

MITIGATED NEGATIVE DECLARATION
AND
INITIAL STUDY AND ENVIRONMENTAL CHECKLIST

341 BELLA VISTA AVENUE
LOS GATOS, CALIFORNIA

ARCHITECTURE AND SITE APPLICATION S-12-103
Subdivision Application M-12-008
Mitigated Negative Declaration ND-16-001

PREPARED FOR
TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. MAIN STREET
LOS GATOS, CA 95030

FEBRUARY 2016



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Attachments

Please note: The attachments are provided electronically under separate cover.

Attachment 1: Arborist Report

Attachment 2: Geologic and Geotechnical Study

Attachment 3: Greenpoint New Home Rating System



TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
MITIGATED NEGATIVE DECLARATION

PROJECT INFORMATION

Project Title:

341 Bella Vista Avenue
Architecture and Site Application S-12-103
Subdivision Application M-12-008
Mitigated Negative Declaration ND-

Project Location:

339 and 341 Bella Vista Avenue (APN 529-23-015 and 529-23-016; Figure 1)

Lead Agency Name and Address:

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95030

Contact Person and Phone Number:

Marni Moseley, (408) 354-6802

Project Applicant:

Dan Ross
188 Villa Avenue
Los Gatos, CA 95030

Property Owner:

Jake Peters
P.O. Box 3486
Ketchum, ID 83340

General Plan Designation:

Medium Density Residential (5 - 12 dwelling units per acre)

Zoning:

R-1:8: Single-Family Residential (8,000 Square-Foot Minimum Lot Size; Hillside Development Standards and Guidelines apply)

PROJECT DESCRIPTION

The project sponsor is requesting Architecture and Site approval for construction of one single-family residence on the west side of Bella Vista Avenue, just north of Bella Vista's bridge over Los Gatos – Saratoga Road. Although there are two lots (339 and 341), only one home would be built on these two lots. The home would be located mostly on the southern lot (341), but a small portion of the house would extend onto the northern lot (339). Since the home would be located on both lots, the Town will require, as a condition of approval, that the two lots be combined into one lot with the address 341 Bella Vista Avenue. Please see Figure 3, *Site Plan*.

The proposed residence would be 3,139 square feet (s.f.) and the breakdown would be as follows:

- | | |
|---------------|--------------------------------------|
| ▪ Main Level | 1,278 s.f. |
| ▪ Lower Level | 1,360 s.f. (living and cellar space) |
| ▪ Garage | <u>501 s.f.</u> |
| Total | 3,139 s.f. |

The attached garage would form the top level of the residence (501 s.f.) at street level. Below street level, there would be a main floor (kitchen and living area), encompassing 1,278 s.f., and directly below, a lower floor (1,360 s.f.) where three bedrooms and two bathrooms would be located (204 s.f. plus 1,156

s.f. of cellar space) would be directly below. The garage is designed at an angle to accommodate driveway apron that is 18 feet wide and 44 feet long, which would allow two vehicles to park on the driveway apron and remain outside the Bella Vista Avenue right-of-way.

Outdoor living spaces (including a roof deck above the main level, two patios on the main level, and three patios on the lower level) would be designed with privacy walls and planters to offer maximum privacy for both project residents and neighbors. In addition, garage and house walls would help to further maximize privacy. The roof deck and southern patio would be strategically placed on the south (screened) end of the structure, where they would be hemmed in by garage walls, patio walls, and existing tree canopies.

Project Location

The project site is located at 341 Bell Vista Avenue within the Town of Los Gatos. The project site is an undeveloped lot on the west side of Bella Vista Avenue south of Bella Vista Court and north of the Saratoga-Los Gatos Road overpass (Assessor's Parcel Numbers [APN] 529-23-015 and 529-23-016).

MITIGATION MEASURES

Implementation of the following mitigation and avoidance measures will reduce all potentially significant environmental effects to less-than-significant levels:

Air Quality (AQ)

AQ-1: *BAAQMD-Recommended Basic Construction Mitigation Measures.* *To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:*

- 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. Recycled water should be used wherever feasible.*
- 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.*
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.*
- g. 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.*
- h. Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.*

Biological Resources (BIO)

BIO-1: Special-status and Migratory Bird Species.

In order to avoid impacts to special-status and migratory bird species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided.

Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.

- a. The removal of trees and shrubs shall be minimized to the extent feasible.*
- b. If tree removal, pruning, grubbing and demolition activities are necessary, such activities shall be conducted outside of the breeding season (i.e., between September 1 and January 31), to avoid impacts to nesting birds.*
- c. If tree removal, pruning, grubbing and demolition activities are scheduled to commence during the bird breeding season (i.e., between February 1 and August 31), a preconstruction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of work. The preconstruction survey shall include the project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no active nests of migratory birds are found, work may proceed without restriction and no further measures are necessary. If work is delayed more than two weeks, the preconstruction survey shall be repeated, if determined necessary by the project biologist.*
- d. If active nests (i.e. nests with eggs or young birds present, or hosting an actively breeding adult pair) of special-status or migratory birds are detected, the project biologist shall designate non-disturbance buffers at a distance sufficient to minimize disturbance based on the nest location, topography, cover, species, and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. The appropriate buffer size shall be determined in cooperation with the CDFW and/or the USFWS. If, despite the establishment of a non-disturbance buffer it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.*
- e. If project activities must occur within the non-disturbance buffer, a qualified biologist shall monitor the nest(s) to document that no take of the nest (i.e., nest failure) will result. If it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.*

BIO-2: Special-status Bats.

In order to avoid impacts to special-status bat species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided.

Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.

- a. Prior to the removal or significant pruning of trees and the demolition of buildings, a qualified bat biologist shall assess them for the potential to support roosting bats. Suitable bat roosting*

sites include trees with snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and structures with cracks, joint seams and other openings to interior spaces. If there is no evidence of occupation by bats, work may proceed without further action.

- b. If suitable roosting habitat is present, the bat biologist shall recommend appropriate measures to prevent take of bats. Such measures may include exclusion and humane eviction (see “c” below) of bats roosting within structures during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30), partial dismantling of structures to induce abandonment, or other appropriate measures.*
- c. If bat roosts are identified on the site, the following measures shall be implemented:*
 - If non-breeding/migratory bats are identified on the site within a tree or building that is proposed for removal, then bats shall be passively excluded from the tree or building. This is generally accomplished by opening up the roost area to allow airflow through the cavity/crevice, or installing one-way doors. The bat biologist shall confirm that the bats have been excluded from the tree or building before it can be removed.*
 - If a maternity roost of a special-status bat species is detected, an appropriate non-disturbance buffer zone shall be established around the roost tree or building site, in consultation with the CDFW. Maternity roost sites may be demolished only when it has been determined by a qualified bat biologist that the nursery site is not occupied. Demolition of maternity roost sites may only be performed during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30).*
 - No additional mitigation for the loss of roosting bat habitat is required.*

Geology and Soils (GEO)

GEO-1: Geotechnical Report Recommendations.

The project applicant shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to site preparation and grading, foundation design, driveways, retaining walls, and drainage improvements. To ensure correct implementation, the geotechnical engineer shall review project plans and observe geotechnical-relevant aspects of proposed initial construction of roads and infrastructure. The geotechnical engineer shall submit an “as built” letter to the Director of Public Works stating that the project has been constructed in conformance with the recommendations of the geotechnical report.

Hydrology and Water Quality (HWQ)

MM HWQ-1: Construction Erosion Control Measures.

Prior to the issuance of grading permits or improvement plans in lieu of grading permits, the applicant shall:

Demonstrate to the satisfaction of the Town Engineer that the project’s stormwater quality control measures, including the erosion control features described in the project’s final Erosion Control Plan have been incorporated into the project design.

Transportation and Traffic (TR)

MM TR-1: Horizontal Stopping Sight Distance.

Prior to the issuance of a building permit, the applicant shall:

Demonstrate to the satisfaction of the Town Engineer that adequate horizontal stopping sight distance exists for the project driveway in each direction on Bella Vista Avenue. The applicant shall prepare an exhibit that has been stamped by a registered engineer or a professional land surveyor stating that adequate sight distance is provided. The horizontal stopping sight distance requirements shall be consistent with the Caltrans Highway Design Manual as specified in the Town's Street Design Standards.

DETERMINATION

In accordance with local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Director has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment, and on the basis of that study recommends the following determination:

- The proposed project will not have a significant effect on the environment. Therefore, an Environmental Impact Report (EIR) will not be required.
- The Initial Study incorporates all relevant information regarding potential environmental effects of the project and confirms the determination that an EIR is not required.

STATEMENT OF FINDINGS

Based on the findings of the Initial Study, the proposed project will not have a significant effect on the environment for the following reasons:

- As discussed in the Initial Study, the proposed project does not have the potential to significantly degrade the quality of the environment, including history or prehistory.
- As discussed in the Initial Study, both short-term and long-term environmental effects associated with the proposed project would be less than significant.
- When impacts associated with adoption of the proposed project are considered alone or in combination with impacts from other past, current, or probable future projects, project-related impacts would be less than significant.
- The above discussions do not identify any substantial adverse impacts to human beings as a result of the proposed project.
- This determination reflects the independent judgment of the Town.

Joel Paulson, Interim Director of Community Development

Date

MITIGATED NEGATIVE DECLARATION
341 BELLA VISTA AVENUE

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**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM**

PROJECT INFORMATION

Project Title:

341 Bella Vista Avenue
Architecture and Site Application S-12-103
Subdivision Application M-12-008
Mitigated Negative Declaration ND-16-001

Project Location:

339 and 341 Bella Vista Avenue (APN 529-23-015 and 529-23-016)

Lead Agency Name and Address:

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95030

Contact Person and Phone Number:

Marni Moseley, (408) 354-6802

Project Applicant:

Dan Ross
188 Villa Avenue
Los Gatos, CA 95030

Property Owner:

Jake Peters
P.O Box 3486
Ketchum, ID 83340

General Plan Designation:

Medium Density Residential (5 - 12 dwelling units per acre)

Zoning:

R-1:8 Single-Family Residential (8,000 Square-Foot Minimum Lot Size; Hillside Development Standards & Guidelines apply)

PROJECT LOCATION

The project site is located at 341 Bell Vista Avenue within the Town of Los Gatos. The project site is an undeveloped lot on the west side of Bella Vista Avenue south of Bella Vista Court and north of the Saratoga-Los Gatos Road overpass (Assessor's Parcel Number [APN] 529-23-015 and 529-23-016). Please see Figures 1 and 2, *Regional Map* and *Vicinity Map*, respectively.

PROJECT DESCRIPTION

The project sponsor is requesting Architecture and Site approval for construction of one single-family residence on the west side of Bella Vista Avenue, just north of Bella Vista's bridge over Los Gatos – Saratoga Road. Although there are two lots (339 and 341), only one home would be built on these two lots. The home would be located mostly on the southern lot (341), but a small portion of the house would extend onto the northern lot (339). Since the home would be located on both lots, the Town will require, as a condition of approval, that the two lots be combined into one lot with the address 341 Bella Vista Avenue. Please see Figure 3, *Site Plan*.

The proposed residence would be 3,139 square feet (s.f.) and the breakdown would be as follows:

- Main Level 1,278 s.f.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
341 BELLA VISTA AVENUE

▪ Lower Level	1,360 s.f. (living and cellar space)
▪ Garage	<u>501 s.f.</u>
Total	3,139 s.f.

The attached garage would form the top level of the residence (501 s.f.) at street level. Below street level, there would be a main floor (kitchen and living area), encompassing 1,278 s.f., and directly below, a lower floor (1,360 s.f.) where three bedrooms and two bathrooms would be located (204 s.f. plus 1,156 s.f. of cellar space) would be directly below. The garage is designed at an angle to accommodate a driveway apron that is 18 feet wide and 44 feet long, which would allow two vehicles to park on the driveway apron and remain outside the Bella Vista Avenue right-of-way. The floor plan for each level of the proposed home is shown in Figures 4 through 6, *Garage Floor Plan*, *Main Level Floor Plan*, and *Lower Level Floor Plan*, respectively.

The proposed residence has been designed to be built into the existing hillside to minimize the development footprint and to minimize the profile of the existing building from the surrounding area. The project proposed the excavation of approximately 692 cubic yards of soil. Please see Figure 7, *Grading and Drainage Plan*. Figure 8, *Building Context Images*, shows how the proposed home would be built into the hillside and the relation to existing homes on Bella Vista Avenue and Maggi Court.

Outdoor living spaces (including a roof deck above the main level, two patios on the main level, and three patios on the lower level) would be designed with privacy walls and planters to offer maximum privacy for both project residents and neighbors. In addition, garage and house walls would help to further maximize privacy. The roof deck and southern patio would be strategically placed on the south (screened) end of the structure, where they would be hemmed in by garage walls, patio walls, and existing tree canopies. A cross section of the building elevation is shown in Figure 9, *Building Elevation Cross-Section*.

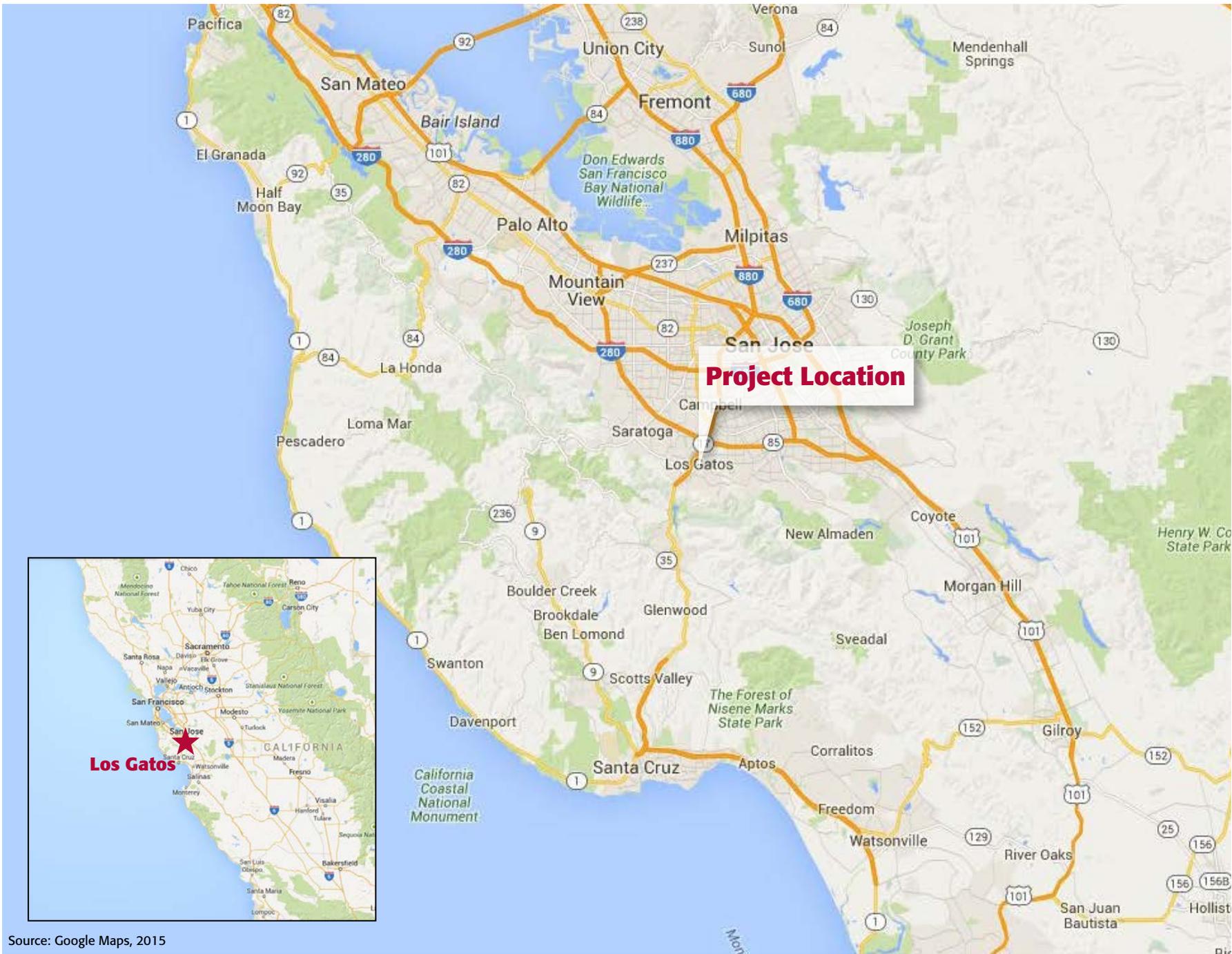
Conceptual views of the proposed project upon completion are shown from different viewpoints in Figure 10, *Conceptual Renderings*. A shadow study prepared for the project illustrates how anticipated shadows would fall on surrounding properties on the longest and shortest days of the year. Please see Figure 11, *Shadow Study*.

SURROUNDING LAND USES AND SETTING

The 0.23-acre (10,155 s.f.) project site is generally surrounded by residential uses. Single-family homes are situated to the east of the subject property, across Bella Vista Avenue. Townhomes on Maggi Court are located to the west and below the project site. There is a gated emergency access driveway that extends between these townhomes and Bella Vista Avenue to the north of the project site. Other single-family residences on the west side of Bella Vista Avenue occur farther north of the project site (beyond this driveway). Adjoining the project site on the south is the undeveloped, easternmost portion of Los Gatos Motor Inn site; the Bella Vista Avenue bridge over Los Gatos – Saratoga Road is located approximately 60 feet south of the project site.

OTHER AGENCIES WHOSE APPROVAL IS REQUIRED

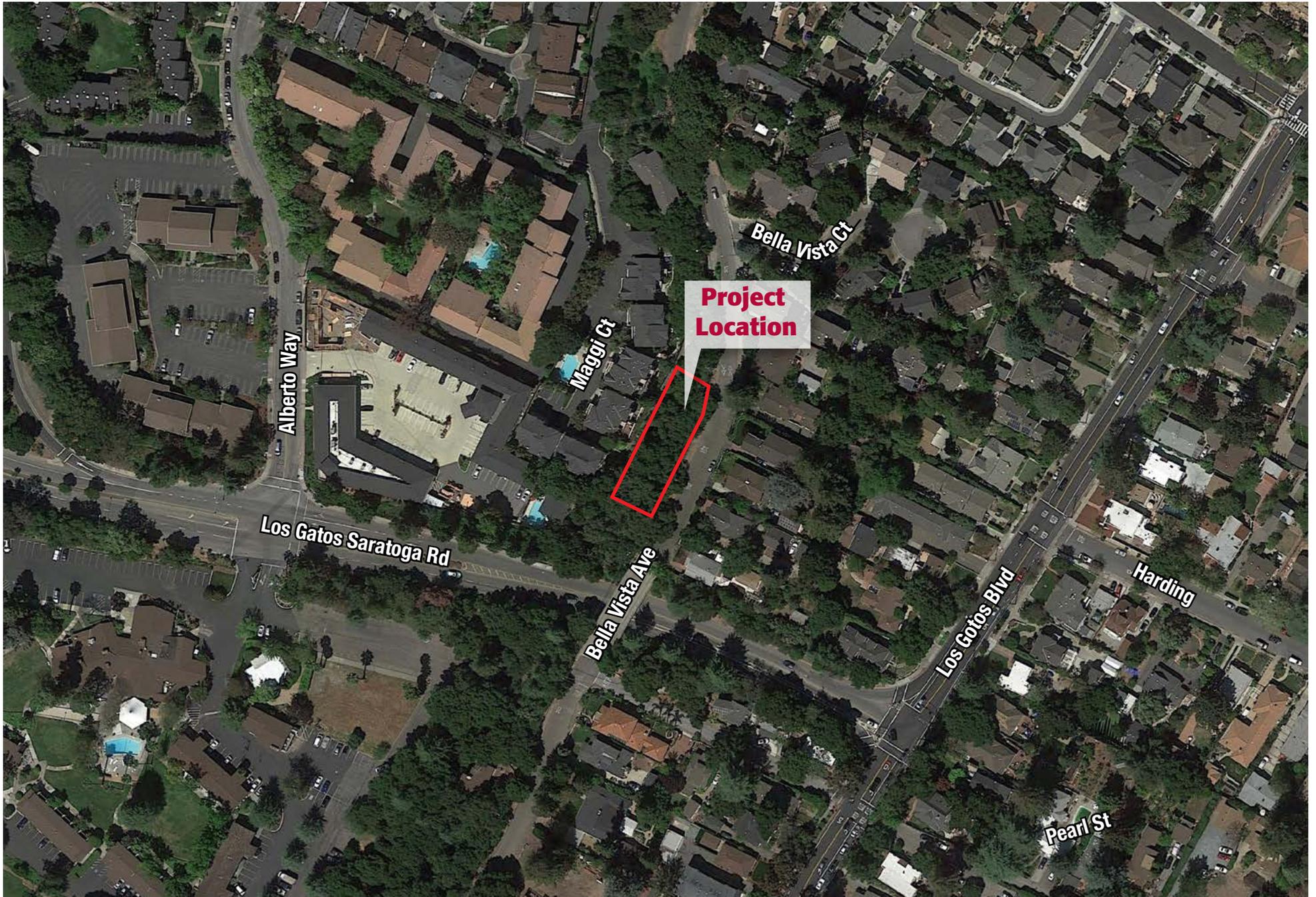
In addition to the Town, the Santa Clara County Fire Department would be responsible for approval of the fire safety design elements of the proposed project. The project's utilities would also be subject to review and approval by the West Valley Sanitation District and San Jose Water Company.



Source: Google Maps, 2015

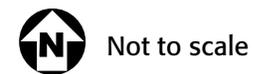
FIGURE 1: Regional Location Map
 341 Bella Vista Avenue
 City of Los Gatos

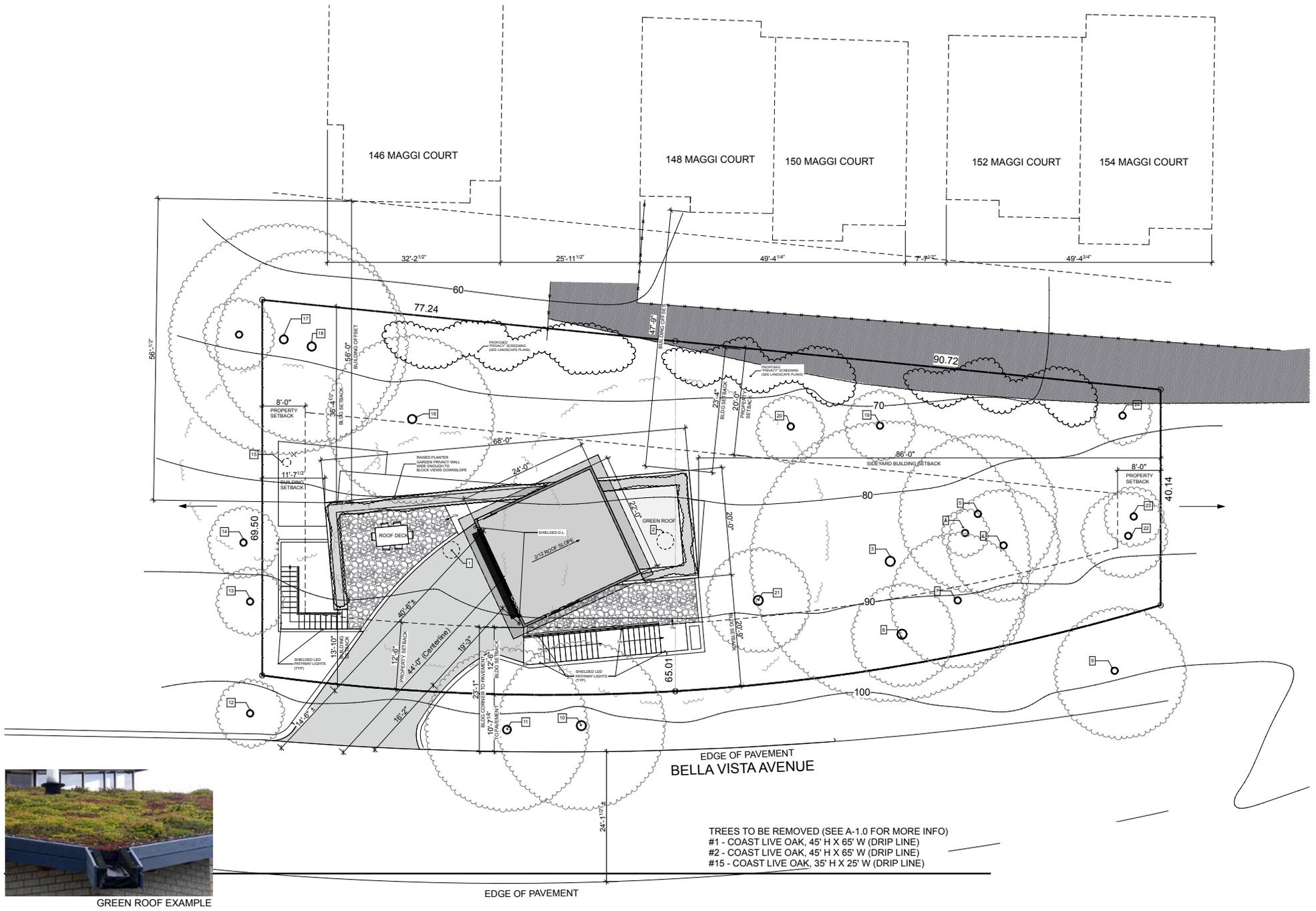




Source: Google Earth, 2015

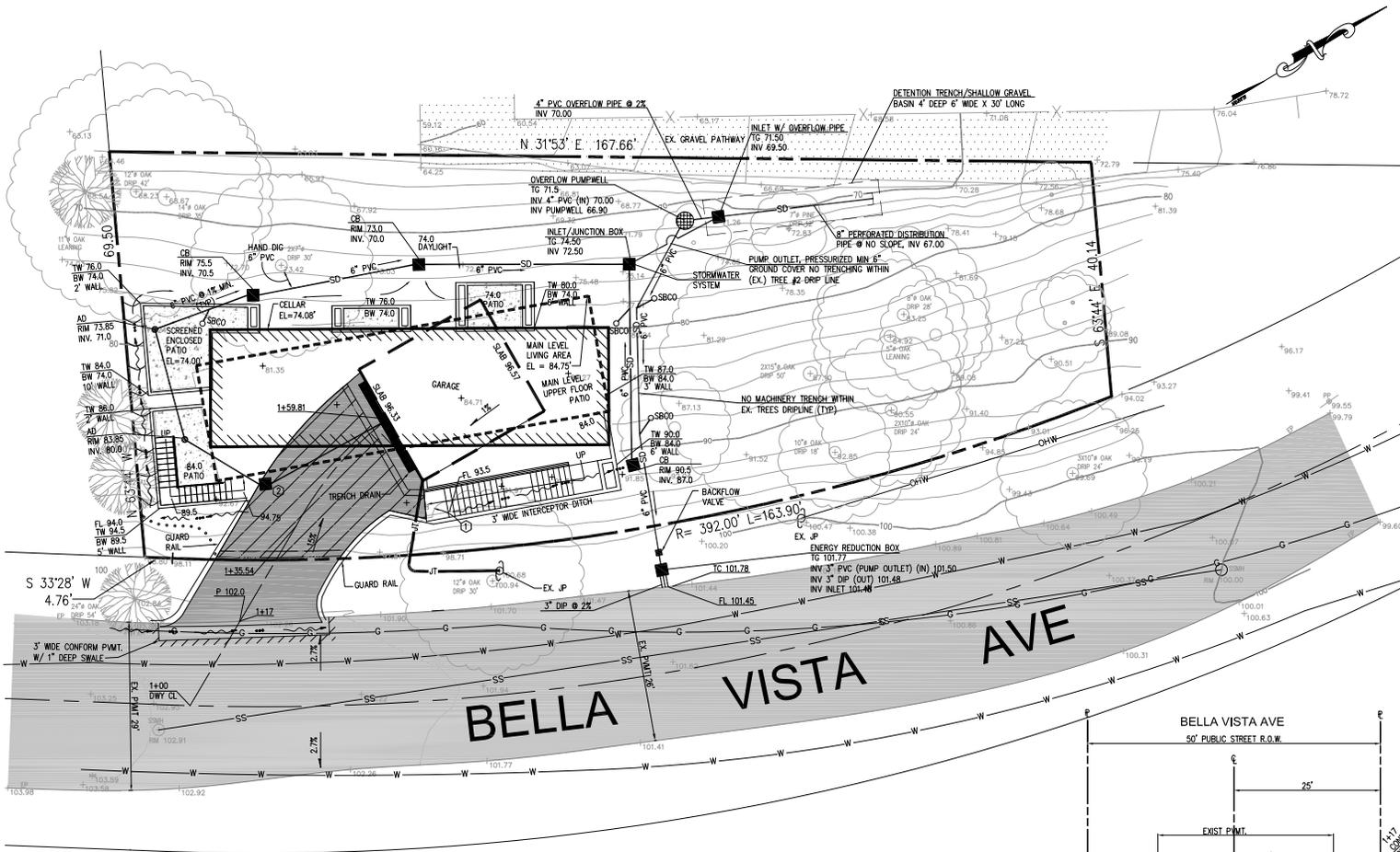
FIGURE 2: Vicinity Map
341 Bella Vista Avenue
Town of Los Gatos





TS/Civil Engineering, Inc., 2015

FIGURE 3 - Site Plan
 341 Bella Vista Avenue
 Town of Los Gatos



GRADING & DRAINAGE PLAN

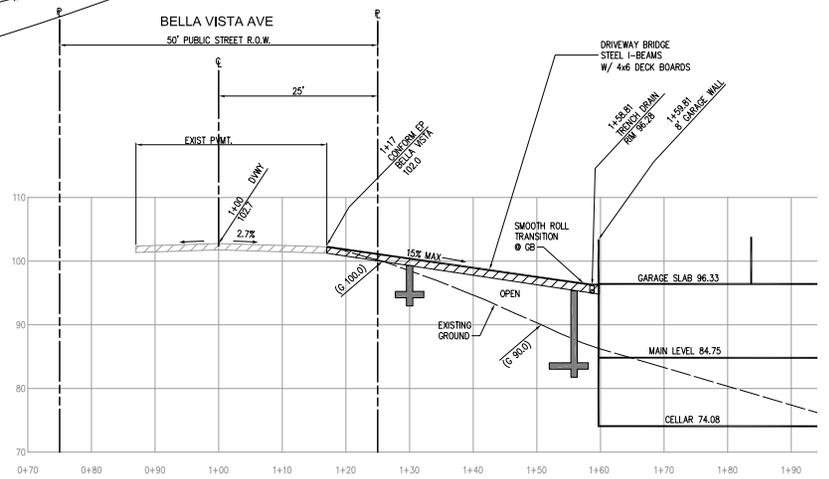
SCALE: 1"=10'

SHEET NOTES:

- ① TW 99.0
BW 94.0
- ② CB
RW 96.5
EW 94.5
- SBCO-SUBDRAIN CLEANOUT

DRIVEWAY PROFILE

SCALE: 1"=10' HOR/ VERT.



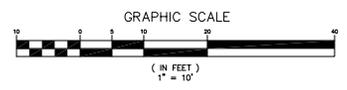
PERVIOUS AND IMPERVIOUS SURFACES		
	EXISTING CONDITION	P SITE (SQFT)
CELLAR		0
PATIOS/STAIRS		0
UPPER FLOOR		0
DRIVEWAY		0
TOTAL		0

LOT AREA: APN'S 528-23-015 & 016 10,155 SF = 0.233 AC
 AVG. SLOPE: S = 0.00229 (10) (480) = 41
 0.233

ZONING: R-18
 IMPERVIOUS COVERAGE: 3,083/10,155=30.4%

EARTHWORK SUMMARY		
	CUT (CY)	MAX. CUT
CELLAR	554	16'
PATIOS	59	8'
DRIVEWAY	--	--
STAIRWELL	27	8'
Total	613	X

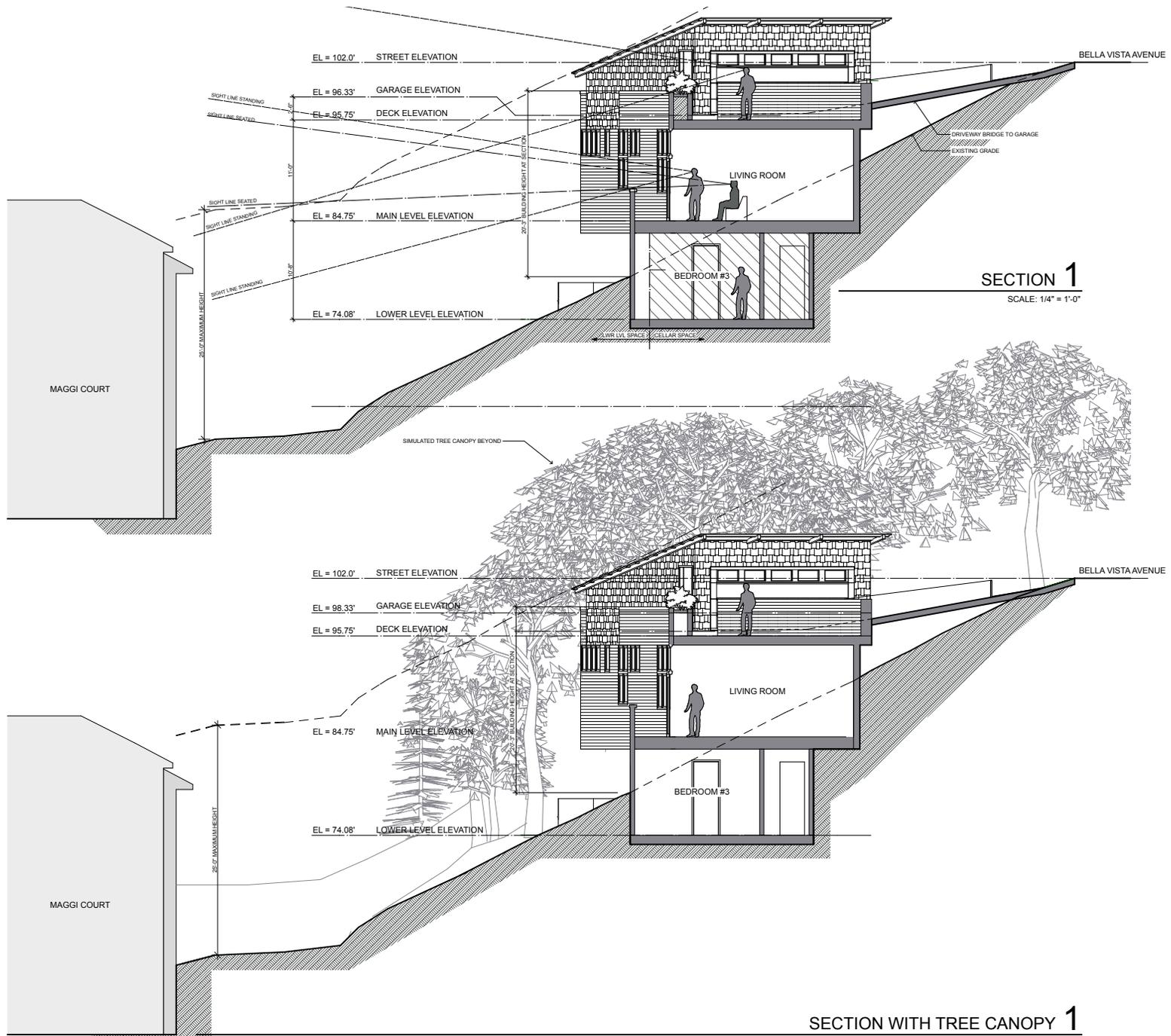
* Approximately 613 CY to be hauled off the site.





TS/Civil Engineering, Inc., 2015

FIGURE 8 - Building Context Images
 341 Bella Vista Avenue
 Town of Los Gatos



TS/Civil Engineering, Inc., 2015

FIGURE 9 - Building Elevation Cross-Section
 341 Bella Vista Avenue
 Town of Los Gatos



VIEW FROM THE SOUTH



VIEW FROM THE NORTH



VIEW LOOKING WEST



BELLA VISTA SOUTHBOUND



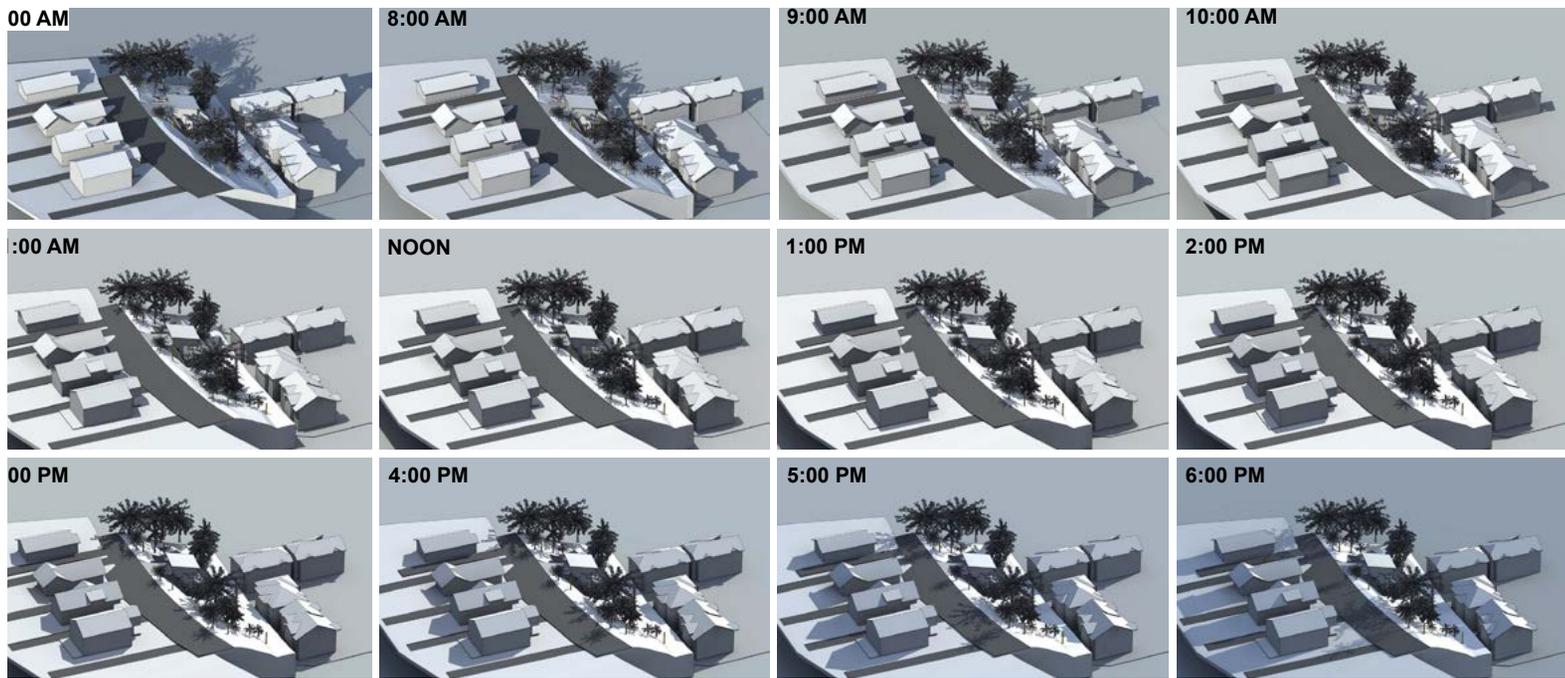
BELLA VISTA NORTHBOUND



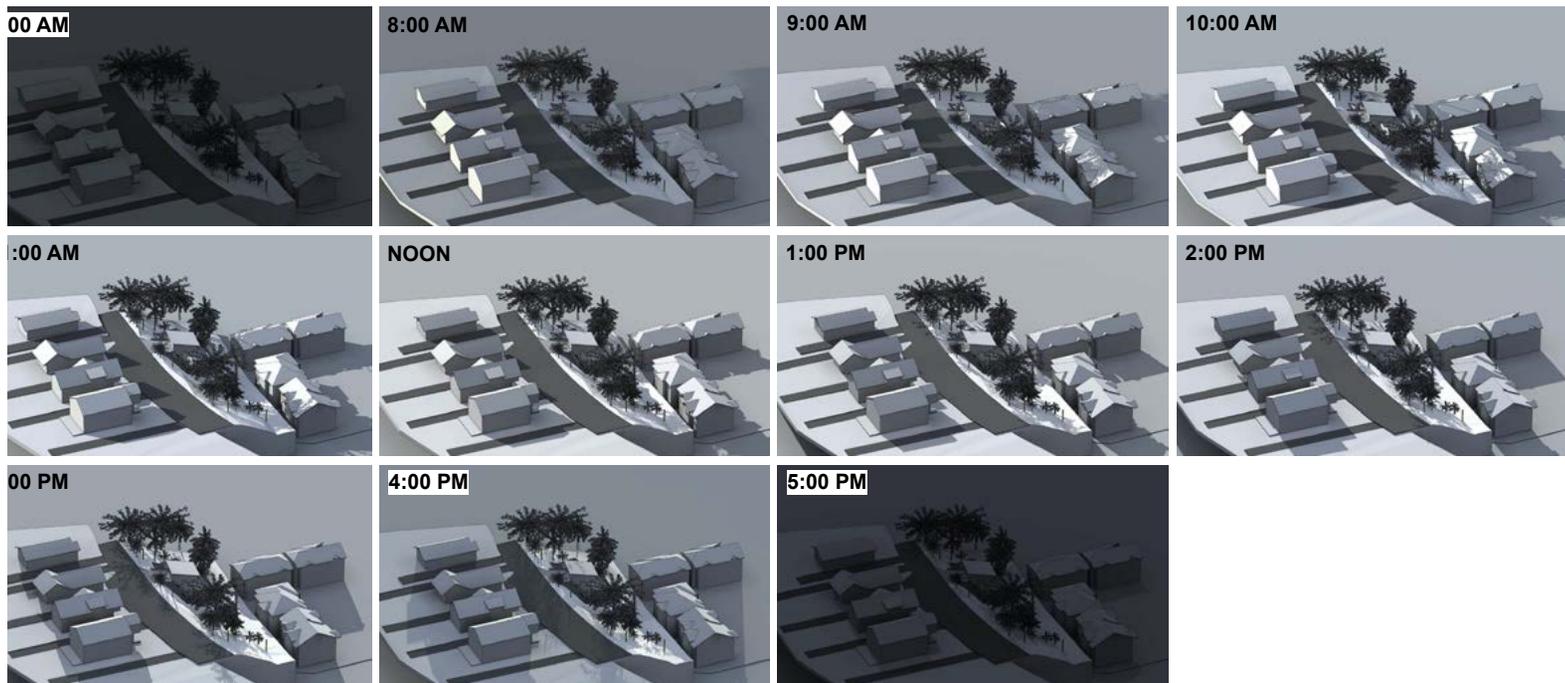
AERIAL

ProVisualization, 2015

FIGURE 10 - Conceptual Renderings
341 Bella Vista Avenue
Town of Los Gatos



JUNE 21ST LOOKING SOUTH



DECEMBER 21ST LOOKING SOUTH

ProVisualization, 2015

FIGURE 11 - Shadow Study
 341 Bella Vista Avenue
 Town of Los Gatos

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" or "Less Than Significant With Mitigation Incorporated" as indicated by the checklist on the following pages:

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gases | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | |

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 (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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.



Joel Paulson, Interim Director of Community Development

2/15/16
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1a. Scenic Vistas

The project site is not a designated scenic vista on any State, federal, or local listing for designated scenic areas. The project site is not currently used as a public vantage point for observing any scenic views or as any other public vantage point. The project site is located on the west side of Bella Vista Avenue, and homes on the east side of Bella Vista Avenue (316, 320, and 322 Bella Vista Avenue; opposite the site) currently have partially obscured, distant views of the mountains to the west. Existing mature trees on the project site partially screen scenic vistas from these homes, particularly the 45-inch oak tree located in the center of the site and oak tree on the eastern boundary. Since the 45-inch oak would be removed and replaced with a garage, distant views would continue to be obscured (see Figure 10). Therefore, the proposed home would not significantly alter available distant views from homes to east, although views of trees from these homes would change to views of the proposed home. Potential impacts are considered less than significant.

1b. Scenic Resources Within a State Scenic Highway

The closest State Scenic Highway is Highway 9 in the city of Saratoga, approximately 3/4 mile west of the subject property. Intervening trees, buildings, and topography obscure or block views of the site from this section of Highway 9. Consequently, the project would have no impact on state scenic highway resources.

1c. Visual Character

Homes along the east side of Bella Vista Avenue in the project vicinity are one and two stories with heights ranging from approximately 15 to 25 feet above street level. As indicated in Figure 9, the proposed garage would extend approximately 6.5 feet above street level and the proposed home would be located below the street level. Therefore, only the garage and roof of the proposed home would be visible from Bella Vista. Although the upper deck would be slightly below street level, views of the deck would be obscured by the garage, which would be oriented at an angle to the street. Since the proposed garage would be lower in height than existing adjacent homes and lower than existing adjacent and on-site mature trees to be retained, the proposed home would not substantially alter the existing visual character along Bella Vista.

The project site is located within the area subject to the Town’s Hillside Development Standards and Guidelines (HDS&G). The HDS&G requires a “view analysis” for any development project with the potential for being visible from any established viewing platform. Based on photosimulations (Figure 10) prepared by the project applicant's architect and a site visit, it was determined that the proposed home

would not be visible from established viewing platforms. Intervening trees on Caltrans' freeway right-of-way and properties to the west block views of the site from the closest viewing platform located on Los Gatos Saratoga Road at Highway 9. Trees also block views of the site from eastbound Los Gatos Saratoga Road (except for a brief glimpse just west of the Bella Vista overpass).

The proposed project will be subject to design review as part of the Architecture and Site Review process. During this process, the proposed design is evaluated for consistency with the Town's HDS&G. As part of Architecture and Site review, the Town determined that the project would be consistent with the HDS&G policies for site planning, development intensity, architectural design, site elements, and landscape design. The HDS&G emphasizes minimizing grading and preserving natural features (including drainage channels and trees). Three of the site's trees are proposed to be removed to accommodate the proposed home, but trees along the site margins would be retained and landscape screening is proposed along the western project boundary. In addition, the home and outdoor decks/patios would be set into the hill. This design in conjunction with proposed screening would help to minimize the potential for loss of privacy at existing townhomes to the west. For these reasons potential impacts are considered less than significant.

1d. Light or Glare

Outdoor lighting would be provided on the exterior of the home. The proposed home would be located approximately 75 feet from homes to the east (across Bella Vista) and approximately 48 feet from townhomes to the west. Project exterior lighting could illuminate distant nighttime views to the west (overlooking the site) from existing homes to the east, although the 75-foot distance and proposed home's depressed height (below street level) would help minimize the effects of nighttime illumination depending on lighting design. Exterior and interior lighting also could have nighttime illumination effects on existing townhomes to the west, although the intervening distance, home's design (inset into the hill), and proposed landscape screening would minimize the potential for impacts associated with nighttime illumination. Proposed exterior lighting will be specifically reviewed as part of building permit review. To reduce the potential for disturbance due to nighttime lighting, the final plans will need to satisfy Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary). Therefore, potential impacts from light and glare are considered less than significant.

As shown in Figure 11, the proposed project would not result in any significant change to the patterns of shadows that fall on surrounding properties throughout the year. Most of the shadows are cast north and east away from the existing homes on Maggi Court. The proposed project would not substantially change the existing shadow pattern cast by existing trees (which are higher than the proposed house) on homes along Bella Vista Avenue. Potential impacts from shadows are considered less than significant.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>2. Agriculture and Forestry Resources – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 Dept. of Forestry and Fire Protection regarding the state’s inventory of forest land, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2a, 2b, 2c, 2d, 2e. Farmland, Agricultural, and Forestry Uses

The 0.23-acre project site is currently undeveloped, but the site’s agricultural and timberland production potential is low due to the small size of the site, existing nearby residential development, and the site’s steeply sloping topography. State farmland mapping shows the project site as “Urban and Built-Up Land,” indicating that this land has already been converted to non-agricultural use.¹ There are no existing agricultural or forestry uses/operations at or adjacent to the site. The project would have no impact on agricultural or forestry resources.

¹ California Department of Conservation, Division of Land Resources Protection, 2003. *Santa Clara County Important Farmland 2002*. July.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Air Quality - Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3a. Air Quality Planning

The San Francisco Bay Area Air Basin is classified by the Bay Area Air Quality Management District (BAAQMD) as non-attainment for ozone and inhalable particulates (PM₁₀). To address these exceedances, the BAAQMD, in cooperation with the MTC and ABAG, prepared the Bay Area 2005 Ozone Strategy (BAOS) in September 2005 and Particulate Matter Implementation Schedule (PMIS) in November 2005. The PMIS discusses how the BAAQMD implements the California Air Resources Board’s 103 particulate matter control measures. The BAAQMD recently adopted the 2010 Bay Area Clean Air Plan, which updates the BAOS. The consistency of the proposed project with the most recently adopted regional air quality plan, the CAP, is determined by comparing the project’s consistency with the Los Gatos General Plan. Since the CAP is based on population projections of the Association of Bay Area Governments (ABAG) that are based on the Town’s General Plan in effect at the time the CAP was approved, consistency of the project with the General Plan would indicate consistency with the CAP. The project would be consistent with the use and density allowed on the project site by the Los Gatos General Plan, and therefore, the project would be consistent with the CAP and potential impacts are less than significant.

3b. Air Quality Standards

Regulatory and Planning Framework. The BAAQMD is responsible for attaining and/or maintaining air quality in the San Francisco Bay Area Air Basin (SFBAAB) within Federal and State air quality standards. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the Basin and to develop and implement strategies to attain the applicable Federal and State standards. In June 2010, the BAAQMD adopted CEQA thresholds of significance and updated its CEQA Air Quality Guidelines, which provides guidance for assessing air quality impacts under CEQA. However, on March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the Thresholds. The court issued a writ of mandate ordering the BAAQMD to set aside the Thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. On August 13, 2013, the California Court of Appeal reversed the Alameda County Superior Court judgment that invalidated the BAAQMD’s CEQA thresholds of significance. The Court directed that the Superior Court vacate the writ of mandate issued in March

2012, ordering the BAAQMD to set aside its June 2010 resolution (Res. #2010-06) “Adopting Thresholds for Use in Determining the Significance of Projects’ Environmental Effects Under the California Environmental Quality Act.” Although the California Supreme Court has granted review in the litigation to hear one particular issue of law, the granting of review does not alter the result in the Court of Appeal, though the latter court’s decision is no longer a published, citable precedent. And the legal cloud created by the trial court decision no longer exists, local agencies such as the Town of Los Gatos may rely on the BAAQMD thresholds.

Significance Thresholds. Exercising its own discretion as lead agency and similarly to multiple other San Francisco Bay Area jurisdictions, the Town of Los Gatos has decided to rely on the thresholds within the Options and Justification Report (dated October 2009) prepared by the BAAQMD.² The BAAQMD Options and Justification Report establishes thresholds based on substantial evidence and are consistent with the thresholds outlined within the 2011 CEQA Air Quality Guidelines. Although BAAQMD failed to comply with CEQA before completing its 2010 recommendations, Town staff believes that these recommendations, which are listed as follows, still represent the best available science on the subject of what constitute significant air quality effects in the SFBAAB:

- NO_x and ROG: 54 pounds/day
- PM₁₀: 82 pounds/day
- PM_{2.5}: 54 pounds/day

In addition to establishing the above significance thresholds for criteria pollutant emissions, the BAAQMD also recommended (BAAQMD, 2009) the following quantitative thresholds to determine the significance of construction-related and operational emissions of toxic air contaminants from individual project and cumulative sources on cancer and non-cancer health risks:

- Increased cancer risk of >10.0 in a million for individual projects and >100 in a million (from all local sources) for cumulative sources;
- Increased non-cancer risk of >1.0 Hazard Index (Chronic or Acute) for individual projects and >10.0 Hazard Index (from all local sources) for cumulative sources; and
- Ambient PM_{2.5} increase: >0.3 µg/m³ annual average for individual projects and >0.8 µg/m³ annual average (from all local sources) for cumulative sources.

Project Emissions. The BAAQMD prepared screening criteria in both the 1999 and 2011 BAAQMD CEQA Guidelines.³ These screening criteria were developed by the BAAQMD to indicate the minimum development size (by land use category) at which air pollutant emissions could exceed the above significance thresholds and potentially significant air quality impacts could occur. The 1999 BAAQMD CEQA Guidelines indicated that a project with 320 single-family units was identified as the project size which was likely to result in significant operational air quality impacts. The 2011 BAAQMD Guidelines included the following screening criteria for single-family residential use based on the above thresholds: 325 single-family units for operational emissions and 114 units for single-family residences for construction emissions. The 2011 BAAQMD Guidelines also specified that the project must also meet two other criteria: (1) the BAAQMD’s Basic Construction Mitigation Measures must be implemented during construction; and (2) the project does not include demolition, simultaneous occurrence of more

² Bay Area Air Quality Management District, 2009. *Revised Draft Options and Justification Report*. October. Available online at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>.

³ Bay Area Air Quality Management District, 2011. *CEQA Air Quality Guidelines*. Updated May 2011 and May 2012. Available online at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>.

than two construction phases, simultaneous construction of more than one land use type; extensive site preparation; or extensive material transport (more than 10,000 cubic yards of soil). With implementation of Mitigation Measure AQ-1, the project would meet these criteria, and the project's air quality impacts would be less than significant.

3c. Cumulative Air Quality Impacts

To address cumulative impacts on regional air quality, the BAAQMD has established thresholds of significance for construction-related and operational criteria pollutants and precursor emissions. These thresholds represent the levels at which a project's individual emissions of criteria pollutants and precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If daily average or annual emissions exceed these thresholds, the project would result in a cumulatively significant impact. Since the project's construction-related and operational criteria pollutant emissions would not exceed BAAQMD significance thresholds, the project's contribution is considered to be less than cumulatively considerable.

3d. Exposure of Sensitive Receptors

The California Air Resources Board (CARB) regulates vehicle fuels with the intent to reduce emissions. Diesel exhaust is a serious concern throughout California. The CARB identified diesel engine particulate matter as a toxic air contaminant and human carcinogen. In 2005, the CARB approved a regulatory measure to reduce emissions of toxic and criteria pollutants by limiting the idling of new heavy-duty diesel vehicles, which altered five sections of Title 13 of the California Code of Regulations. The changes relevant to the proposed project are in Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which limit idling of a vehicle's primary diesel engine for greater than five minutes in any location (with some exceptions) or operation of a diesel-fueled auxiliary power system within 100 feet of residential areas.

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. Adjacent residences are considered to be the closest sensitive receptors to project construction.

Operation of the proposed residence would not generate toxic air contaminants (TACs) that would pose a health risk to adjacent or nearby uses. However, during project construction, combustion emissions from operation of off-road construction equipment on the project site would be generated and could expose adjacent and nearby receptors to diesel particulate matter (DPM). Based on screening-level health risk analyses completed for larger projects in town, DPM emissions would not exceed the above significance thresholds for cancer and non-cancer health risks. As such, the potential health risks from TACs from construction activities would be less than significant for the adjacent residences and the existing dialysis center located near Alberto Way⁴.

In addition to the above project-related construction-related risk and hazard impacts, the BAAQMD CEQA Guidelines recommend that cumulative health risks be evaluated for affected sensitive receptors in

⁴ Construction of 22 single-family residences on a 1.9-acre site located at 16213 Los Gatos Boulevard was estimated to generate annual average PM_{2.5} emissions of approximately 0.08 µg/m³ (threshold is 0.3 µg/m³), pose an excess cancer risk of 0.0002 for infants (threshold is 10), and pose a non-cancer chronic hazard index of 0.015 (threshold is >1.0). (Town of Los Gatos, 2011. *Initial Study, 16213 Los Gatos Boulevard, Los Gatos, California, Planned Development Application PD-10-004, Negative Declaration ND-10-002*. August.)

the project vicinity. The BAAQMD’s stationary source tool⁵ indicates that there are no stationary sources within 1,000 feet of the project site. With no significant health risks identified from cumulative sources within 1,000 feet of the site, the project’s contribution to health risks from DPM emissions would be less than cumulatively considerable, a less than significant impact.

With regard to roadway sources of TACs, Highway 17 is located approximately 1,000 feet west of the project site. The BAAQMD Roadway Screening Analysis Calculator was used to calculate potential health risks based on the BAAQMD thresholds described in Section 3b above. Table 1, *Risk Screening Analysis*, shows the results of the calculation and that potential risks are below the threshold and considered less than significant.

Table 1 - Risk Screening Analysis

Roadway	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	PM _{2.5} Concentration (µg/m ²)
Highway 17	1.11	0.027	0.025
Total Risk From All Local Sources	1.11	0.027	0.025
<i>Threshold</i>	100	10	0.8
<i>Exceeds Threshold?</i>	No	No	No
Source: BAAQMD 2015			

3e. Odors

According to the BAAQMD CEQA Guidelines, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project would not include any uses identified by the BAAQMD as being associated with odors. No new or unusual sources of nuisance odors would be associated with the proposed residence. Therefore, the project’s potential for nuisance odor problems would be less than significant.

During project construction, however, nuisance diesel odors associated with operation of diesel construction equipment on-site would exist (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature. Therefore, temporary impacts from nuisance diesel odors on adjacent residential receptors would be less than significant.

Mitigation Measures – Air Quality (AQ)

Although the project’s construction-related air pollutant emissions would not exceed the BAAQMD’s applicable significance thresholds, the following measures are recommended by the BAAQMD to reduce the project’s construction emissions:

AQ-1: *To limit the project’s construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project’s grading plan, building plans, and contract specifications:*

⁵ Bay Area Air Quality Management District, 2010. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May. Available online at <http://www.baaqmd.gov/Home/Divisions/Planning%20and%20Research/CEQA%20GUIDELINES/Tools%20and%20Methodology.aspx>.

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- 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. Recycled water should be used wherever feasible.
- 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.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.
- g. 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.
- h. Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources - Would the project:				
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, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4a – 4d. Special-Status Species, Sensitive Habitat/Communities, Wetlands, Fish and Wildlife Movement, Corridors, and Nursery Sites

The project site consists of a steeply sloping hillside vegetated with coast live oaks (*Quercus agrifolia*) and an understory of vinca (*Vinca major*), an ornamental groundcover. A large number of the trees present on the site are the result of regrowth from the stumps of trees previously cut on the property.

Within the project area, oak woodland habitat also provides nesting habitat for special-status bird species, as well as many other migratory bird species. Site clearing activities (*e.g.*, grubbing, grading, trenching, and tree removal or pruning) could result in direct or indirect impacts to nesting birds by causing the destruction or abandonment of occupied nests. Direct and indirect impacts on special-status and migratory bird species would be considered significant under CEQA guidelines. However, implementation of Mitigation Measure BIO-1 would reduce significant impacts on special-status and migratory bird species to a less than significant level.

Construction activities in the vicinity of occupied bat roosts could result in the destruction of the occupied roosts of special-status bat species. In addition, disturbance during the maternity roosting season could result in potential roost abandonment and mortality of young. Direct and indirect impacts to special-status bat species would be considered significant under CEQA guidelines. However, implementation of the Mitigation Measure BIO-2 would reduce significant impacts on special-status bat species to a less than significant level.

4e. Tree and Biological Protection Ordinances

Compliance with the Town's Tree Protection Ordinance would ensure that trees removed or damaged by proposed development would be replaced. With project implementation, there are three protected trees that would be removed (shown in Figure 3), which includes three protected oaks (Trees 1, 2, and 15 as identified in the project Arborist Report dated September 24, 2014. This report is included as Attachment 1 and is on file at the Los Gatos Community Development Department). The project would also require the removal of three protected non-native/non-protected trees.

In accordance with the Town's Trees Protection Ordinance, the proposed removal of seven trees would require planting of approximately thirty 24-inch box-size trees or equivalent. The ordinance allows payment of in-lieu fees for those trees not planted on-site. In addition, the project applicant and future lot owners will be required to comply with the Los Gatos Tree Protection Ordinance, including standard tree protection measures during construction. With the required conformance with the Town's Tree Protection Ordinance, the project would not conflict with any local ordinances or policies protecting trees. Potential impacts are considered less than significant.

4f. Habitat Conservation Plans

The proposed project would not be in conflict with any approved local, regional, or state habitat conservation plan. The project would have no impact on habitat conservation plans.

Mitigation Measures – Biological Resources (BIO)

BIO-1: Special-status and Migratory Bird Species.

In order to avoid impacts to special-status and migratory bird species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided.

Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.

- f. The removal of trees and shrubs shall be minimized to the extent feasible.*
- g. If tree removal, pruning, grubbing and demolition activities are necessary, such activities shall be conducted outside of the breeding season (i.e., between September 1 and January 31), to avoid impacts to nesting birds.*
- h. If tree removal, pruning, grubbing and demolition activities are scheduled to commence during the bird breeding season (i.e., between February 1 and August 31), a preconstruction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of work. The preconstruction survey shall include the project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no active nests of migratory birds are found, work may proceed without restriction and no further measures are necessary. If work is delayed more than two weeks, the preconstruction survey shall be repeated, if determined necessary by the project biologist.*
- i. If active nests (i.e. nests with eggs or young birds present, or hosting an actively breeding adult pair) of special-status or migratory birds are detected, the project biologist shall designate non-disturbance buffers at a distance sufficient to minimize disturbance based on the nest location, topography, cover, species, and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. The appropriate buffer size shall be determined in cooperation with the CDFW and/or the USFWS. If, despite the establishment of a non-disturbance buffer it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.*
- j. If project activities must occur within the non-disturbance buffer, a qualified biologist shall monitor the nest(s) to document that no take of the nest (i.e., nest failure) will result. If it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.*

BIO-2: Special-status Bats.

In order to avoid impacts to special-status bat species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided.

Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.

- d. Prior to the removal or significant pruning of trees and the demolition of buildings, a qualified bat biologist shall assess them for the potential to support roosting bats. Suitable bat roosting sites include trees with snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and structures with cracks, joint seams and other openings to interior spaces. If there is no evidence of occupation by bats, work may proceed without further action.*

- e. *If suitable roosting habitat is present, the bat biologist shall recommend appropriate measures to prevent take of bats. Such measures may include exclusion and humane eviction (see “c” below) of bats roosting within structures during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30), partial dismantling of structures to induce abandonment, or other appropriate measures.*
- f. *If bat roosts are identified on the site, the following measures shall be implemented:*
- *If non-breeding/migratory bats are identified on the site within a tree or building that is proposed for removal, then bats shall be passively excluded from the tree or building. This is generally accomplished by opening up the roost area to allow airflow through the cavity/crevice, or installing one-way doors. The bat biologist shall confirm that the bats have been excluded from the tree or building before it can be removed.*
 - *If a maternity roost of a special-status bat species is detected, an appropriate non-disturbance buffer zone shall be established around the roost tree or building site, in consultation with the CDFW. Maternity roost sites may be demolished only when it has been determined by a qualified bat biologist that the nursery site is not occupied. Demolition of maternity roost sites may only be performed during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30).*
 - *No additional mitigation for the loss of roosting bat habitat is required.*

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5a. Historical Resources

The project site is vacant with no structures on the property. Therefore, no significant impacts on historic resources would result from the project implementation.

5b. Archaeological Resources and Human Remains

The project site is undeveloped and the potential for encountering cultural resources during project construction would be low due to the site’s relatively steep topography and the site’s elevated location away from creeks. There is typically a higher potential for encountering archaeological resources in areas adjacent to or near a river or creek. Therefore, potential impacts are considered less than significant.

5c. Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and marine coral), and fossils of microscopic plants and animals (microfossils). The age and abundance of fossils depend on the location, topographic setting, and particular geologic formation in which they are found. Fossil discoveries not only provide a historic record of past plant and animal life, but may assist geologists in dating rock formations. A review of records maintained by the University of California Museum of Paleontology in Berkeley indicates that the closest paleontological resources recorded in Santa Clara County occur approximately 15.5 miles west of Los Gatos. These resources were discovered in geologic strata dating from the Late Pliocene and Miocene epochs of the Tertiary Period (65 to 1.8 million years ago).

The geotechnical investigation for the project site indicates the site is underlain by Pleistocene Older Alluvial Fan deposits. These deposits are younger in age than those containing the recorded paleontological resources. Consequently, the potential for encountering paleontological resources would be low, a less than significant impact.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Geology and Soils - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6a through 6e: The project site slopes downhill toward the west with slopes averaging 53 percent. The proposed grading plan estimates that approximately 692 cubic yards (cy) would be cut and exported from the project site. Town requirements will include provision of an interim and final erosion control plans. Such measures would reduce potential erosion hazards to a less-than-significant level.

A review of the Town's hazards maps⁶ indicates that the project site has no erosion potential (but located adjacent to an area with high erosion potential), moderate shrink-swell potential, slope stability hazard (due to slope steepness), high potential for fault rupture, and moderate potential for seismic shaking. Very low liquefaction and no debris flow hazards were identified for the site. The Town's Fault Map indicates that the site is located approximately 500 feet north of a concealed fault.⁷

A geologic and geotechnical study was completed for the project by Upp Geotechnology.⁸ This study is included as Attachment 2 and copies of this study are on file at the Los Gatos Community Development Department. This study was peer reviewed by the Town's Geotechnical Consultant, AMEC Foster Wheeler. These investigations involved review of available geologic maps and aerial photographs, drill test borings, and laboratory soils testing. These investigations concluded that the site has a low potential for liquefaction and lateral spreading. These studies also indicate that the site does not present any signs of slope instability hazards such as colluvium-filled swales, undercut cliffs or banks, or areas with recent evidence of landsliding. These analyses recommend that a soldier pile retaining/debris wall be constructed on the east side (upslope side) of the building footprints to keep the Bella Vista right-of-way stable during excavation and construction.

The site lies within the seismically active Bay Area, but is not within any of the "Earthquake Fault Zones" established by the Alquist-Priolo Earthquake Fault Zoning Act of 1972. The project would be subject to strong groundshaking in the event of an earthquake, with a low potential for ground rupture at the site. The geotechnical study indicates the closest known faults are traces of the potentially active Shannon and Berrocal fault zones located about 500 feet and 1,000 feet, respectively, southwest of the project site. The active San Andreas fault zone is located about 3.25 miles southwest of the property. The potential for fault ground rupture on the project site is considered to be low because of the distance from these faults. However, the subject property will be subject to very strong to violent ground shaking during a future large earthquake on the nearby San Andreas fault zone, or on one of the other major active faults zones in the region. It should be noted that most of the Bay Area as well as surrounding residences are subject to groundshaking hazards. Compliance with seismic design parameters per the Uniform Building Code would be adequate to address regional seismic safety concerns such as groundshaking. To ensure site specific geotechnical-related design considerations are implemented with project description, mitigation is required to ensure potential seismic and landslide related hazards are reduced to less than significant.

Expansive soils, including those defined in Table 18-1-B of the Uniform Building Code, with the potential to create substantial risk to life and property were not identified on the project site. Potential impacts from expansive soils are considered less than significant.

Additionally, the project will be connected to public sanitary sewer system and will not use onsite septic systems or any other wastewater disposal system and would have no impact on soils onsite with regard to treating wastewater.

⁶ Nolan Associates, 1999. *Draft Erosion Potential Map, Shrink-Swell Potential of Soils, Slope Stability Hazard Map, Debris Flow Hazard Map, Liquefaction Hazard Zones Map, Seismic Shaking Hazards Map, Geologic Map, Fault Rupture Hazard Zones Map for the Town of Los Gatos General Plan Update.* January 17.

⁷ Nolan Associates, 1999. *Draft Fault, Lineament & Coseismic Deformation Map for the Town of Los Gatos General Plan Update.* January 17.

⁸ UPP Geotechnology, 2015. *Updated Geologic and Geotechnical Study, Proposed Residential Development, Ross Property, 339 and 341 Bella Vista Avenue, Los Gatos, California.* June 25.

Mitigation Measures – Geology and Soils (GEO)

Given the extent of grading proposed and the extensive portion of the home that would be located below grade, the following measure shall be required to reduce identified potentially significant geologic, soils, and geotechnical constraints to less-than-significant levels:

GEO-1: Geotechnical Report Recommendations.

The project applicant shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to site preparation and grading, foundation design, driveways, retaining walls, and drainage improvements. To ensure correct implementation, the geotechnical engineer shall review project plans and observe geotechnical-relevant aspects of proposed initial construction of roads and infrastructure. The geotechnical engineer shall submit an “as built” letter to the Director of Parks and Public Works stating that the project has been constructed in conformance with the recommendations of the geotechnical report.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Greenhouse Gases - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

“Greenhouse gases” (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” These greenhouse gases contribute to an increase in the temperature of the earth’s atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

Significance Thresholds and Criteria. Exercising its own discretion as lead agency and similarly to other San Francisco Bay Area jurisdictions, the Town of Los Gatos has decided to rely on the thresholds within the Options and Justification Report (dated October 2009) prepared by the BAAQMD.⁹ The BAAQMD Options and Justification Report establishes thresholds based on substantial evidence and are consistent with the thresholds outlined within the BAAQMD’s 2011 CEQA Air Quality Guidelines¹⁰ BAAQMD’s recommended thresholds are as follows:

- Compliance with a Qualified Climate Action Plan or

⁹ Bay Area Air Quality Management District, 2009. *Revised Draft Options and Justification Report*. October. Available online at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>.

¹⁰ Bay Area Air Quality Management District, 2011. *CEQA Air Quality Guidelines*. Updated May 2011 and May 2012. Available online at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>.

- Meet one of the following thresholds:
 - 1,100 MT CO₂e per year; or
 - 6.7 MT CO₂e per capita per year (residential) / 4.6 MT CO₂e per service population per year (mixed use)

For purposes of this report, project compliance with the 1,100 MT CO₂e/year threshold is used as the primary basis to determine significance. The project's consistency with operative goals and policies of the Sustainability Plan that are designed to avoid environmental impacts also is analyzed as a secondary basis for assessing significance. To fully implement the Sustainability Plan, though, the Town Council must take a number of future steps, such as adopting a Green Building Ordinance and developing GreenPoint Rated Building Guidelines. Consistency of any proposed project or program with the Sustainability Plan is one of the criteria used to determine the significance of a project's GHG emissions under CEQA. Because many of the Plan's most stringent aspects will only become fully operational when such future measures are in place, however, compliance with existing Sustainability Plan requirements, by itself, is not sufficient at this time to support a determination that a project's greenhouse gas emissions are less than significant by definition.

7a. Greenhouse Gas (GHG) Emissions

Implementation of the proposed project would contribute to long-term increases in greenhouse gases (GHGs) from direct sources (traffic increases and minor secondary fuel combustion emissions from space heating). Development occurring as a result of the proposed project would also result in other indirect operational increases in GHG emissions as a result of electricity generation to meet project-related increases in energy demand. Electricity generation in California is mainly from natural gas-fired power plants. However, since California imports about 20 to 25 percent of its total electricity (mainly from the northwestern and southwestern states), GHG emissions associated with electricity generation could also occur outside of California. Space or water heating, water delivery, wastewater processing and solid waste disposal also generate GHG emissions. Short-term GHG emissions would also be generated by project-related construction activities.

The BAAQMD does not have a quantitative significance threshold for construction-related GHG emissions, but the project's construction-related emissions are expected to have a less-than-significant impact on global climate change based on the project's small size and GHG modeling results done for larger projects.¹¹ The proposed project would also be subject to the existing CARB regulation (Title 13 of the California Code of Regulations, Section 2485), which limits idling of diesel-fueled commercial motor vehicles, and compliance with this regulation would further reduce GHG emissions associated with project construction vehicles (compliance with idling limits is required under Mitigation Measure AQ-1 in Section 3, Air Quality).

Operational GHG emissions associated with the proposed single-family residences is also expected to be less than significant given the project's small size and GHG modeling results done for larger projects.¹² In

¹¹ GHG modeling completed in November 2013 for an 8-unit residential project on 0.75 acres located at 258 Union Avenue indicated that construction activities would generate up to approximately 63.3 metric tons of CO₂-equivalents (MT CO₂e), well below the BAAQMD's operational threshold of 1,100 MT CO₂e per year, indicating that the project's construction-related GHG emissions would be less than significant. (Source: Town of Los Gatos, 2011. *Initial Study, 258 Union Avenue, Los Gatos, California, Conditional Use Permit Application U-13-012, Negative Declaration ND-13-002*. November.)

¹² GHG modeling completed in November 2013 for an 8-unit residential project on 0.75 acres located at 258 Union Avenue indicated that project operation would generate up to approximately 114 MT CO₂e, well below the BAAQMD's operational threshold of 1,100 MT CO₂e per year, indicating that the project's operational GHG emissions would be less than significant.

the 2011 BAAQMD CEQA Guidelines, the BAAQMD developed screening criteria to indicate the minimum development size (by land use category) at which GHG emissions could exceed the above thresholds and a potentially significant GHG impact could occur. In the 2011 Guidelines, the BAAQMD's operational GHG screening criterion for single-family residences was 56 units, and the proposed project would fall well below this criterion. Therefore, the project's operational GHG emissions are considered to be less than significant.

7b. Greenhouse Gas Reduction Plans, Policies, and Regulations

California has passed a number of bills related to GHG emissions and the Governor has signed at least three executive orders regarding greenhouse gases. The Governor's Office of Planning and Research has not yet established CEQA significance thresholds for GHG emissions. GHG statutes and executive orders (EO) include EO S-1-07, EO S-3-05, EO S-13-08, EO S-14-08, EO S-20-04, EO S-21-09, AB 32, AB 341, AB 1493, AB 3018, SB 97, SB375, SB 1078 and 107, SB 1368, and SB X12. AB 32 establishes regulatory, reporting, and market mechanisms to reduced statewide GHG emissions to 1990 levels by 2020. Pursuant to this requirement, the California Air Resources Board (CARB) adopted its Scoping Plan, which contains the main strategies to achieve required reductions by 2020.

In October 2012, the Town of Los Gatos adopted a Sustainability Plan, which outlines communitywide GHG emission reduction measures necessary to achieve the goals of AB 32 for the entire community. The Plan contains measures that are projected to reduce GHG emissions in Los Gatos. However, because the Town has not yet established additional new requirements for discretionary projects that would ensure consistency with GHG reduction measures listed in the Sustainability Plan (i.e., under Measure GB-1, the Town has not yet adopted a Green Building Ordinance that would require projects to achieve energy efficiencies that are 30% greater than those required by the 2008 version of Title 24, nor has it established new requirements under Measure WW-1 regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use). Therefore, only measures that would pertain to the proposed residential project and could be implemented at this time are considered in this report and they are listed as follows:

Green Building Quantified Measures

- *GB-2 – GreenPoint Rated Building Guidelines: Require all new and significantly remodeled homes to follow the Town's adopted GreenPoint Rated Building Guidelines. Significantly remodeled homes include remodels of 50 percent or more of the square footage or wall area of the home, and additions of 50 percent or more of the square footage or wall area of the home.*

Green Building Non-Quantified Measures

- *GB-4 Solar Orientation: Require measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sun screens.*

Energy Conservation Quantified Measures

- *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.*

Water and Wastewater Non-Quantified Measures

- *WW-3 – Bay Friendly Landscaping: Require new development to use native plants or other*

(Source: Town of Los Gatos, 2011. *Initial Study*, 258 Union Avenue, Los Gatos, California, Conditional Use Permit Application U-13-012, Negative Declaration ND-13-002. November.)

appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org.

A GreenPoint Rated Checklist was completed for the project. The checklist was created and currently administered by a third party non-profit organization with the mission of promoting healthy and energy and resource efficient buildings in California. The checklist tracks green building features in the following categories, Community, Energy, Indoor Air Quality/Health, Resources, and Water. For a new single family home a minimum number of 50 points must be achieved including a certain minimum number of points for each category. The proposed project scored 70 points and met all of the category minimums. A copy of the checklist is included as Attachment 3 and is on file at the Los Gatos Community Development Department.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8a – 8g. Transport, Use, or Disposal of Hazardous Materials, Release of or Exposure to Hazardous Materials, Hazardous Emissions or Use of Extremely Hazardous Materials within ¼-mile of a School, Airports/Airstrips, Emergency Plans, Wildland Fire Hazards

The project site is not included on any Hazardous Wastes and Substances Sites List.¹³ No significant public health risks are anticipated since the project site is undeveloped. There are no known previous uses on the site that would pose the potential for public health risks or presence of contaminants at the site. The proposed project would be developed as a single-family residential development and is not expected to transport, use, or dispose of significant amounts of hazardous materials. Once the proposed project is constructed, hazardous materials would be limited to those associated with property maintenance and residential operations. These include household common fertilizers, pesticides, paint, solvent, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. Potential impacts associated with the proposed project are, therefore, considered less than significant.

Any future school developed within the surrounding area would be subject to the oversight of the California Department of Toxic Substances Control, as required by State law. There are no airport-related facilities in the existing Town limits. No impact would occur in regards to an airport safety hazard for people residing and working in the project area since no such facilities exist within the project vicinity.

The proposed project would not impair or physically interfere with an adopted emergency response or evacuation plan because the project does not include any actions that would interfere with emergency response and evacuation plan policies adopted by the Town or other emergency agency responsible for emergency preparedness. Furthermore, primary access to all major roads would be maintained during construction of the proposed project. Therefore, no associated impacts would occur.

The proposed project would not expose people or structures to a risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The proposed project is located in an urban area, surrounded by existing development including mostly irrigated vegetation. There is only a limited fire threat to the project site and the proposed project would not increase the risk of wildland fires. Therefore, the project would have no impact on increasing wildland fire risk.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hydrology and Water Quality - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹³ Town of Los Gatos Development Application Supplement, Hazardous Wastes and Substances Statement for 339 Bella Vista Avenue (APN 529-23-015), Los Gatos, May 11, 2006.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
341 BELLA VISTA AVENUE

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9a – 9j. Water Quality, Groundwater Resources, Drainage, Flood Hazards

Storm Drainage. According to the Erosion Control Plan prepared for the proposed project, potential water quality impacts could include short-term construction-related erosion/sedimentation and long-term operational stormwater discharge. If not managed properly, grading and construction activities could cause soils and other pollutants to enter the storm drain system. During heavy rains, this may degrade stormwater quality at downstream locations. To minimize water quality impacts associated with the proposed project, construction activities would be required to comply with a Storm Water Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). Additionally, the proposed project would also implement at least one of six stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the Town's Municipal Regional Permit (MRP) Section C.3.iii.

At present, the 0.23-acre project site is undeveloped. The proposed residence would result in development of 3,083 s.f. of impervious surfaces (building, driveway, and porch), covering 30.4 percent of the site. Such a small increase in extent of impervious surfaces would not be expected to result in a significant change in downstream peak surface flows or runoff volumes from the project site.

Runoff from the roof of the proposed residence and garage would collect in gutters and discharge via downspouts to splashblocks at the base of the residence. All surface flows would be directed away from buildings into drainage swales, storm drain inlets, and drainage systems. Project drainage plans indicate that overland flows would collect in six storm drain inlets around the residence. Six-inch PVC drain pipe

on the north side of the site would convey accumulated drainage flows westward to detention trench consisting of a shallow gravel basin on the lower hillside of project site for on-site percolation. An overflow pumpwell would pump any excess accumulated runoff flows to an energy reduction box on Bella Vista Avenue for discharge by overland flow on the street.

This storm drainage methodology is consistent with requirements on similar properties and proposes to direct drainage to public facilities and limit impact on adjacent properties. Although runoff from the proposed residence would be collected in a pipe system, storm flows would be discharged slowly into subsoils through the use of on-site infiltration areas, protecting surface water quality. Design and sizing of on-site percolation areas would be subject to review and approval by the Town, and such approval would reduce the potential for downstream flooding and erosion hazards. To ensure that the erosion control features are in place prior to any ground disturbance and prior to any significant rainfall mitigation has been required to reduce potential impacts to less than significant.

Groundwater. The proposed project would be supplied with water from the San Jose Water Company and does not propose to use any groundwater. For this reason the proposed project would not use any groundwater resources or lower the local groundwater table. The project would incrementally increase the amount of impervious area on the project site. Therefore, the project would not impact groundwater recharge, impacts would be considered less than significant.

Drainage Patterns. The proposed project would not substantially alter the existing drainage patterns of the site or vicinity. The site does not include any streams or rivers, which could be altered by the proposed project resulting in substantial erosion and siltation on- or offsite. Six-inch PVC drain pipe on the north side of the site would convey accumulated drainage flows westward to detention trench consisting of a shallow gravel basin on the lower hillside of the project site for on-site percolation. Because the proposed project would not alter any existing streams or drainage patterns, and surface water runoff is controlled onsite, the project would have no impact on existing drainage patterns.

Flood Hazards. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Santa Clara Valley Water District's Maps of flood control facilities and limits of one percent flooding as well as the Town of Los Gatos Safety Element Flood Plain maps show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts would be anticipated.

Water Quality. New, more stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay. Evidence includes violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories.

These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. R2-2009-0074 of the NPDES permit program. However, single-family home projects that are not a part of a larger plan of development are not considered Regulated Projects per the provisions of C.3.¹⁴ Therefore potential impacts are considered less than significant.

Inundation. The proposed project is not located in close proximity to an area subject to flooding due to tsunamis or seiches resulting in levee failure, and would not be subject to mudflows as a result of a seiche because the project is approximately 1 mile west of the Vasona Reservoir and approximately 20 feet

¹⁴ C.3.b.ii (2) Other Development Projects.

higher in elevation. Additionally, due to the flat topography of the areas surrounding the project site, mudflows are not anticipated. As a result, the no impact would occur from inundation.

Mitigation Measures – Hydrology and Water Quality (HWQ)

The following measure shall be required to ensure temporary erosion control measures are installed during construction:

MM HWQ-1: Construction Erosion Control Measures.

Prior to the issuance of grading permits or improvement plans in lieu of grading permits, the applicant shall:

Demonstrate to the satisfaction of the Town Engineer that the project’s stormwater quality control measures, including the erosion control features described in the project’s final Erosion Control Plan have been incorporated into the project design.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Land Use and Planning - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10a – 10c. Divide an Established Community, Project Consistency with Land Use Plans and Policies, Conflict with Habitat Conservation or Natural Community Conservation Plans

The proposed project is consistent with the existing General Plan designation of “Medium Density Residential, 5 - 12 units per acre.” This designation allows for residential uses at densities of up to 12 units per acre. The proposed residence would be developed on a 0.23-acre site, which would be within allowable densities. The minimum lot size in the R-1:8 zone is 8,000 square feet for each dwelling unit, and the proposed project would be located on a 10,155 square-foot lot.

The project site is located adjacent to residential uses. Access is from Bella Vista Avenue and the project parcel is a residential lot that is undeveloped, located adjacent to developed residential properties to the west and east. The proposed single-family residential use would be consistent with existing adjacent and nearby single-family residential uses on Bella Vista Avenue.

The Los Gatos General Plan does not identify any habitat conservation plans or natural community conservation plans that apply to the project site.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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11. Mineral Resources - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

11a, 11b. Mineral Resources

The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. Noise - Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

12a. Noise Compatibility of Proposed Uses

The project site's noise environment at the project site can be characterized as a quiet, rural noise environment with no major noise sources. Therefore, noise compatibility would not be an issue (no impact).

12b. Groundborne Noise and Vibration

Since construction of project facilities would not involve the use of impact equipment (i.e. pile drivers) or extensive construction of subsurface facilities (i.e. tunnels), generation of substantial construction-related groundborne vibration and noise levels would not occur. The closest residences are located approximately

45 feet or more feet away, construction-related vibration from operation of construction equipment is not expected to cause any cosmetic or architectural damage to any adjacent structures. Therefore, potential groundborne noise and vibration generated by project-related construction activities would be less than significant.

12c. Long-term Noise Increases

Long-term noise increases associated with the proposed single-family residence would result from increased traffic along local roadways and residential activities on the project site (i.e., operation of appliances and maintenance equipment such as lawnmowers, blowers, etc.). Traffic increases associated with the project would be minor and would not significantly or measurably increase ambient noise levels in the project vicinity. Noise generated by project residential activities would be similar to noise generated by adjacent or nearby residences and would not conflict with the existing residential noise environment in the neighborhood. Therefore, long-term noise increases associated with project implementation would be less than significant.

12d. Short-Term Noise Increases

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet. Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 82 to 90 dBA at 25 feet for most types of construction equipment, and slightly higher levels of about 94 to 97 dBA at 25 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced to 80 to 85 dBA at 25 feet, depending on the type of equipment. With controls, construction noise levels could be made to comply with the Town Noise Ordinance.

Residential uses are generally considered to be noise-sensitive uses or sensitive receptors. The closest single-family home is approximately 45 feet to the east and at this distance, the ordinance noise limit (85 dBA at 25 feet) would result in maximum noise levels of up to 79 dBA at this residence. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA.¹⁵ To maintain such interior noise levels, exterior noise levels at the closest residence (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold. Therefore, even with compliance with the Noise Ordinance limit of 85 dBA at 25 feet, construction noise levels could result in periodic speech interference effects when heavy equipment is operated within the project site or on Bella Vista Avenue. Due to the small size of this project and limited duration of construction, this temporary impact is considered to be less than significant with enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance.

12e. Airport-Related Issues

The project site is not located within an airport land use plan. There is no public airport, public use airport, or private airstrip located within the Town's boundaries or within two miles of the project site. For air travel, the closest international airports are San Jose International Airport (SJC), San Francisco International Airport (SFO), and Oakland International Airport. The proposed project would not expose

¹⁵ In indoor noise environments, the highest noise level that permits relaxed conversation with 100 percent intelligibility throughout the room is 45 dBA. Speech interference is considered to become intolerable when normal conversation is precluded at 3 feet, which occurs when background noise levels exceed 60 dBA (U.S. Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (Condensed Version)*, 1974).

people residing or working in the area to excessive airport-related noise levels. Therefore, there would be no impact.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Population and Housing - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13a – 13c. Growth-Inducement Impacts and Displacement of Housing or Residents

The proposed project would consist of one single-family residence on two parcels. Since the Town will require consolidation of these two lots into one as a condition of project approval, the project would incrementally decrease (by one unit) the Town’s future housing supply and population. With such a small project and decrease of one future housing unit, the project would not result in intensification of residential uses or significantly increase local or regional population. Since the project would not extend new roadways or utilities to any adjacent undeveloped lands, the project would not induce new growth. The project site is currently undeveloped and no existing housing units would be displaced by the project.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Public Services -				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14a. Public Services

Services are currently provided to residential uses surrounding the project site. The Los Gatos Monte Sereno Police Department and the Santa Clara County Fire Department provide emergency and public safety services in the project area. The project would not significantly increase demand for public services since this is an in-fill development and services are already provided to the surrounding area.

The Santa Clara County Fire Department provides fire protection services to the project area. The Department has reviewed the proposed project only with respect to site access and water supply as they pertain to fire department operations. The Department will require that the proposed residence be equipped with an automatic residential fire sprinkler system.¹⁶ The proposed residence also would be subject to formal plan review by the Department requirements and will be required to comply with adopted model codes as well as water supply and construction site fire safety requirements.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Recreation -				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

15a, 15b. Demand for Recreational Facilities and Impacts Related to Construction of Recreational Facilities

The proposed addition of one residential unit would incrementally add new population to the area, and thereby increase the demand for recreational services. This incremental increase would be less than significant given the small size of the project.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Transportation/Traffic - Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹⁶ Santa Clara County Fire Department, 2013. Development Review Comments, 341 Bella Vista Avenue. Plan Review Number 13 2416. September 25.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16a, b, c, f. Impacts on the Circulation System and Conflicts with Congestion Management Program, Air Traffic Patterns, Conflicts with Alternative Transportation (Pedestrian, Bicycle, and Transit Access)

The Town’s Traffic Impact Policy (Resolution 2014-59)¹⁷ specifies that a project with a traffic impact of 19 or less additional AM or PM peak hour trips does not require a comprehensive traffic report. The proposed single-family residence would result in a net increase of 10 trips per day, with 1 trip occurring during the AM peak hour and 1 trip occurring during the PM peak hour. According to the Town’s traffic determination, traffic generated by the proposed project would represent a minor impact on the circulation system and would not conflict with the Congestion Management Program. No additional traffic studies would be required by the Town. However, the project would be subject to payment of a traffic mitigation fee in accordance with the Traffic Impact Policy.

The project site is not located in the vicinity of an airport and the project would not affect air traffic levels or cause any safety risks associated with air traffic patterns.

At present, there are sidewalks on both sides of Los Gatos Boulevard and a discontinuous sidewalk on the east side of Bella Vista Avenue to the north and south of the site, but none in the immediate project vicinity. Currently, there are bike lanes along Los Gatos Boulevard in the project vicinity, but none along Bella Vista Avenue. Bus Line 49 runs along Los Gatos Boulevard in the vicinity of the project site. The nearest bus stop for Line 49 is located on Los Gatos Boulevard at Caldwell Avenue, about ¼ mile from the project site. Given the project’s small size, the project would have no significant impact on or conflict with alternative transportation modes.

16d. Traffic Safety Hazards

Construction. To accommodate the proposed house and driveway, a net total 692 cubic yards (c.y.) would be excavated and hauled from the site. Export of 692 c.y. of material off-site could generate up to 58 truckloads or a total of 116 one-way truck trips (assuming 12 c.y. per haul truck). Since the Town will prohibit haul truck operations on local roads between 7 a.m. and 9 a.m. as well as 4 p.m. and 6 p.m., trucks operations would occur 6.5 to 7 hours per day. However, the limiting factor in the number of daily haul trips would be determined by the rate that small bobcats working on-site could transport the excavated material up to haul trucks located on Bella Vista Avenue. Shovel capacity of bobcats range from 0.16 to 0.34 c.y. and assuming two bobcats could complete 1 round trip every 7 minutes (17 loads per hour with two bobcats), approximately 1 truck could be filled every 2 to 4 hours, resulting in up to 3

¹⁷ <http://www.losgatosca.gov/DocumentCenter/View/857>

to 4 truckloads or up to 6 to 8 truck trips per day over a period of approximately 4 weeks. The duration would vary depending on whether hourly truck volumes were ultimately lower or higher.

As a condition of project approval, the project applicant will be required to work with the Engineering Division of the Parks and Public Works Department to devise a traffic control plan for incorporation into the construction bid documents (specifications) to ensure safe and efficient traffic flow during periods when soil is hauled off the project site. The plan shall include, but not be limited to, the following measures:

- Hauling and delivery activities and designated truck routes shall be strategically selected, timed and coordinated to minimize traffic disruption to schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
- Flag persons shall be placed at locations as necessary. All flag persons shall have the capability of communicating with each other to coordinate the operation.
- Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
- Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.).

With implementation of this condition of approval, potential safety hazards during project construction would be less than significant.

Operation.

No traffic safety hazards have been identified as a result of the project. However, to ensure that the proposed driveway has adequate horizontal stopping sight distance once it has been constructed, mitigation is required to demonstrate that adequate sight distance is available for cars entering and existing the proposed driveway as well as cars on Bella Vista Avenue. Potential impacts are considered less than significant with the implementation of mitigation for adequate sight distance.

16e. Emergency Access

The project site is presently accessible from Bella Vista Avenue. With access available from the south (via Charles Street or Simon Way) and north (via Caldwell Avenue), there is currently adequate emergency access and the proposed project would have no impact on emergency access.

Mitigation Measures – Transportation and Traffic (TR)

The following measure shall be required to ensure adequate sight distance from the project driveway:

MM TR-1: Horizontal stopping sight distance.

Prior to the issuance of a building permit, the applicant shall:

Demonstrate to the satisfaction of the Town Engineer that adequate horizontal stopping sight distance exists for the project driveway in each direction on Bella Vista Avenue. The applicant shall prepare an exhibit that has been stamped by a registered engineer or a professional land surveyor stating that adequate sight distance is provided. The horizontal stopping sight distance requirements shall be consistent with the Caltrans Highway Design Manual as specified in the Town's Street Design Standards.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
 341 BELLA VISTA AVENUE

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Utilities and Service Systems – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Utilities are currently provided to adjacent residential uses. While some utility extensions may be required onto the site, no major off-site utility improvements would be expected to be required for project development since this is an in-fill development and involves development of one residence on two existing parcels.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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18. Mandatory Findings of Significance -

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

18a, 18c. Significant Impacts on the Natural and Man-Made Environments

The potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in the respective sections (Sections 4 and 5) of this checklist. In addition to project specific impacts, this evaluation considered the project's potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that are affected or associated with this project.

The potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections 1. Aesthetics, 3. Air Quality, 6. Geology and Soils, 8. Hazards and Hazardous Materials, 9. Hydrology and Water Quality, 12. Noise, 13. Population and Housing, and 16. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project.

Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

18b. Cumulative Impacts

No cumulative impacts resulting from the proposed development of one single family residence in combination of future remodels/additions to existing residences allowed by the Town's General Plan and Municipal Code requirements have been identified. As such, the project's contribution to cumulative effects would be less than cumulatively considerable. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

REFERENCES

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REPORT PREPARATION

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Town Consultants

Kimley-Horn and Associates – Initial Study Preparation

AMEC Environment & Infrastructure – Geotechnical Peer Review

Debbie Ellis – Arborist Peer Review

Eisenberg, Olivieri & Associates – Stormwater Management Peer Review

Applicant's Technical Consultants

The applicant retained the following consultants to complete technical studies that were peer reviewed by Town consultants and included in this report:

Geotechnical Report

Jennifer Buckley, Project Geologist, UPP Technology

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
341 BELLA VISTA AVENUE

ATTACHMENT 1
ARBORIST REPORT –
PROVIDED ELECTRONICALLY UNDER SEPARATE COVER

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
341 BELLA VISTA AVENUE

ATTACHMENT 2

GEOLOGICAL AND GEOTECHNICAL STUDY –

PROVIDED ELECTRONICALLY UNDER SEPARATE COVER

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
341 BELLA VISTA AVENUE

ATTACHMENT 3
GREENPOINT NEW HOME RATING SYSTEM
PROVIDED ELECTRONICALLY UNDER SEPARATE COVER

