of Los Gatos

2010). The Lexington Fire in 1985, which burned 42 buildings and 13,000 acres, the 1997 Cats Fire that threatened downtown and burned 15 acres immediately south of the project site, the Stevens Canyon Fire in 2007 and the Summit Fire of June 2008 are examples of fires that do threaten the area (Town of Los Gatos 2015). The 2020 CZU August Lighting Fire burned over 86,500 acres in the Santa Cruz Mountains and its eastern perimeter was located approximately 10.25 miles southwest of the project site (InciWeb 2020).

12.2 REGULATORY SETTING

Section 3.0, Environmental Setting includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan*, the *Los Gatos Sustainability Plan*, and the *Los Gatos Hillside Specific Plan*. In addition to those relevant policies, the following regulations may also apply to the proposed project.

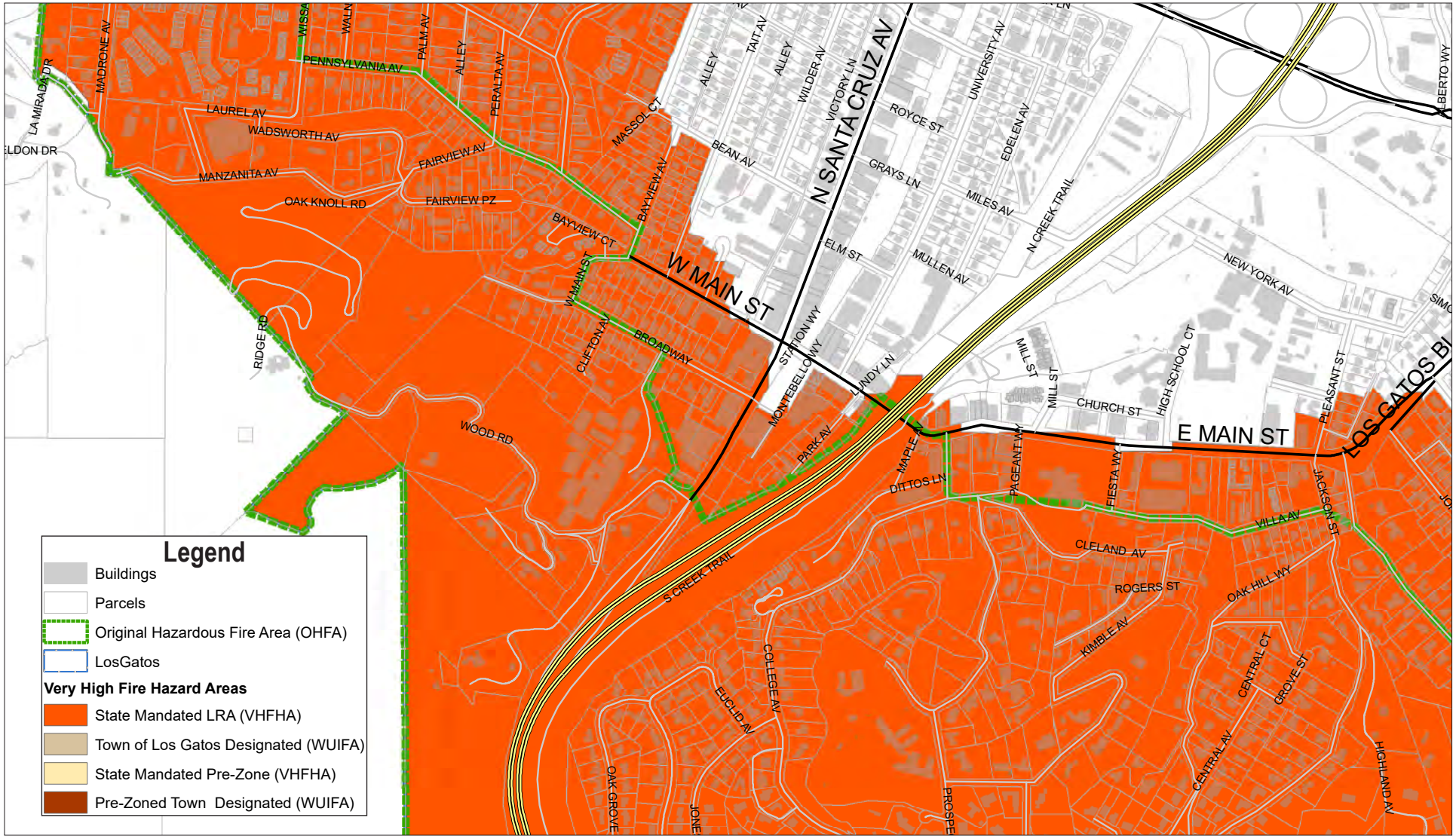
State

California Building Code

The California Building Standards Code (CBC) (California Code of Regulations, Title 24) provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the CBC. Title 24 is applicable to all occupancies, or structures, throughout California, whether or not the local government takes an affirmative action to adopt Title 24.

California Fire Code

The California Fire Code (CFC) is Chapter 9 of Title 24 of the California Code of Regulations (CCR). It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazards classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every three years and was most recently updated in 2019.



Source:

Figure 12-1
Fire Hazard Severity Zones

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CFC Chapter 49 provides minimum standards to increase building resistance to the intrusion of flame or burning embers projected by a vegetation fire and identifies performance and prescriptive requirements. Section 4906 provides hazardous vegetation fuel management requirements for buildings and structures located on land in a Very High Fire Hazard Severity Zone (VHFHSZ) in Local Responsibility Areas (LRAs) and land in a Moderate Fire Hazard Severity Zone (MFHSZ), High Fire Hazard Severity Zone (HFHSZ), or VHFHSZ in State Responsibility Areas (SRAs). In addition, Section 4907 requires the local entity with jurisdictional authority over areas designated VHFHSZ in LRAs to maintain defensible space near buildings and structures.

County and Local

Santa Clara County Operational Area Hazard Mitigation Plan (2017)

The Santa Clara County Local Planning Team with representatives from the Town of Los Gatos identified 25 possible hazard threats within the county boundary. Santa Clara County's Office of Emergency Services is collaborating with incorporated cities to update the countywide local hazard mitigation plan. This plan outlines mechanisms for increasing the county's resiliency to natural hazard events, including wildfire.

Santa Clara County Hazardous Brush Abatement Program

The Santa Clara County Fire Department manages and implements a hazardous brush abatement program for hillside areas within its jurisdictional boundaries including the Town of Los Gatos. In January of each year, homeowners are reminded that they must remove native brush and vegetation from around their home to create defensible space. The brush abatement program entails inspections of hillside properties by fire crews beginning early April each year. If properties are found to not be in compliance with the regulations found in the California Fire Code relative to vegetation clearance, they are given notice of the violation. If compliance is still not achieved by approximately the end of June each year, a contractor is authorized to perform the necessary work. The costs associated with the abatement work are then placed on the property tax bill for that parcel (Santa Clara County Fire Department 2021).

Town of Los Gatos Emergency Operations Plan (2015)

The Emergency Operational Plan (EOP) for the Town of Los Gatos is a joint effort between the Town of Los Gatos and the Santa Clara County Fire Department. The Santa Clara County Fire Department promotes a regional approach to the service provided. Emergency management staff from the Santa Clara County Fire Department have developed the Emergency Operations Plans for the cities of Campbell, Cupertino, Monte Sereno, Saratoga, and the Town of Los Gatos. By doing so all of the emergency plans of the West Valley cities have a common format and inasmuch as possible standardized procedures and protocols.

This approach ensures compliance with planning requirements and mandates. By planning this way, the partnered cities are able to participate in joint training programs, conduct joint exercises, and manage disasters with the same approach.

The Town of Los Gatos' responsibility within the framework of the EOP is to decide when this plan and the Emergency Operations Center will be activated, coordinate volunteer response efforts, deploy personnel and resources to address disaster caused needs, issue emergency proclamations when needed, and coordinate response and recovery efforts with the County Emergency Operations Center. Town Council members will approve emergency proclamations, maintain public contact, conduct interviews in conjunction with the Public Information Officer, and utilize political connections with their counterparts at the State and Federal levels to ensure response and recovery processes are followed and sustained (Town of Los Gatos 2015).

Town of Los Gatos Code Chapter 9 (Fire Prevention and Protection)

The Town Code sets forth provisions and requirements for fire prevention and protection systems for all new buildings through adoption of the 2019 California Fire Code and 2018 International Fire Code. The Town Code also sets requirements for Wildland-Urban Interface Fire Areas (Chapter 49 of the 2019 California Fire Code) and sets requirements for maintenance of defensible space including maintaining 100 feet from each side, from the front, and rear of any building or structure, maintaining overhanging tree limbs and shrubs, removing combustible vegetation and clearing areas along fire apparatus access roads and driveways.

Town of Los Gatos Roadside Vegetation Management Plan (2020)

The Town of Los Gatos Roadway Vegetation Management Plan (vegetation management plan), adopted in 2020, requires removing hazardous vegetation and creating defensible space around approximately 31.09 miles of Town-owned hillside roadways that have been identified by the Town and Town residents as roadways of high concern. These Town-owned roadways include evacuation routes and other collector, neighborhood, and hillside collector roads that are located within the wildland urban interface (WUI) and/or are have been identified by the Town and Town residents as having inadequate access for emergency response during a wildfire. Under the plan, work will focus on removing roadside vegetation to create a clear space that is 20 feet wide and 13 feet, 6 inches above roadways, as well as clearance of non-fire-resistant vegetation within 10 feet of the roads. Clearing these areas will not only improve emergency vehicle access and evacuation safety, but will also reduce the amount of heat that evacuating residents might be exposed to during a fire, improve visibility, and expand the usable width of roadways on narrow hillside streets.

The Town has identified three priority levels of roadways where vegetation management for fire safety is of utmost concern. These levels are based on Vegetation Management Action Levels (VMAL) which are defined by the amount of vegetation encroachment into and along the edges of the roadway. In the vegetation management plan, Wood Road is identified as "VMAL 2" which is identified as moderate encroachment of roadside vegetation; some areas of dense native woodland as in VMAL1; additional areas of native scrub vegetation on open hillsides with non-native annual grasses, and pockets of dense flammable non-native invasive vegetation (e.g., acacia, broom) in the understory on hillslopes adjacent to roadways." Wood Road is further identified as a "Priority Level 1," an evacuation route, and is essential to ensuring emergency vehicles can access locations along these roads and ensuring the safety of residents as they evacuate in the event of a wildfire (Town of Los Gatos 2020).

12.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of wildfire, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of public services impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project (if located in or near state responsibility areas or lands classified as very high fire hazard severity zones) would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- 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 a wildfire;
- 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; and
- 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.

In addition, CEQA Guidelines Appendix G includes a question under "IX. Hazards and Hazardous Materials," which states a project would result in a significant impact if it would:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

12.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding wildfire that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Compatibility with Adopted Emergency Response and Evacuation Plans

IMPACT 12-1	**The Proposed Project Would Result in Short-Term Construction-Related Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan**	**Less-than-Significant Impact with Mitigation**

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

Mitigation Measure

12-1 In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan

shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

Preparation and implementation of a construction traffic management plan, as required by Mitigation Measure 12-1, would adequately address any potential conflicts with emergency access or evacuation routes during construction by communicating proposed lane and road closures to first responders and allowing first responders to plan accordingly to ensure that emergency response times are met and maintain adequate emergency access. As a result, with mitigation this impact would be less than significant.

Exposure to Pollutant Concentrations from a Wildfire

IMPACT 12-2	**The Proposed Project Could, 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 a Wildfire.**	**Less than Significant**

The project site and much of the surrounding area is mapped as a very high fire hazard severity zone in either a LRA or SRA (CAL FIRE 2008). The project site sits on a heavily wooded hillside with slopes that average 24 percent but are as steep as 40 percent. Prevailing winds flow roughly parallel to the Santa Clara Valley's northwest-southeast axis. The project sits at the far western edge of Santa Clara Valley. The upslope (western) section of the project site features native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. In addition, a drainage descends form the upslope oak woodland and flows towards the project site though only during rain events and flows to existing storm drain lines to Wood Road.

The proposed senior living community would involve indoor activities, and outdoor activities would be limited to vehicles driving on paved surfaces and people walking on paved surfaces and landscaped areas. The proposed senior living community buildings would be constructed of fire-resistant materials, including stone tiles, metal and concrete panel siding, brush stainless steel window frames, railings, and secondary structures, and standing seam metal roofing (see Sheet A204 of the project plans found in Appendix B for additional material descriptions), in compliance with Chapter 7A of the California Building Code (CBC) which specifies the building materials, systems and/or assemblies that must be used in the exterior design and construction of new buildings located within a Fire Hazards Severity Zone. The proposed project would be required to adhere to all fire prevention and protection requirements and regulations including Chapter 9 (Fire Prevention and Protection) of the Town Code and applicable sections of the California Fire Code, including requirements for the maintenance of defensible space around the buildings on the property. Compliance with these regulations would reduce the potential of the structures on the

project site to catch fire during a wildfire, which in turn would reduce wildfire risk. In addition, as discussed in Section D.9, Hazards and Hazardous Materials, of the initial study, the transport, storage, and use of hazardous materials, including flammable materials, on the project site would be required to comply with existing State and local regulations as enforced by the Santa Clara County Environmental Health Department. This would minimize the potential for the occurrence of a fire due to improper handling of flammable materials.

The Santa Clara County Fire Department has reviewed the proposed project and identified significant wildfire hazards particular to this site. The County Fire Department provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approvals. Based on the Fire Department's review, the implementation of the conditions of approval would provide a sufficient fire protection system. Therefore, compliance with local and State requirements related to wildfires would reduce the potential of the proposed project to exacerbate wildfire risks and thereby expose project occupants to wildfire pollutants or the uncontrolled spread of a wildfire to a less-than-significant level.

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk

IMPACT 12-3	**The Project Would Not 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.**	**No Impact**

The project site would be accessible via the existing 22-foot-wide Wood Road and a new 20-foot-wide secondary access (Farwell Lane) which is accessed at both the west and eastern boundaries of the facilities and connects to Broadway to the north of the site. Project plans show full fire access circulation around building perimeter. Additional bump-outs and widening lanes to 26 feet have been included as well (see sheets C108.1, C108.2, and C108.3). In addition, a new fire engine turn-around is proposed at the western edge of the property along the dedicated fire access road to provide adequate turn radius for County Fire Department equipment in case of emergency.

The project site is currently served by at least two fire hydrants located along Wood Road and new fire hydrants are proposed near the entrance to Villa H and Villa B, outside Villa D at the north end of the project site, and at the western edge of the project site near Villa E. Hydrant spacing has been dimensioned on sheet C108 and meets the 500-foot maximum as required by the County Fire Department and the California Fire Code. An additional Preliminary Hose Pull Plan has been broken out with dimensions to show all exterior parts of buildings are within 600 feet of a fire hydrant (see sheet C109). The water line serving the

fire hydrants are shown on sheet C106. A revised fire flow analysis was provided by San Jose Water for the existing fire hydrant across Wood Road east of the project site. The revised fire flow analysis shows a gallons per minute of 650 at 20 pounds per square inch which is below the required 1,500 gallons per minute at 20 pounds per square inch as required in the California Fire Code. This will necessitate improvements to fire flow systems at this fire hydrant to ensure adequate fire-fighting capabilities at and around the project site. These improvements to fire flow will be implemented through conditions of approval through the Santa Clara County Fire Department.

These required infrastructure improvements are intended to enhance and improve the firefighting capabilities of County Fire personnel on and around the project and would not result in additional infrastructure that could exacerbate fire risks or result in other impacts to the environment.

Exposure to Significant Risks as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes

IMPACT 12-4	**The Project Could 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.**	**Less-than-Significant Impact with Mitigation**

As noted in Section 13.0, Effects Not Addressed Further in this EIR, the 2007 *Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows* prepared by Cornerstone Earth Group (Appendix F), the project site and surrounding areas are moderately steep to steep slope with slope inclination up to 40 degrees and noted that portions of the site are located within a State of California Earthquake-Induced Landslide Hazard Zone. However, the 2020 *Geotechnical Investigation and Geologic Hazards Evaluation* (geotechnical report) (Appendix F) also prepared by Cornerstone Earth Group, conducted site-specific subsurface explorations which revealed soil characteristics (alluvial fan deposits underlain by shallow bedrock) that would not suggest the existence of previous landslides through the project site. As noted in the geotechnical report, the proposed project would create relatively deep vertical, retained cuts into the terrace that encompass the developed portion of the site. Localized groundwater seepage may be encountered where the cuts intersect the bedrock surface and installing a network of subdrains and water proofing would address this. The geotechnical report also found the proposed grading plan for the project to be acceptable from a safety standpoint with the exception of a lower slope (below proposed structures) area that may experience a lack of stability with the existing alluvial fan deposit soils there. The geotechnical report recommends removal of these alluvial fan deposits at this location down to bedrock to be replaced by engineered fill. Compliance with this recommendation as

incorporated in Mitigation Measures 13-1 and 13-2 found in Section 13.0 of this EIR (under discussion of "Geology and Soils") would ensure this potentially significant impact would be reduced to a less-than-significant level.

The project site is located within a Federal Emergency Management Agency (FEMA) Flood Zone X, described as "areas of 0.2 percent annual chance flood hazard; areas of one percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile; and areas protected by levees from one percent annual chance flood" (FEMA 2021). However, as noted in the geotechnical report, the topographic characteristics of the project site and its location on a high hilltop far above any nearby bodies of water precludes it from being impacted by flooding from any stream sources or bodies of water. The nearest waterway is Los Gatos Creek, which is located about 0.20 miles southeast from the project site across State Route 17. At this distance and given the elevation of the project site, the project site is unlikely to experience any risk of flooding from this stream.
A drainage descends from the upslope oak woodland and flows towards the project site. These drainages are likely ephemeral and only flow during rain events. Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system. Currently, several catch basins collect surface runoff water from Wood Road and South Santa Cruz Avenue east of the property line (Cornerstone Earth Group 2020). The proposed project would ensure stormwater would be retained onsite through several bio-retention basins/planters (Kimley-Horn 2021). These bio-retention basins would be required to be constructed in compliance with Town Engineering requirements for stormwater retention facilities. Therefore, post-fire slope instability, increased runoff, or drainage changes in areas surrounding the project site would not expose people or structures at the project site to increased risk of flood or landslides. This impact would be less than significant.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires

IMPACT 12-5	**The Project Could Expose People or Structures to Significant Risks Associated with Wildland Fires**	**Less than Significant**

The proposed project is located in a very high fire hazards area. The project area is surrounded by forested hillsides and includes redevelopment of the site with a new senior living community to replace the existing, closed senior living facility. While the use of the project site would remain the same, due to the proximity of this new senior living community to forested hillsides, and because of the high fire severity zone rating of the area, the potential to expose people and structures to risk from wildland fires is high and could expose people or structures to significant risks associated with wildland fires.

The proposed project includes design features and infrastructure improvements that are discussed throughout this section help further reduce the overall risk of the project site to wildfire hazards. Conditions of approval and mitigation measures identified throughout this section further reduce risks associated with wildfire hazards and reduce potentially significant impacts to a less-than-significant level.

To further mitigate the existing fire safety issues, the applicant submitted a Tree Management Plan and request for Tree Removal Permit to the Town on September 26, 2019. The tree management recommendations are based on fire safety, sudden oak death, species invasiveness and tree risk. Phase 1 of the Tree Management Plan identified recommendations for removal of 44 trees based on the following criteria: (1) they disproportionately contribute to fire risk or are invasive and (2) based on their health, structure and condition, they do not contribute to site screening between properties. Fire risk and invasive trees are the most imminent risk for the site. Los Gatos Meadows has been closed, in part, due to fire risk. Limiting the spread of invasive species to other portions of the site and neighboring sites is time sensitive as well. Additionally, vegetation management and operational activities on the project site would be required to comply with defensible space requirements found in the Town Code to further reduce wildfire risk.

Each of the measures described above and proposed or already implemented by the applicant are intended to comply with both Santa Clara County Fire Department and California Fire Code requirements and improve overall fire-fighting capabilities of fire personnel on and around the project site. The Santa Clara County Fire Department has reviewed the project and provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approval. Compliance with these conditions of approval would help further ensure the proposed project would not result in significant exposure of people or structures to wildland fire risk. Therefore, this impact would be less than significant.

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13.0
Effects Not Addressed Further in this EIR

As noted in Section 1.0, Introduction, this draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an initial study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the lead agency subsequently receives information inconsistent with the finding in the initial study.

CEQA allows a lead agency to limit the detail of discussion of the environmental effects that are not considered potentially significant (PRC Section 21100, CCR Sections 15126.2[a] and 15128). Environmental issue areas scoped out of the EIR are listed below with a brief explanation of why a) there would not be an impact to these resource areas, b) there would be a less-than-significant impact, or c) there would be a less-than-significant level with mitigation, as detailed in the initial study prepared for this project (see Appendix A).

13.1 NO IMPACT

Per the findings of the initial study prepared for the proposed project, no impacts were identified in the following areas:

- Agriculture and Forest Resources;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing;
- Public Services;
- Recreation; and
- Utilities and Service Systems.

Refer to the initial study included in Appendix A for additional information for each of the environmental issues noted above.

13.2 LESS-THAN-SIGNIFICANT IMPACT

Hydrology and Water Quality

As noted in Section D.10, Hydrology and Water Quality, of the initial study, 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 proposed project 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.

Transportation

The *Los Gatos Meadows – Transportation Analysis* (dated January 21, 2020) was prepared for the proposed project by Kimley Horn, the applicant's consultant. TJKM, the Town's transportation consultant, conducted a peer review of the Kimley Horn analysis, which was documented in a memo dated November 24, 2020. Kimley Horn subsequently prepared a revised transportation analysis dated December 9, 2020, as well as a response to comments memo dated December 10, 2020. TJKM then provided further comments based on the revised traffic analysis dated December 14, 2020, concluding that the analysis was acceptable. All of these documents are included in Appendix A of the initial study, in chronologic order.

As detailed in Section D.17, Transportation, of the initial study, the proposed project was determined to not result in significant transportation impacts as the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. In addition, a vehicle miles travelled (VMT) analysis was conducted both with and without the proposed autonomous vehicle alternative transportation solution. With autonomous vehicles, the proposed project would result in no transportation impact; without the autonomous vehicles, the proposed

project would result in a less-than-significant impact as the project would be projected to result in a net increase in 10 vehicle trips per day, which is considerably less than the screening threshold of 110 vehicle trips per day as established by the Office of Planning and Research 's *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018).

Additionally, the proposed project would not increase hazards due to a design feature or result in inadequate emergency access.

13.3 Impacts Reduced to a Less-Than-Significant Level with Mitigation

Geology and Soils

This section addresses potential impacts associated with geologic hazards. The applicant submitted *Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows*, prepared by Cornerstone Earth Group dated September 17, 2007, which was prepared for a previous owner/operator of the Los Gatos Meadows senior living community. In January 2020, the applicant submitted a *Geotechnical Investigation and Geologic Hazards Evaluation* (draft report) prepared by Cornerstone Earth Group, Inc., dated January 17, 2020; and *Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation*, also prepared by Cornerstone Earth Group, Inc., dated December 13, 2019, as part of the original application submittal. The Town's consulting geologist, Cotton, Shires and Associates, Inc. reviewed all previous geotechnical and soils reports and prepared a peer review letter dated November 25, 2020. This peer review letter recommended submittal of a signed and stamped, final draft of the geotechnical report with clarifications, supplemental laboratory testing, and associated supplemental analysis results. The applicant then submitted a final version of *Geotechnical Investigation and Geotechnical Evaluation* (geotechnical report), prepared by Cornerstone Earth Group, Inc., dated December 30, 2020, in January 2021. A final peer review was prepared by Cotton, Shires and Associates, Inc., dated February 24, 2021, and concluded that that the geotechnical design recommendations contained in the December 2020 geotechnical report appear to be generally consistent with the prevailing standard of practice in the area. All previous and current geotechnical and soils reports along with peer review letters are included in Appendix F. The Town did not receive any responses to the notice of preparation regarding geologic hazards.

The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed

retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the following mitigation measures, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure potential geologic impacts are reduced to a less-than-significant level.

Mitigation Measures

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

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

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

- Site preparation and grading;
- Ground improvement;
- Shoring measures and design;
- Site surface and subsurface drainage improvements; and
- Excavations for foundations prior to placement of steel and concrete.

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

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

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

Hazards and Hazardous Materials

As noted in Section D.9, Hazards and Hazardous Materials, in the initial study prepared for the proposed project, *Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation* ("environmental site assessment") was prepared for the proposed project by Cornerstone Earth Group, Inc., dated December 13, 2019 (included as part of Appendix G). This environmental site assessment identifies, to the extent feasible, the presence or likely presence of any hazardous substances in and around the project site. The proposed project includes demolition of the existing senior living community that was constructed in 1971. Based on the age of the existing structures, building materials may contain asbestos. Airborne asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposure to these materials. If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact.

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

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

Mitigation Measure

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

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

Exposure to wildland fire risk as a result of the proposed project is addressed in Section 12.0, Wildfire Hazards, of this draft EIR.

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14.0
Growth Inducing Impacts

14.1 CEQA Requirements

Public Resources Code Section 21100(b) (5) and CEQA Guidelines Section 15126.2(d) require a discussion in the EIR of the growth-inducing impacts of a proposed project. The EIR must discuss the ways in which the project may directly or indirectly foster economic or population growth or additional housing in the surrounding environment, remove obstacles to growth, tax existing community services facilities, or encourage or facilitate other activities that cause significant environmental effects, either individually or cumulatively. Direct growth-inducing impacts result when the development associated with a project directly induces population growth or the construction of other development within the same geographic area.

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities that can provide services to new development. In addition to direct growth-inducing impacts, an EIR must also discuss growth-inducing effects that will result indirectly from the project, by serving as catalysts for future unrelated development in an area. Development of public institutions and the introduction of employment opportunities within the same geographic area are examples of projects that may result in growth-inducing impacts.

An EIR's discussion of growth-inducing effects should not assume that growth is necessarily beneficial, detrimental, or of little significance to the environment. An EIR is required to discuss the ways in which the proposed project could foster growth.

14.2 Thresholds of Significance

CEQA Guidelines Appendix G indicates that a project may have significant growth-inducing impacts if the project would induce substantial 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).

14.3 GROWTH INDUCING IMPACT ANALYSIS

The approval of the proposed project would not represent a new commitment of land for development. Development of the project site for residential uses, in the form of a senior living community, has been envisioned by the Town since at least 1968, as the project site has a General Plan land use designation of Medium Density Residential and a zoning designation allowing for "Residential Planned Development (R:PD)," as proposed by the project. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. However, consistent with density bonus laws in California, 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 General Plan land use designation and PD permit conditions. The existing site and surrounding vicinity are located within Town limits and adjacent areas are developed with hillside residential uses as well as commercial development to the east along South Santa Cruz Avenue. Roads and water infrastructure already exist on the project site.

The proposed project's utility infrastructure would be sized to accommodate the proposed project only. The proposed project's infrastructure would not be sized to accommodate additional growth outside of the project site. Adjacent open space areas, Town General Plan land use designations, and Town limits will prevent any significant expansion beyond the project site. Construction and implementation of the proposed project would not remove physical obstacles to population growth. Therefore, the proposed project would not represent direct or in-direct growth-inducing impacts.

15.0
Cumulative Impacts

15.1 CEQA Requirements

CEQA Guidelines Section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulative considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulative considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

15.2 CUMULATIVE DEVELOPMENT SCENARIO

Geographic Scope

The geographic scope of the area affected by cumulative impacts can vary with the specific environmental topic being evaluated. Generally, the geographic scope of the area affected by cumulative projects impacts is larger than the boundary of the project site itself, which encompasses 6,216 acres within the Town limits and 5,260 acres outside the Town limits, for a total of 11,476 acres (Town of Los Gatos 2011, pages LU-6 to 7). For purposes of analyzing cumulative projects impacts, the geographic scope of the area affected ranges from development within the Town of Los Gatos to much broader areas such as Santa Clara County or the air basin. For example, aesthetic impacts are evaluated within the context of buildout of the Los Gatos General Plan; the entire air basin is the geographic boundary used in the cumulative air quality analysis; and the proposed project effect on climate change is evaluated at a state scale. Identification of the geographic scope is included in each cumulative impact discussion, and is summarized in Table 15-1, Cumulative Impact Analysis Geographic Scope.

Plans Projections and Projects Contributing to Cumulative Development Conditions in the Town

As allowed by CEQA Guidelines section 15130 (b)(1)(B), this EIR includes a summary of projections contained in the Town of Los Gatos 2020 General Plan to form the cumulative projects scenario; i.e., build-out of the General Plan. The General Plan provides an estimate of about 1,600 new residential units, 419,000 square feet of new retail, 516,000 square feet of new office, and 8,000 square feet of new industrial uses through 2020 within the Town limits and sphere of influence.

A summary of the impacts discussed in the General Plan EIR is presented and is supplemented by new data regarding development projections and impacts, as appropriate. For each topic area, an evaluation and determination as to whether the proposed project's impacts are cumulatively considerable is presented.

Table 15-1 Cumulative Impact Analysis Geographic Scope

Resource Area	Geographic Area
Aesthetics	Los Gatos General Plan Buildout
Air Quality	Los Gatos General Plan Buildout
Biological Resources	Los Gatos General Plan Buildout and Santa Clara Valley Region
Cultural, Paleontological, and Tribal Resources	Los Gatos General Plan Buildout
Energy	State of California
Geology and Soils	Los Gatos General Plan Buildout
Greenhouse Gases	State of California
Hazards and Hazardous Materials	Los Gatos General Plan Buildout
Hydrology and Water Quality	Los Gatos General Plan Buildout
Noise	Los Gatos General Plan Buildout
Transportation	Los Gatos General Plan Buildout
Wildfire Hazards	Los Gatos General Plan Buildout

SOURCE: EMC Planning Group 2021

15.3 CUMULATIVE ANALYSIS

The following sections include an evaluation of the cumulative scenario's impacts, and addresses whether the proposed project's contribution is considerable.

Aesthetics

Proposed Project Impact Summary

Aesthetic impacts are discussed in Section 5.0, Aesthetics. The proposed project would result in the following aesthetic impacts:

- Impact 5-1. The proposed project would have an effect on a scenic vista (less than significant);
- Impact 5-3. The proposed project would alter the existing visual character or quality of the site and its surroundings but would not conflict with applicable zoning and other regulations governing scenic quality (less than significant); and
- Impact 5-4. The proposed project would introduce new sources of light or glare (less than significant).

Geographic Scope

The geographic scope for aesthetics impacts of the proposed project is the buildout of the Town General Plan.

Cumulative Impacts

The General Plan EIR concluded that build-out of the General Plan would result in less-than-significant aesthetic impacts (Town of Los Gatos 2010), with implementation of the General Plan goals, policies, and actions. Build-out of the General Plan would not result in cumulative aesthetics impacts due to design criteria and policies included in the General Plan, *Hillside Development Standards and Guidelines*, and *Hillside Specific Plan* requirements, and zoning standards contained in the Town Code.

Project Contribution to Cumulative Impacts

No significant aesthetic impacts were identified for the proposed project and cumulative aesthetic impacts were determined to be less than significant in the General Plan. Therefore, the proposed project contribution to cumulative projects' aesthetic impacts would be less than cumulatively considerable.

Air Quality

Proposed Project Impact Summary

Air quality impacts are discussed in Section 6.0, Air Quality. The proposed project would result in the following air quality impacts:

- Impact 6-2. Criteria air pollutant emissions during project construction would degrade air quality, but would not exceed the air district thresholds (less than significant);
- Impact 6-3. Criteria air pollutant emissions during project operations would degrade air quality (less than significant);
- Impact 6-5. Construction activity would expose sensitive receptors to toxic air contaminants (less than significant with mitigation); and
- Impact 6-6. Construction of the proposed project would generate odors that could affect sensitive receptors (less than significant).

Cumulative Impacts

Construction Impacts – Criteria Air Pollutants

New emissions would be generated from construction activities associated with development allowed under the 2020 General Plan. Varying amounts of construction would likely occur over time until buildout of the 2020 General Plan is achieved. Construction-related emissions would result from excavation, grading, demolition, vehicle travel on paved and unpaved surfaces and vehicle and equipment exhaust. Individual projects would vary in

size and have the potential to generate significant construction emissions. BAAQMD emphasizes the implementation of effective and comprehensive control measures rather than detailed quantification of construction emissions. BAAQMD has identified a set of feasible particulate matter control measures for construction activities.

Operational Impacts – Criteria Air Pollutants

The General Plan EIR concluded that build-out of the General Plan would be inconsistent with applicable clean air planning efforts of the air district, as projected vehicle miles traveled that could occur under the General Plan would increase at a greater rate than population growth. The General Plan includes extensive goals, policies, and actions that aim to reduce vehicle reliance and vehicle miles travelled within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional vehicle miles travelled beyond that anticipated in the then-current clean air plan. As a result, development in Los Gatos consistent with the General Plan would contribute to the on-going violations of ozone ambient air quality standards in the air basin (Town of Los Gatos 2010). Therefore, buildout of the General Plan would result in a significant cumulative impact on air quality.

Toxic Air Contaminants and Sensitive Receptors

The General Plan EIR concluded that operations associated with buildout of the General Plan would result in less-than-significant impacts associated with toxic air contaminants (TAC) on sensitive receptors. The General Plan EIR did not include an evaluation of construction-related TAC from buildout of the General Plan.

Project Contribution to Cumulative Impacts

Construction Impacts – Criteria Air Pollutants

Construction of the proposed project would result in criteria air pollutants, but the volumes would be significantly below the air district's threshold (Table 6-6) in Section 6.0. Therefore, the proposed project's contribution to cumulative project criteria air pollutants during construction activities would not be considerable.

Operational Impacts – Criteria Air Pollutants

In developing thresholds of significance for air pollutants, the air district considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (Bay Area Air Quality Management District 2017). The proposed project operations would result in fewer operational criteria pollutant emissions than the existing facility, resulting in a beneficial impact over baseline conditions. Refer to the detailed discussion in Section 6.0, Air Quality. Therefore, the proposed project would not contribute to the cumulative operational air quality impacts of General Plan buildout.

Toxic Air Contaminants and Sensitive Receptors

The HRA concluded that cumulative community health risks would be less than cumulatively considerable. The cumulative community risk impacts at the MEI are summarized in Table 15-2, Cumulative Heath Risks at Construction MEIs.

Table 15-2 Cumulative Health Risks at Construction MEIs

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Project Construction (Mitigated)[1,2]	3.70 (infant/child)	<0.3	0.06
State Route 17 (80,000 ADT)	13.84	0.262	<0.01
Santa Cruz Avenue (6,800 ADT)	1.26	0.024	<0.01
No permitted sources within 1000 feet	0	0	0
Cumulative (Mitigated)[2]	18.80	<0.586	<1.0
Air District Cumulative-Source Threshold	100.0	0.80	10.0
Exceeds Thresholds? (Mitigated)	*No*	*No*	*No*

SOURCE: EMC Planning Group 2021.
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. Includes reductions due to use of Tier III diesel engines and alternative fuels in other construction equipment (Mitigation Measure AQ-2).

Table 15-1 shows the mitigated health risk for cumulative sources. The resulting mitigated cumulative cancer risk is 18.80 per million, a $PM_{2.5}$ concentration of less than 0.3 $\mu g/m^3$, and a hazard index less than 1.0. The project's contribution to community health risks would not exceed the air district's cumulative thresholds and are less than cumulatively considerable.

Biological Resources

Proposed Project Impact Summary

Biological resource impacts are discussed in Section 7.0, Biological Resources. The proposed project would result in the following biological resource impacts:

- Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat) (less than significant with mitigation);
- Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat) (less than significant with mitigation);
- Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds) (less than significant with mitigation);
- Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage) (less than significant with mitigation);

- Impact 7-6. Damage or Removal of Regulated Trees (less than significant with mitigation);
- Impact 7-7. Interference with Movement of Wildlife Species or with Established Wildlife Corridors (less than significant); and
- Impact 7-8. Effect on Sensitive Natural Communities (less-than-significant with mitigation).

Geographic Scope

The geographic distribution ranges for special-status species vary greatly depending largely on environmental factors such as habitat suitability criteria (e.g., some species may only occur locally while others may range throughout large geographic areas such as the western U.S.). For the purposes of cumulative analysis for special status species and other biological resources, including jurisdictional wetlands and waterways, the geographic boundary for cumulative impacts is generally defined as the Santa Clara Valley region, particularly the Los Gatos General Plan growth boundary and immediate vicinity. An analysis at this level is considered adequate for determining whether impacts could affect the sustainability of special status species and their habitats. Within this area, regulatory agencies and conservation organizations including U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, and California Native Plant Society, work to establish and update critical distribution range information for species thought to be declining within their geographic ranges due to habitat loss and degradation.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to candidate, sensitive, and special-status species, riparian and sensitive natural communities, protected wetlands, and wildlife corridors and nursery sites. The EIR concluded that build-out of the General Plan would not result in significant cumulative impacts to biological resources (Town of Los Gatos 2010), with implementation of the applicable goals, policies, and actions in the General Plan.

Project Contribution to Cumulative Impacts

This EIR addresses all of the issues identified in the General Plan EIR, and implements the applicable goals, policies, and actions in the General Plan. All of the proposed project's biological impacts (potential loss or reduction of the following: sensitive plant species, San Francisco dusky-footed woodrat, pallid bat and Townsend's big-eared bat, protected nesting birds, and regulated trees) would be mitigated to a less-than-significant level with the implementation of the mitigation measures presented in Section 7.0, Biological Resources. Therefore, as mitigated, the proposed project impacts on biological resources would not be cumulatively considerable.

Cultural, Paleontological, and Tribal Resources

Proposed Project Impact Summary

Cultural and tribal resource impacts are discussed in Section 8.0, Cultural and Tribal Resources. The proposed project would result in the following cultural and tribal resource impacts:

- Impact 8-1. Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction (less than significant);
- Impact 8-2. Potential Destruction of a Unique Paleontological Resource or Site During Construction (less than significant); and
- Impact 8-3. Potential Adverse Impact to Native American Human Remains During Construction (less than significant).

Geographic Scope

The geographic scope for cumulative impacts on cultural resources is the Town's planning area as identified in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over activities with potential to impact cultural resources, including the proposed project. The cultural resources effects of the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to historical resources, archaeological resources, paleontological resources, and disturbance of human remains associated with historical and pre-contact archaeological deposits associated with general plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with cultural resources (archaeological and historic resources) with implementation of General Plan goals, policies, and actions (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

An EMC Planning Group archaeologist conducted a site reconnaissance and a records search, and concluded that there was no record or surface evidence of significant cultural or tribal resources on the project site. The potential that unknown buried cultural resources could be disturbed during construction is mitigated through protocols consistent with policies in the General Plan, as presented in Section 8.0, Cultural, Paleontological, and Tribal Resources.

Additionally, although there is no evidence of buried paleontological resources, there is a possibility that these resources could be accidentally discovered during earth-moving activities. Implementation of a mitigation measure in Section 8.0 would ensure this potential impact would be mitigated to a less-than-significant level.

Therefore, the proposed project would not result in a cumulatively considerable impact on sensitive cultural, paleontological, and tribal resources.

Energy

Proposed Project Impact Summary

Energy impacts are discussed in Section 9.0, Energy. The proposed project would result in the following energy impact:

- Impact 9-1. Consumption of Energy Resources (Less than Significant).

Geographic Scope

The geographic scope for this effect is cumulative development in California. This broad scope is reflective of the rigorous state effort, as expressed through multitude of legislative acts and regulations, to reduce energy consumption across energy consumptive uses and sectors. The state effort has and continues to focus on the benefits of energy conservation with specific regard to addressing climate change and natural resource conservation.

Cumulative Impacts

The General Plan EIR concluded that energy impacts from buildout of the General Plan would be less than significant with implementation of General Plan policies and implementing actions. However, since 2010 when the General Plan EIR was certified, the Town and state have continued to advance energy conservation and efficient initiatives that create greater expectations of land use projects and local jurisdictions.

There is no codified or single CEQA analysis practice standard for determining what constitutes a significant impact relative to guidance provided in Appendix G of the CEQA Guidelines regarding wasteful or inefficient use of energy. However, it can be assumed that past cumulative projects have been less energy efficient with regard to electricity and natural gas use and that older transportation technologies have been less efficient with regard to fuel use than would be current and future projects and technologies. As California continues to implement more and more rigorous legislation and regulations to reduce energy use through improved energy efficiency and transportation technology changes, it can be assumed that current and future projects, particularly land development projects, will not be sources of wasteful or inefficient energy use.

Project Contribution to Cumulative Impacts

The General Plan EIR found energy impacts to be less than significant when evaluated in the context of cumulative impacts within the state, based on the information available at that time. Relative to conditions in 2010 when the General Plan EIR was certified, proposed project energy would be further reduced for several reasons. The proposed project includes several renewable energy and energy efficiency features. As described in Section 4.0, Project Description, the proposed project would include a centralized building heating and cooling system that would operate at efficiencies that exceed code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with state energy code requirements, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surface. Per CALGreen requirements, 10 percent of all parking spaces would be designed with capacity to install electric vehicle charging stations. In addition, the overall project would be designed to meet the minimum requirements to certify the project through the GreenPoint Rated system. Relative to 2010, state building energy efficiency standards are now more stringent – this will result in reduce electricity and natural gas consumption than projected in 2010. Further, as quantified in Section 9.0, transportation fuel energy demand and natural gas demand are projected to be similar to or lower for the proposed project than for the existing baseline use.

Given these considerations, the proposed project contribution to energy wasteful or inefficient energy consumption would be less than cumulatively considerable and the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Soils

Proposed Project Impact Summary

The geotechnical report prepared for the proposed project noted several potential geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.

Geographic Scope

The geographic scope for geologic impacts of the proposed project is the buildout of the Town General Plan.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts related to seismic hazards, expansive soils and unstable geologic units, erosion, and placement of septic tanks in inadequate soils associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with geology, soils, or seismicity (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The proposed project would not have significant geologic or soils impacts with implementation of the mitigation measures (13-1 and 13-2) presented in Section 13.0, Effects Not Addressed Further in this EIR. Therefore, as mitigated, the proposed project would not result in a cumulatively considerable impact to geology or soils.

Greenhouse Gas Emissions

Proposed Project Impact Summary

The GHG impacts of the project are discussed in Section 10.0, Greenhouse Gas Emissions. The proposed project would result in the following GHG impacts:

- Impact 10-1. Generation of Greenhouse Gas Emissions (Less than Significant).

Geographic Scope

Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Individual land use projects that generate GHGs inherently contribute to the cumulative effect. However, the precise indirect effects of that contribution are difficult if not impossible to identify due to the complexity of local, regional, and global atmospheric dynamics and the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur.

While the true geographic scope of the area affected by GHG emissions is global, for purposes of this EIR, the geographic scope is considered to be the state. This scope is selected because the broad array of state legislation and regulatory requirements for reducing GHGs includes direction for local agency actions needed to reduce GHGs for the purpose of helping to meet statewide GHG reduction goals.

Cumulative Impacts

The General Plan EIR concluded that build-out of the General Plan would make a significant unavoidable contribution to the cumulative impact of climate change (Town of Los Gatos 2010c, page 2-7). The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in annual GHG emissions by 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and therefore, it is uncertain if the AB 32 Scoping Plan target reduction level of 20 percent would be met by 2020.

Project Contribution to Cumulative Impacts

Because the potential impact of the proposed project is inherently also its cumulative contribution to climate change, the analysis in Section 10.0, Greenhouse Gas Emissions, is also a cumulative impact assessment. That analysis found that GHGs from mobile sources would be essentially the same for the proposed use as for the existing baseline use, while GHG emissions from electricity demand would be lower for the proposed use than the existing baseline use. As these two GHG emissions sources commonly comprise a significant majority of the emissions inventory of land use projects such as the proposed project, it was concluded that the proposed project would result in little to no increase in GHG emissions relative to the existing, baseline use of the project site. Consequently, the proposed project would not likely result in an increase in GHG emissions and its contribution to cumulative impacts on climate change would be less than cumulatively considerable.

Hazards and Hazardous Materials

Proposed Project Impact Summary

According to the environmental site assessment prepared for the proposed project site, asbestos and lead-based paint may have been used during construction of the existing facilities onsite and may result in a potentially significant impact if released during demolition activities.

Geographic Scope

The geographic scope for cumulative hazardous materials conditions is the Town's planning area as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over hazards and hazardous materials conditions that could pose risk to the public. The hazards and hazardous material conditions associated with the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to the transport, use, or disposal of hazardous materials, hazardous materials accidents, hazardous materials near schools, and hazardous materials sites associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hazardous materials and safety (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The proposed project would not result in the transport and use of significant quantities of hazardous materials. There are no proposed uses for the proposed project that pose a heightened risk of exposure to or upset of hazardous materials. There would not be a cumulatively considerable effect on associated with hazardous materials.

Hydrology and Water Quality

Proposed Project Impact Summary

As noted in Section D.10, Hydrology and Water Quality, of the initial study, the proposed project has the potential to result in significant impacts related to erosion or siltation on or off-site and the creation of runoff water that would exceed the capacity of existing or planned storm water drainage systems or create additional sources of polluted runoff. By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project 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.

Geographic Scope

The geographic scope for assessment of cumulative hydrology and water quality impacts is the Town's planning area, including the project site, as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over water hydrology and water quality conditions. The hydrology and water quality conditions associated with the proposed project are common to land use projects over which the Town has discretionary authority.

In addition, the San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan*. The basin plan uses a watershed management approach focused on the particular needs of each watershed. The Town and the regional board have programs in place to minimize the introduction of pollutants and sediment into water bodies.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to construction of new stormwater drainage facilities, violation of water quality standards or discharge requirements, depletion or interference with groundwater supplies, as well as impacts related to erosion, siltation and flooding associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hydrology and water quality (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

With the proposed project and other development within the Town constructed in accordance with General Plan policies, Town erosion control and grading regulations, and regional board regulations, there would not be any significant cumulative water quality impacts, and the project's contribution would not be considerable.

Noise

Proposed Project Impact Summary

Noise impacts are discussed in Section 11.0, Noise. The proposed project would result in the following noise impacts:

- Impact 11-1. Construction activities associated with the proposed project could cause a substantial temporary noise increase (less than significant); and
- Impact 11-2. Groundborne vibration during construction activities (less than significant).

Geographic Scope

The geographic scope for cumulative noise and vibration impacts is the Town's planning area as described in the General Plan.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts due to exposure of noise levels in excess of local standards for construction noise impacts and operational noise impacts, exposure to excessive groundborne vibration or noise, and increases in ambient noise levels associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with noise (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

Cumulative Construction Noise and Groundborne Vibration Impacts

Construction activities associated with the proposed project, which are anticipated to last approximately 30 months, would result in temporary, short-term noise and groundborne vibration increases due to the operation of heavy equipment on the project site. These short-term construction-related noise and groundborne vibration increases would contribute to cumulative construction noise and vibration impacts addressed in the General Plan EIR. For the significant cumulative impact to be reduced to less than significant and the proposed project contribution to that impact to be reduced to less than considerable, construction activities associated with the proposed project shall be required to comply with construction best management practices, as identified in the Town's Noise Ordinance and listed in Section 11.0, Noise, of this draft EIR. Therefore, project impacts associated with construction-related ground vibration and vibration noise would not be considerable.

Cumulative Operational Noise Impacts

As noted in the initial study included as Appendix A, operational noise levels associated with the proposed project would be similar to the existing development while it was operational. Since the proposed project would not result in an increase in noise over baseline

conditions, there would be no impacts associated with operational noise. Operational activities are also not expected to result in any vibration impacts at nearby sensitive uses. As a result, the proposed project's contribution to operational noise would not be considerable.

Wildfire Hazards

Proposed Project Impact Summary

Wildfire hazard impacts are discussed in Section 12.0, Wildfire Hazards. The proposed project would result in the following wildfire hazard impacts:

- Impact 12-1. The proposed project would result in short-term construction-related traffic activity that would has the potential to impair an adopted emergency response plan or emergency evacuation plan (less than significant with mitigation);
- Impact 12-2. The proposed project could, 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 a wildfire (less than significant);
- Impact 12-4. The project could 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 (less than significant with mitigation); and
- Impact 12-5. The project could expose people or structures to significant risks associated with wildland fires (less than significant).

Geographic Scope

The geographic scope for cumulative wildfire hazard conditions is the Town's planning area as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over wildfire hazard conditions that could pose risk to the public. The wildfire hazards associated with the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts due to wildland fires and emergency preparedness associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with wildfire hazards through the implementation of the 2020 General Plan goals, policies and actions (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The project site is located in a Very High Fire Severity Zone as are all of the properties within the general vicinity. Therefore, the proposed project would increase the potential for wildfires within this area of Los Gatos, and this increase could be cumulatively considerable. Redevelopment of the project site with a new senior living community would be required to comply with all of the Town requirements for construction, as well as the requirements of the Santa Clara County Fire Department. The County Fire Department is reviewing the project for fire department apparatus access roadways, wildland-urban interface, fire hydrant availability and fire flow adequacy, emergency access and driveways, fire engine driveway turnaround requirements, construction site fire safety, and fire sprinklers in structures. Approval by the fire department is required prior to issuance of building permits (Santa Clara County Fire Department 2020). A mitigation measure is included in Section 12.0, Wildfire Hazards, requiring preparation and implementation of a site-specific construction traffic management to address potential impacts as a result of construction-related traffic impacts and emergency access to and around the project site. In addition, compliance with all conditions of approval required by the County Fire Department and implementation of mitigation measures identified in Section 13.0, Effects Not Addressed Further in this EIR, related to geotechnical recommendations to address the threat of wildfire-induced landslides. Compliance with this recommendation as incorporated in Mitigation Measures 13-1 and 13-2 would ensure this potentially significant impact would be reduced to a less-than-significant level. With implementation of these mitigation measures, the proposed project's contribution to the potential for wildfires would not be cumulatively considerable.

16.0
Alternatives

16.1 CEQA Requirements

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

16.2 Project Objectives and Significant Impacts

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. Therefore, the proposed project objectives and significant effects are summarized here.

Objectives

- Consistent with the Town's General Plan goals and policies and density allowed by the existing site zoning, rebuild the Los Gatos Meadows site into a contemporary, full-service senior living community (Life Plan Community) that provides seniors 62 years and over an opportunity to age in place and live successfully in the Los Gatos Community;

- Revitalize the site with a request for a new (updated) Planned Development (PD) that would allow the same number of apartments permitted under the existing PD entitlement in a manner responsive to market demand and financially feasible for Covia Communities (property owner) to implement & operate;
- Revitalize the site with intent of minimizing overall building site coverage, integrating the apartments with the natural topography, minimizing visual impacts and substantially improving fire safety;
- Assist in the implementation of the Town's 2015-2023 Housing Element by furthering the Goals and Policies specific to providing housing opportunities, lifestyle living and assisted living facilities for seniors;
- Further the Town's Human Services Element by revitalizing Los Gatos Meadows into a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility and ensures a safe environment for Los Gatos seniors;
- Provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center and retail/entertainment uses;
- Utilize architectural design principles and techniques that incorporate the Town's Sustainable Design strategies and materials to promote a healthy living environment;
- Provide a mix of different unit sizes and varying levels of care that respond to the needs of an active, aging community;
- Improve the integration of the site with the broader Los Gatos Community by closing Farwell Lane to through traffic and transitioning the Lane from Los Gatos Meadows to Broadway into a naturally landscaped, pedestrian-friendly connection to Downtown Los Gatos;
- Use the project as an opportunity to integrate the site design & architecture with existing topography and natural landscape in a manner that more harmoniously reflects the site's natural beauty than exists today; and
- Integrate and evoke the experience of nature by utilizing natural building materials, finishes, forms, patterns and colors that reflect the character of the surrounding hillside setting.

Significant and Unavoidable Impacts

No significant and unavoidable impacts were identified. All identified significant impacts can be mitigated to a less-than-significant level.

Significant Impacts

Significant Impacts Reduced to Less-than-Significant with Mitigation Measures

- Impact 6-5. Construction activity would expose sensitive receptors to toxic air contaminants (Mitigation Measures 6-5a and 6-5b);
- Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat) (Mitigation Measure 7-2);
- Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat) (Mitigation Measure 7-3);
- Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds) (Mitigation Measure 7-4);
- Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage) (Mitigation Measure 7-5a and 7-5b);
- Impact 7-6. Damage or Removal of Regulated Trees (Mitigation Measure 7-6);
- Impact 7-8. Effect on Sensitive Natural Communities (Mitigation Measure 7-8);
- Impact 12-1. The proposed project would result in short-term construction-related traffic activity that would has the potential to impair an adopted emergency response plan or emergency evacuation plan (Mitigation Measure 12-1);
- Geologic Impacts (Mitigation Measures 13-1 and 13-2); and
- Hazards and Hazardous Materials Impacts (Mitigation Measure 13-3).

16.3 Alternatives Considered but Rejected

Alternative Project Location

CEQA Guidelines section 15126.6(f)(2) identifies considerations for evaluating an alternative project location. Among these are whether any of the significant effects of the project would be avoided or substantially lessened and whether feasible alternative locations exist. Feasibility is described in section 15126.6(f)(1) and includes factors such as site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

An "alternate site" alternative for the proposed project was investigated. The consultant reviewed similarly sized, vacant sites within the Town limits with a similar general plan land use and zoning designation that could accommodate a senior living community at the size, scale, and capacity of the proposed project. Several vacant, agricultural parcels were reviewed near the State Route 85 and 17 interchange that were of a similar size and land use designation (Low and Medium Density Residential), including the northern portion of the North Forty Specific Plan as well as several parcels to the west of State Route 17 between Lark Avenue to the south and State Route 85 to the north.

However, these alternative locations were rejected for further consideration for the following reasons:

- The project at the proposed location would not result in any significant and unavoidable impacts;
- The project at the proposed location is the replacement of an existing on-site senior community with a new senior community, built to current standards;
- Development of the project at one of these alternative locations would result in conversion of unique or prime farmland to urban uses (Department of Conservation 2016), an impact which does not occur with implementation of the project at the proposed site; and
- The proposed project site is in proximity to one major highway (State Route 17); however, these alternative sites are located in proximity to two major highways (State Route 17 and State Route 85), resulting in potentially greater air pollutant impacts to the project.

Therefore, although development of the project at one of these alternative locations would meet the basic objectives of the proposed project, development of any these parcels could result in greater environmental impacts than would development of the project at the proposed project site.

Convert Project Site to Open Space or Park

Converting the project site to open space and/or a park was considered. Although nearly all of the proposed project's environmental impacts would be reduced or eliminated, this alternative would require an amendment to the General Plan, and would not meet any of the project objectives. Therefore, this alternative was rejected for further consideration.

16.4 ALTERNATIVES CONSIDERED

The following alternatives to the project are considered:

1. Alternative 1: No Project – Existing (Closed) Senior Living Community;
2. Alternative 2: No Project – Residential Project Consistent with the Project Site's General Plan Designation; and
3. Alternative 3: Reduced Scale (Removal of Villas B and C from Proposed Site Plan).

Per CEQA Guidelines section 15130, the no project alternative must be evaluated. CEQA Guidelines section 15126.6 (e) requires the "No Project" alternative be evaluated along with its impacts. The "No Project" alternatives (Alternative 1 and Alternative 2) analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The other reduced scale alternative (Alternative 3) was selected based on its ability to substantially reduce or avoid one or more of the significant mitigable impacts as summarized in Section 16.2 above. The descriptions of each alternative identify the significant mitigable impacts which each alternative is intended to further reduce or avoid.

Each of these alternatives is described below, followed by an analysis of how each may reduce significant mitigable impacts associated with the proposed project.

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

Alternative Description

This no project alternative investigates if the proposed project were not approved and the existing senior living community facilities were left in place though closed and vacant. As noted in Section 3.0, Environmental Setting, the project site is currently developed with 10 residential buildings ranging from one to four stories, which include a total of 205 independent residential apartments and supporting health care units. The existing facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages.

No Project – Existing (Closed) Senior Living Community Alternative Attainment of Project Objectives

This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

No Project – Existing (Closed) Senior Living Community Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of redeveloping the site with a new senior living community. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

The "no project alternative" would not result in visual impacts as there would be no change in the existing visual setting.

Air Quality

The "no project alternative" would not result in air quality impacts as demolition of the existing facility and construction of the proposed project would not occur.

Biological Resources

The "no project alternative" would not result in biological resource impacts as there would be no tree removal and disturbance of the native habitat.

Cultural, Paleontological and Tribal Resources

The "no project alternative" would not result in potential cultural and tribal resource impacts, as there would be no ground disturbance.

Energy

The "no project alternative" would not result in energy impacts as there would be no construction or operation of a new facility.

Geology and Soils

The "no project alternative" would not result in geologic hazard impacts, as there are currently no residents at the existing facility.

Greenhouse Gas Emissions

The "no project alternative" would not result in greenhouse gas emissions impacts, as demolition of the existing facility and construction of the proposed project would not occur.

Hazards and Hazardous Materials

The "no project alternative" would not result in potential hazards and hazardous materials impacts, as demolition of the existing buildings with the potential to release asbestos would not occur.

Noise

The "no project alternative" would not result in noise impacts, as demolition of the existing facility and construction of the proposed facility would not occur.

Wildfire Hazards

The "no project alternative" would not result in an increase in wildfire hazard impacts, as demolition and construction activities would not occur, and there would be no increase in the number of residents occupying the project site.

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

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

No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation Alternative Impacts Comparison

This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement. This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative would generally require the same footprint as the proposed project, but would be limited to 30 feet, consistent with the regulations in the zoning code for R-M or

Multiple-Family Residential Zone. The existing structures are predominately two-stories. This alternative assumes that the proposed tree removal would also be likely, and that the trees would need to be replaced per the Town's requirements.

This alternative would generally be developed on the same footprint and at the same height as the existing facility, and any trees removed would be replaced. Therefore, this alternative would not result in significant visual impacts.

The proposed project would also be developed on generally the same footprint and include the removal and replacement of trees. However, the proposed project's building would be up to 85 feet high, significantly higher than the 30-foot height of this alternative. Therefore, although both the proposed project and the alternative would result in less-than-significant adverse visual impacts, this alternative's visual impact would be less than the proposed project's visual impact.

Air Quality

Construction Impacts. This alternative could result in significant demolition and construction related impacts. These impacts can be reduced to a less-than-significant level with implementation of standard conditions of approval and mitigation measures. However, the proposed project's impacts would likely be somewhat greater because the proposed project's square footage (at up to five stories) is greater than the alternative's square footage. Although the construction-related impacts for both this alternative and the proposed project would be less than significant, this alternative would result in fewer impacts that the proposed project.

Operational Impacts. Refer to the transportation section below for additional information regarding trip generation. This alternative would result in approximately 354 trips per day, which is significantly lower than the 708 trips per day from the existing baseline facility (Kimley-Horn 2020, page 9). Therefore, this alternative would result in fewer air quality impacts from vehicle use than the baseline conditions.

The proposed project would result in 718 trips per day (Kimley-Horn 2020, page 11), only 10 more than the baseline conditions. This is a less-than-significant impact. Therefore, although both the proposed project and this alternative would result in less-than-significant adverse operational air quality impacts, this alternative's impact would be less than the proposed project's impact.

Biological Resources

This alternative would have no change in biological resources impacts when compared to the proposed project, because the same development area would be disturbed.

Cultural, Paleontological and Tribal Resources

This alternative would have no change in cultural, paleontological, and tribal resources impacts when compared to the proposed project, because the same development area would be disturbed.

Energy

This alternative would likely result in somewhat less energy impacts associated with construction energy consumption as demolition would be the same, but the construction activities would be less, as this alternative would not be as dense as the proposed project. Additionally, operational energy impacts would be less because there would be fewer units and fewer people living at the site, as well as fewer energy associated with transportation fuel. See Transportation/Traffic discussion below explaining how this alternative would result in fewer vehicles trip generated.

Geology and Soils

This alternative would have no change in geologic hazard impacts when compared to the proposed project, because the same development area would be disturbed and Medium Density Residential homes would generally be located in the same building footprints.

Greenhouse Gas Emissions

This alternative would result in fewer operational greenhouse gas emissions impacts when compared to the proposed project, as Medium Density Residential uses would result in fewer traffic generation that would result in increased operational greenhouse gas emissions as compared to the proposed project. Construction greenhouse gas emissions for this alternative would be expected to be less than the proposed project because this alternative is less dense than the proposed project.

Hazards and Hazardous Materials

This alternative would have no change in hazards impacts when compared to the proposed project as the same level of demolition activity and potential for encountering hazardous materials would occur.

Noise

This alternative includes a similar level of demolition and construction activities as compared to the proposed senior living community, thus creating a similar level of construction noise impacts. Operational noise impacts would likely be slightly increased as well due to the presence of Medium Density Residential homes, which would exhibit greater day-to-day noise from traffic and activities than a senior living community. Therefore, this alternative would have greater noise impacts when compared to the proposed project.

Transportation/Traffic

Multi-family housing projects generate about 5.44 trips per day per unit, according to the Institute of Transportation Engineers Trip Generation Manual. Therefore, this alternative, with 65 multi-family units, would result in approximately 354 trips per day, which is significantly lower than the 708 trips per day from the existing baseline facility (Kimley-Horn 2020, page 9). The proposed project would result in 718 trips per day (Kimley-Horn 2020, page 11). Therefore, although both the proposed project and the alternative would result in less-than-significant adverse transportation impacts, this alternative's transportation impact would be less than the proposed project's transportation impact.

Wildfire Hazards

This alternative would slightly reduce wildfire hazard impacts when compared to the proposed project as a Medium Density Residential project would likely result in smaller population generation as compared to a senior living community and therefore expose fewer future residents to wildfire hazards.

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

Alternative Description

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

Reduced Scale Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of redeveloping the site with a new senior living community. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative could reduce the developed area footprint of the proposed project by approximately 26,000 square feet and could result in removal of 62 fewer trees, which may be noticeable from some viewing locations. This alternative would also result in a less-than-significant, adverse impact on the existing visual character and quality of the project site as this alternative would still result in development of a large portion of the site that could still impact views towards and beyond the project site; however, removing Villas B and C and a corresponding area of the grade level below from the site plan would preserve at least some of the trees planned for removal, increase conservation of existing open space areas, and would result in reduced visibility as compared to the proposed project. Therefore, the reduced scale alternative is also superior to the proposed project relative to these effects.

Air Quality

This alternative would result in reduced operational and construction-related air quality impacts when compared to the proposed project; however, the air quality impact would not avoid the potentially significant but mitigable impacts of the proposed project. Therefore, the reduced scale alternative is superior to the proposed project relative to these effects.

Biological Resources

By reducing the developed area footprint of the proposed project and reducing the number of trees required to be removed by 62 trees, this alternative would reduce the area of disturbance within which sensitive biological resources may be located. This alternative would lessen the significance of, but not avoid, potentially significant but mitigable impacts of the proposed project on biological resources. Therefore, it would be superior to the proposed project from a biological resource perspective.

Cultural, Paleontological and Tribal Resources

By reducing the developed area footprint of the proposed project, this alternative would reduce the area of disturbance within which unknown cultural and tribal cultural resources could be accidentally damaged or destroyed. Therefore, this alternative would reduce the potential cultural and tribal resources impacts of the proposed and would be superior to the proposed project from a cultural and tribal resources perspective.

Energy

This alternative would result in slightly reduced operational and construction-related energy impacts when compared to the proposed project.

Geology and Soils

As discussed in Section 13.0, Effects Not Addressed Further in this EIR, the proposed project could be affected by significant ground shaking and unstable soils impacts, but the possible

impacts would be less-than-significant level with implementation of mitigation measures. Impacts associated with liquefaction were determined to be less than significant. This alternative would result in reduced geologic hazard impacts when compared to the proposed project, because the removal of Villas B and C and a corresponding area of the grade level below would not necessitate the level of grading required to safely accommodate those two buildings and grade level area.

Greenhouse Gas Emissions

This alternative would result in slightly reduced operational and construction-related greenhouse gas emissions impacts when compared to the proposed project as both the overall developed area and associated construction activities would be reduced. Therefore, although both the proposed project and the alternative would result in less-than-significant adverse greenhouse gas impacts, this alternative's greenhouse gas emissions impact would be less than the proposed project's greenhouse gas emissions impact.

Hazards and Hazardous Materials

As discussed in Section 13.0, Effects Not Addressed Further in this EIR, the release of asbestos and lead-based paint into the environment as a result of demolition activities associated with the proposed project would be reduced to a less-than-significant level through implementation of mitigation measure 13-3. This alternative would result in similar impacts as both existing buildings occupying the site of the proposed Villas B and C and a corresponding area of the grade level below would still be removed as part of this alternative and associated hazardous material impacts would still occur. This alternative would be similar to the proposed project from a hazardous materials perspective.

Noise

The reduced scale alternative would have potentially significant noise impacts that are similar to the proposed project. Though the area over which construction activity would occur is reduced relative to the proposed project, construction would still occur in the vicinity of sensitive receptors. This alternative would be similar to the proposed project from a construction noise perspective. Operational noise impacts, however, would be expected to be reduced as the overall development area and activity would be reduced with the reduction in living units, residents, and the associated noise-generating facility operations.

Transportation/Traffic

This alternative, with 49 less units than the proposed project, would result in a reduction of 197 trips per day or 477 total daily trips, which is significantly lower than the 718 trips per day expected for the proposed project (Kimley-Horn 2020, page 11). Therefore, although both the proposed project and the alternative would result in less-than-significant adverse transportation impacts, this alternative's transportation impact would be less than the proposed project's transportation impact.

Wildfire Hazards

This alternative would result in slightly reduced wildfire hazard impacts when compared to the proposed project as the overall development footprint would be reduced and the number of residents exposed to wildfire risk would be reduced.

16.5 COMPARISON OF ALTERNATIVES

The alternatives are summarized and compared in a matrix format in Table 16-1, Comparison of Project Alternatives to the Proposed Project.

Alternative 1, the No Project – Existing (Closed) Senior Living Community, would not result in adverse environmental impacts. Alternative 1 is the environmentally superior alternative but would not meet any of the proposed project objectives. Alternative 2, the No Project – Residential Project Consistent with the Site's General Plan Land Use Designation, would result in similar, but somewhat reduced, environmental impacts. Alternative 3, the Reduced Scale Alternative - Removal of Villas B and C from Proposed Site Plan, would also result in reduced environmental impacts.

Table 16-1 Comparison of Project Alternatives to the Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Aesthetics				
Impact 5-1. Effect on a Scenic Vista	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-3. Alter the Existing Visual Character or Quality of the Site and its Surroundings	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-4. Introduce New Sources of Light and Glare	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Air Quality				
Impact 6-2. Criteria Air Pollutant Emissions During Project Construction Would Degrade Air Quality	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 6-3. Criteria Air Pollutant Emissions During Project Operations Would Degrade Air Quality	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 6-5. Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	LTSM	NI Avoids Impact	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 6-6. Generate Odors that Could Affect Sensitive Receptors	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Biological Resources				
Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-6. Damage or Removal of Regulated Trees	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 7-7. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 7-8. Effect on Sensitive Natural Communities	LTSM	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Cultural, Paleontological, and Tribal Resources				
Impact 8-1. Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 8-2. Potential Destruction of a Unique Paleontological Resource or Site During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 8-3. Potential Adverse Impact to Native American Human Remains During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Energy				
Impact 9-1. Proposed Project Results in the Consumption of Energy Resources	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Geology and Soils				
Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Greenhouse Gas Emissions				
Impact 10-1. Generate Greenhouse Gas Emissions	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Hazards and Hazardous Materials				
Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Noise				
Impact 11-1. Construction Activities Could Cause a Substantial Temporary Noise Increase	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Impact 11-2. Groundborne Vibration during Construction Activities	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Transportation				
Traffic and Vehicle Miles Traveled Increase	LTS	NI	NI (or Beneficial Impact)	NI (or Beneficial Impact)
Wildfire Hazards				
Impact 12-1. Short-Term Construction-Related Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 12-2. 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 a Wildfire.	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 12-4. Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.	LTSM	NI Avoids Impact	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 12-5. Expose People or Structures to Significant Risks Associated with Wildland Fires	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Project Objectives	Met	Not Met	Not Met	Partially Met

SOURCE: EMC Planning Group 2021
NOTE: NI – No Impact; LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

16.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The no project alternative is the environmentally superior alternative. It would avoid all of the project's less-than-significant impacts, and significant but mitigable impacts.

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

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17.0
Document and Web Sources

This section provides the document and web sources referenced in the EIR. Sources are provided by section.

17.1 INTRODUCTION

No sources.

17.2 SUMMARY

No sources.

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17.18 REPORT PREPARERS

Teri Wissler Adam, Senior Principal
Principal-in-Charge and Project Manager

Stuart Poulter, AICP, MCRP, Associate Planner
Report Preparation and Assistant Project Manager

Ron Sissem, MRP, Principal
Report Preparation

Polaris Kinison Brown, MS, Principal Planner
Report Preparation

Sally Rideout, EMPA, Principal Planner
Report Preparation

David Craft, Senior Planner/Air Quality and Greenhouse Gas Emissions Specialist
Report Preparation

Gail Bellenger, MA, Registered Professional Archaeologist
Report Preparation

Janet Walther, MS, Principal Biologist
Report Preparation

Patrick Furtado, MS, Associate Biologist/Regulatory Specialist
Report Preparation

Evan Jacques, Office Assistant/Graphics
Graphics Preparation

Tiffany Robinson, Production Manager
Document Production