



Planning for Success.

DRAFT
ENVIRONMENTAL IMPACT REPORT

401 – 409 ALBERTO WAY

State Clearinghouse # 2015122041

PREPARED FOR

Town of Los Gatos

April 20, 2016

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401 – 409 ALBERTO WAY

Draft Environmental Impact Report

State Clearinghouse # 2015122041

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SUMMARY

CEQA REQUIREMENTS

CEQA Guidelines section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. The summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

PROPOSED PROJECT

Location and Setting

The project site is an approximately 2.15-acre parcel located at 401 – 409 Alberto Way on the northwest corner of Los Gatos – Saratoga Road and Alberto Way in the Town of Los Gatos in Santa Clara County (Assessor’s Parcel No. 529-23-018). Alberto Way is a two-lane dead-end street that parallels State Route 17 and also serves as the easternmost boundary of the project site. The westerly rear of the site is bordered by a wooded strip of land and the on-ramp to northbound State Route 17. Access to the project site is provided via three driveways on Alberto Way. A multi-family residential development is located north of the project site. Multi-family housing, professional offices, and a hotel are located to the east, across Alberto Way. Los Gatos – Saratoga Road is located to the south of the project site.

Project Description

The proposed project is the redevelopment of the project site, with demolition of existing 31,000 square-foot buildings and the development of two new, steel frame, two-story buildings totaling 91,965 square feet over a two-level, below-grade parking garage. Site improvements will include

an onsite employee amenity area, visitor parking, new landscaping, and a variety of energy efficient and/or sustainable interior and exterior building elements. The proposed project would result in an increase of approximately 60,965 square feet of commercial square footage on the project site.

The proposed project would install 390 vehicle parking spaces on the site, compliant with the Town's Municipal Code. The majority of the parking spaces, 383, would be located in the site's proposed below-grade, 156,200 square-foot parking facility. Five standard parking spaces, one accessible parking space, and one van accessible parking space would be provided at grade. The proposed project also would include 20 short-term bicycle parking spaces and 20 long-term bicycle parking spaces. Access from Alberto Way would be consolidated to two driveways.

The proposed land coverage would be 49.6 percent of the site and the maximum height would be 35 feet, both of which are consistent with the General Plan land use and zoning designation for the site which allows up to 50 percent land coverage and a 35-foot height limit.

Planning Designations

The Town of Los Gatos General Plan (General Plan) land use element identifies the project site as Mixed-Use Commercial. Areas designed as Medium Density Residential are located north and east of the project site and areas designated as Mixed-Use Commercial are located east and south of the project site. West of the project site is not designated for a land use as it is roadway associated with State Route 17. The project site is zoned CH – Restricted Commercial Highway by the Town's Municipal Code.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This draft EIR identifies significant or potentially significant environmental impacts in several areas as identified below. The impacts are presented in a summarized format in Table S-1, with the full text of the mitigation measure. The full text of the environmental setting, project analysis, and impacts and the mitigation measures can be found in Section 3.0 Environmental Setting, Impacts, and Mitigation Measures.

Table S-1 Significant Impacts and Mitigation Measure Summary

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Air Quality	Potential Air Pollutant Emissions	AQ-1	Final plans for the proposed buildings on the site shall be amended to include a requirement for low NO _x heating systems to be installed in new buildings on the site.	Less than significant
Air Quality	Potential Air Pollutant Emissions	AQ-2	Final plans shall be amended to include a requirement for the installation of at least four electric charging stations prior to occupancy, with parking restricted to electric or plug-in hybrid vehicles, and at least one handicapped space shall be provided with access to a charging station.	Less than significant
Air Quality	Pollutant Concentrations at Sensitive Receptors	AQ-3	The project contractor shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The project contractor shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Biology	Construction Impacts on Nesting Birds	BIO-1	If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds.	Less than significant
Cultural Resources	Adverse Change to Archaeological Resources	CR-1	Prior to the issuance of a grading permit for the proposed project, the project's grading plan will indicate the requirement for a qualified archaeologist to be present at all times during grading and excavation activities on the project site. If archaeological resources are uncovered, work will not continue until the resources have been removed and/or recorded.	Less than significant
Cultural Resources	Potentially Disturb Human Remains	CR-2	If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Geology & Soils	Effects of Seismic Activity; Soil Instability; and Expansive Soils on Project Site	GEO-1	Prior to the approval of building permits for the project site, the applicant shall be responsible for demonstrating to the approval of the Building Official that proposed design plans are in conformance with all current California Building Code standards and that all design measures and site preparation recommendations as suggested in the project’s geotechnical exploration report prepared by ENGEO (2015) have been incorporated into the project’s final design.	Less than significant
Hazards & Hazardous Materials	Release of Hazardous Materials into the Environment	HAZ-1	Prior to any demolition activities on the project site, an asbestos and lead-based paint survey shall be performed to determine if any additional waste removal activities would be required.	Less than significant
Transportation & Traffic	Contribute to Traffic at a Project Level	T-1	Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to implement improvements for the restriping of Alberto Way to include a dedicated right-turn lane and a shared left-through lane.	Less than significant
Transportation & Traffic	Increase Hazards Due to Design Features – Bicycles and Pedestrians	T-2	Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to implement improvements to provide a bike box on Alberto Way	Less than significant

SUMMARY

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
			at the intersection with Los Gatos-Saratoga Road, as well as the detached sidewalks with a landscape buffer on Alberto Way along the project site frontage, and on the north side of Los Gatos-Saratoga Road between Alberto Way and the SR 17 northbound on-ramp.	
Transportation & Traffic	Increase Hazards Due to Design Features –Site Access and Sight Distance	T-3	Parking on southbound Alberto Way between the two proposed driveways on the project’s Alberto Way shall be prohibited to ensure sight distance is not obscured existing vehicles.	Less than significant

Source: EMC Planning Group Inc. 2016

Significant Project Impacts

Project-level significant impacts are anticipated in the following areas:

- Air Quality (air pollutant emissions);
- Cultural Resources (change to archeological resources, disturbance of human remains);
- Geology and Soils (exposure to seismic activity, expansive soils);
- Hazards (release of hazardous materials into the environment); and
- Traffic (conflicts with applicable plans and policies for circulation, hazards due to design features).

SIGNIFICANT CUMULATIVE EFFECTS

Significant cumulative impacts are anticipated in the following areas:

- Traffic (Contribute Traffic Resulting in Conflicts with Applicable Plans and Policies Establishing Measures of Effectives for the Performance of the Circulation System at a Cumulative Level)

SIGNIFICANT UNAVOIDABLE IMPACTS

No significant and unavoidable impacts would result from the proposed project.

GROWTH INDUCING EFFECTS

The proposed project would not be population-inducing and would be consistent with General Plan and zoning designations for the site. Therefore, the project would not have growth inducing effects.

AREAS OF CONTROVERSY

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. Although the lead

agency is not aware of any controversial issues, potential issues were raised by other agencies and members of the public during the project's NOP process. Letters are included in Appendix A, Notice of Preparation and Responses.

SUMMARY OF ALTERNATIVES

Project alternatives are presented, discussed, analyzed, and compared in Section 6, Alternatives.

The following project alternatives were analyzed:

- Alternative 1: No Project (Option 1: No new development “No Project/No New Development,” Option 2: New development limited to existing commercial square footage “No Project/Existing Square Footage); and
- Alternative 2: Reduced Project.

No Project Alternative

The “No Project” alternative assumes there would be no increase in the existing commercial square footage of on the site. Either existing office buildings or newly constructed buildings on the site would operate based on the current square footage of existing commercial space on the site at 31,000 square feet. This alternative considers two options: no new development on the site, and new development limited to existing commercial square footage on the site.

The No Project/Existing Square Footage alternative option assumes that existing buildings on the site would be demolished. However, this alternative option also assumes that with a square footage reduction to existing commercial square footage on the site, the excavation and construction for an underground parking facility would not be feasible.

Reduced Project Alternative

The “Reduced Project” alternative assumes the demolition of existing buildings and paved areas on the site and the redevelopment of the site with new commercial development, similar to proposed site development by the proposed project. However, this alternative considers a reduction of total development of commercial square footage by approximately one-third of the proposed project's increased commercial square footage for the site. Therefore, instead of an increase of approximately 61,800 square feet of commercial square footage on the project site, increased commercial square footage on the site would be 43,260 square feet. The total commercial square footage for the site would then be 74,260 square feet, instead of 92,800

square feet as proposed by the project. This alternative assumes construction of underground parking (more likely one level) would remain feasible for the site design.

Comparison of Alternatives

The alternatives are summarized and compared in a matrix format in [Table S.2, Project Alternatives Summary](#). Impacts are considered to be less (-), similar (=), or greater (+) when compared to impacts associated with the proposed project.

Environmentally Superior Alternative

As displayed in [Table S.2, Project Alternatives Summary](#), the No Project/No New Development alternative option would have the least amount of potential adverse environmental impacts compared to the No Project/Existing Square Footage alternative option, the Reduced Project alternative, and the proposed project. However, the No Project/No New Development alternative would meet none of the objectives of the proposed project. Additionally, when the No Project alternative is the environmentally superior alternative, CEQA Guidelines requires the identification of the next superior alternative.

The No Project/Existing Square Footage alternative would result in less potential environmental impacts than the proposed project. However, this alternative would not avoid any significant impacts associated with the proposed project, as no significant unavoidable impacts have been identified for the proposed project. The No Project/Existing Square Footage alternative would conceivably meet a portion of the objectives of the proposed project.

The Reduced Project alternative would result in more potential environmental impacts than the No Project/Existing Square Footage alternative, based on an overall increase in total commercial square footage for the site, but fewer than the proposed project. Additionally, this alternative assumes the construction of underground parking would also be feasible, resulting in increased potential for adverse environmental impacts that are associated with excavation, but potentially reduced effects for aesthetics. This alternative would not avoid any significant impacts associated with the proposed project, as no significant unavoidable impacts have been identified for the proposed project. The Reduced Project alternative would conceivably meet the majority of the objectives of the proposed project, more so than the No Project/Existing Square Footage alternative, as the increased total square footage on the site of 43,260 square feet would allow more flexibility in site design plans and allow the proposed project to retain a majority of its proposed design features.

Although no alternatives to the proposed project, nor the proposed project itself, would result in significant and unavoidable adverse environmental impacts, the environmentally superior

alternative would be the No Project/No New Development alternative. However, this alternative would not meet the objectives of the proposed project. The No Project/Existing Square Footage alternative would have the next smallest potential for adverse environmental impacts; however, this alternative would only partially achieve the proposed project's objectives and would restrict site design. The Reduced Project alternative would have reduced levels of potential adverse environmental impacts compared to the proposed project based on a percentage reduction in size for maximum site development. The Reduced Project alternative also would conceivably be able to meet a majority of, if not all, proposed project objectives.

Table S-2 Project Alternatives Summary

Environmental Topic	No Project/No New Development on Site	No Project/Existing Square Footage	Reduced Project
Aesthetics	-	-	-/=
Air Quality	-	-	-/=
Biological Resources	-	-	-/=
Cultural Resources	-	-	-/=
Geology & Soils	-	-	-/=
Greenhouse Gas Emissions	-	-	-/=
Hazards and Hazardous Materials	-	-	-/=
Hydrology and Water Quality	-	-	-/=
Noise	-	-	-/=
Public Services	-	-	-/=
Transportation and Traffic	-	-	-/=
Utilities	-	-	-/=
Project Objectives	-	-/=	=

Source: EMC Planning Group 2016

Note: (-) less, (=) similar, (+) greater

I.0 INTRODUCTION

I.1 ORGANIZATION OF THE REPORT

This environmental impact report (“EIR”) is organized into the following sections:

Summary

The summary, presented earlier, provides a brief summary of the proposed actions, significant environmental effects with proposed mitigation measures and alternatives, areas of controversy known to the lead agency, and issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects.

1.0 Introduction

The introduction presents the organization of this draft EIR, purpose of preparing the report, standards used in the environmental analysis, the notice of preparation, and terminology used in the draft EIR.

2.0 Project Description

The project description presents the location of the project site, a statement of objectives sought by the project applicant, a general description of the project’s technical, economic, and environmental characteristics, and a description of the intended uses of the EIR.

3.0 Environmental Effects

Environmental effects presents the local and regional setting as applicable to each environmental topic area addressed, analysis of the environmental effects of the proposed project, and mitigation measures to avoid or reduce environmental effects. Topics addressed in detail in this EIR are aesthetics; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise; public services; traffic; and utilities. Effects for agricultural resources; land use and planning; population, housing, and growth inducement; mineral resources; and, recreations were not found to be significant, and are addressed briefly at the end of this section.

4.0 Cumulative Impacts

This section presents the cumulative project scenario and evaluates whether the proposed project's contribution to cumulative impacts is considerable.

5.0 Alternatives

The alternatives section presents the environmental effects of variations of the proposed project or alternatives to the proposed project.

6.0 Documentation

This final section provides the sources referenced in the EIR, a list of persons contacted, and a list of report preparers.

1.2 PURPOSE AND STANDARDS

Authorization and Purpose

EIRs are authorized by Public Resources Code Section 21000 et seq., which establishes CEQA. CEQA was passed by the California legislature in 1970 to establish protocols for environmental review of proposed projects, and has been amended numerous times since. The Office of Planning and Research developed the CEQA Guidelines to assist in implementing CEQA. The Town of Los Gatos (Town) is the lead agency for this EIR.

In accordance with CEQA Guidelines Section 15050, if a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR,

and is referred to as the lead agency. The lead agency is typically the agency that will carry out the project or that has the greatest responsibility for supervising or approving the project.

Preparation Standards and Methods

An EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR has been prepared by EMC Planning Group (hereinafter "consultant") under contract to the lead agency in accordance with CEQA and its implementing guidelines, as those were in effect at the time the EIR was released for public review. This EIR has been prepared using available information from private and public sources noted herein, as well as information generated by the consultant through field investigation. This EIR will be used to inform public decision-makers and their constituents of the environmental impacts of the proposed project.

This EIR describes and evaluates the existing environmental setting of the project site and surrounding areas, discusses the characteristics of the proposed project, identifies environmental impacts associated with the proposed project, and provides feasible mitigation measures that can be implemented to reduce or avoid identified adverse environmental impacts. This EIR also evaluates reasonable alternatives to the proposed project.

If an EIR identifies a significant adverse impact, the lead agency may approve the project only if it finds that mitigation measures have been required to reduce the impact's significance, or that such mitigation is infeasible for specified social, economic, and/or other reasons (Public Resources Code section 21081). The lead agency may not omit from the project conditions a mitigation measure associated with a project impact identified in the EIR as significant, unless it makes specific findings regarding the omission.

This EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this EIR do not advocate a position "for" or "against" the proposed project. Instead, this EIR provides information on which decisions about the proposed project can be based. The EIR has been prepared according to the professional standards and practices of the EIR participants' individual disciplines and in conformance with the legal requirements and informational expectations of CEQA and its implementing guidelines.

I.3 CEQA PROCESS

Notice of Preparation

CEQA Guidelines section 15375 requires the lead agency to prepare a notice of preparation (NOP) to solicit agencies' input on the scope of the EIR. An NOP is described as:

...a brief notice sent by the lead agency to notify the responsible agencies, trustee agencies, and involved federal agencies that the lead agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

The lead agency has determined that the proposed project may result in significant adverse environmental effects, as defined by CEQA Guidelines section 15064. Therefore, the lead agency has had this EIR prepared to evaluate the potentially significant adverse environmental impacts of the proposed project.

Based upon the decision to prepare an EIR, the lead agency prepared and distributed an NOP for a 30-day comment period from Monday, December 14, 2015 to Friday, January 15, 2016 in accordance with CEQA Guidelines section 15082.

The NOP and responses to the NOP received from responsible agencies are contained in [Appendix A](#).

Public Review and Project Consideration

The EIR will be available for public comment during a 45-day review period. The Town will formally respond to comments prior to consideration during hearings by the Planning Commission and Town Council.

I.4 TERMINOLOGY

Characterization of Impacts

This EIR uses the following terminology to denote the significance of environmental impacts:

- “No impact” means that no change from existing conditions is expected to occur;
- A “less-than-significant impact” is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required;

- A “significant impact” or “potentially significant impact” would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required;
- A “less-than-significant impact with implementation of mitigation measures” means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented;
- A “significant and unavoidable impact” would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less than significant levels; and
- A “beneficial impact” is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

Abbreviations and Acronyms

AB	Assembly Bill
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AFY	Acre Feet per Year
APN	Assessor’s Parcel Number
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
BPM	Best Management Practices
C ₂ F ₆	Hexafluoroethane
Caltrans	California Department of Transportation
CalEEMod	California Emissions Estimator Model
CalFire	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CARB	California Air Resources Board
CEQA	California Environmental Quality Act

1.0 INTRODUCTION

CF ₄	Tetrafluoromethane
CFC	Chlorofluorocarbon
CH ₄	Methane
CIP	Capital Improvement Plan
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalent
CWA	Clean Water Act
CRHR	California Register of Historical Resources
DTSC	California Department of Toxic Substances Control
GWP	Global Warming Potential
HFC	Hydrofluorocarbon
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FIRM	FEMA Flood Insurance Rate Map
GHG	Greenhouse Gases
LOS	Level of Service
MMT	One Teragram
MMRP	Mitigation Monitoring and Reporting Program
NO	Nitrogen Dioxide
N ₂ O	Nitrous Oxide
NOC	Notice of Completion
NOP	Notice of Preparation

NO _x	Nitrogen Oxides
NRHP	National Register of Historical Places
O ₃	Ozone
PFC	Perfluorocarbon
PG&E	Pacific Gas & Electric Company
PM _{2.5}	Fine Particulate Matter 2.5 micrometers or less
PM ₁₀	Particulate Matter 10 microns or less
ppm	Parts per Million
PUD	Planned Unit Development
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF ₆	Sulfur hexafluoride
SO ₂	Sulfur Dioxide
SOI	Sphere of Influence
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Survey

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PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

Location

The project site is an approximately 2.15-acre parcel located at 401 – 409 Alberto Way on the northwest corner of Los Gatos – Saratoga Road and Alberto Way in the Town of Los Gatos in Santa Clara County (Assessor’s Parcel No. 529-23-018). Alberto Way is a two-lane dead-end street that parallels State Route 17 and also serves as the easternmost boundary of the project site. The westerly rear of the site is bordered by a wooded strip of land and the on-ramp to northbound State Route 17. Access to the project site is provided via three driveways on Alberto Way. [Figure 1, Project Location](#), displays the regional location of the project.

Existing Conditions

The project site is developed with three, two-story wood frame multi-tenant office buildings with on-grade parking and daylighted basement areas beneath the buildings. The existing buildings on the site were constructed in the mid-1960s and comprise approximately 31,000 square feet. Existing buildings on the site are 24 to 35 feet in height. Parking is currently provided with paved surface lots. The site is relatively level and areas of landscaping are located throughout the site. [Figure 2, Project Site](#), outlines the existing project site features.

Project Vicinity Existing Conditions

A multi-family residential development is located north of the project site. Multi-family housing, professional offices, and a hotel are located to the east, across Alberto Way. Los Gatos – Saratoga Road is located to the south of the project site and an on-ramp to northbound State Route 17 is located west of the project site.

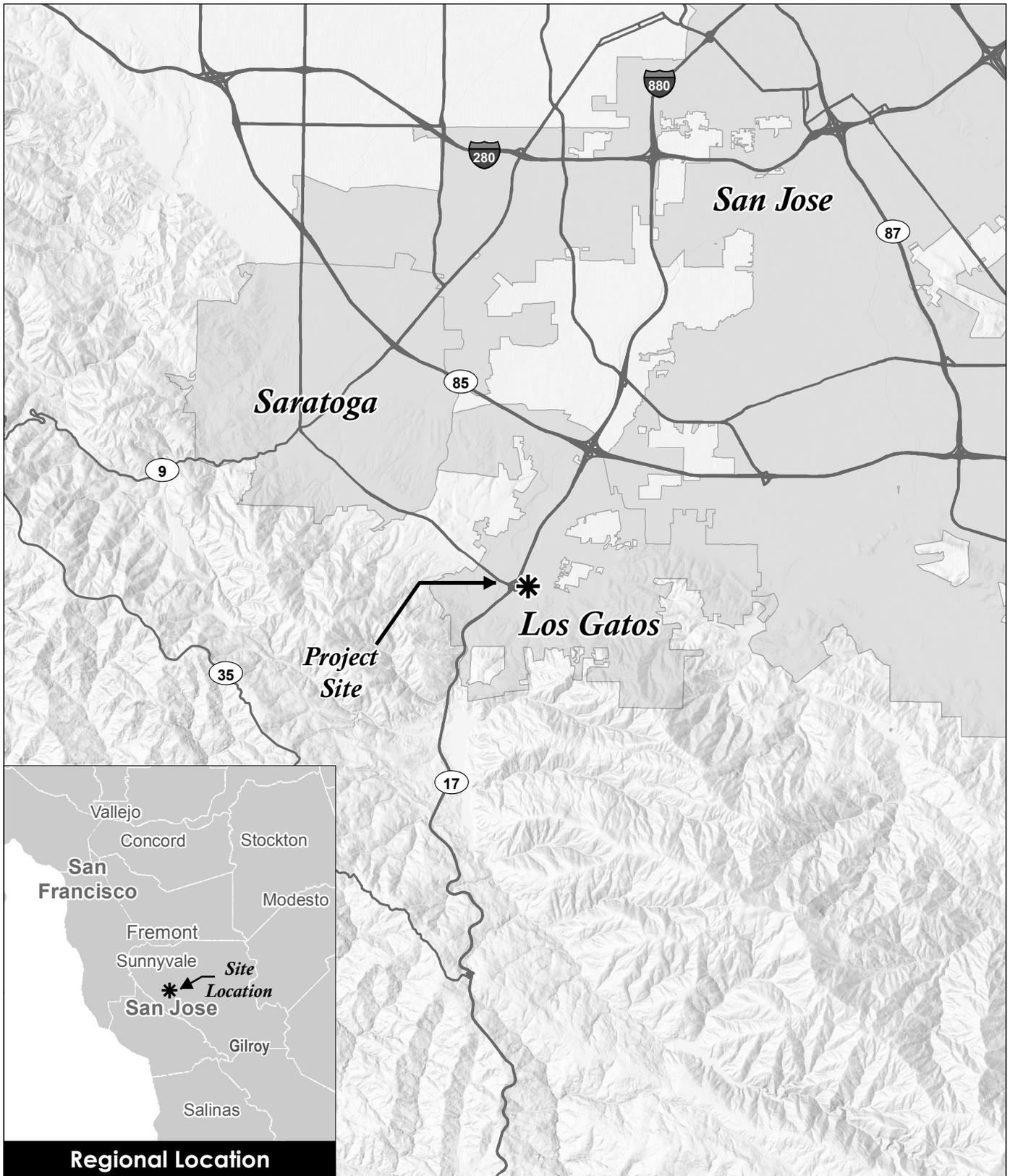
Project Site and Vicinity Planning Designations

The Town of Los Gatos General Plan (General Plan) land use element identifies the project site as Mixed-Use Commercial. Areas designed as Medium Density Residential are located north and east of the project site and areas designated as Mixed-Use Commercial are located east and south of the project site. West of the project site is not designated for a land use as it is right-of-way associated with State Route 17. The project site is zoned CH – Restricted Commercial Highway by the Town’s Municipal Code.

2.2 STATEMENT OF OBJECTIVES

The statement of objectives for the proposed project are as follows:

- Redevelop the site by removing the now obsolete, aging structures and replacing them with new, two-story Class A steel office buildings utilizing energy efficient, recycled and sustainable building materials that meet the standards of Leadership in Energy and Environmental Design (LEED).
- Incorporate high-quality building architecture with design features that both blend with and compliment the aesthetics, scale, architecture, and character of the surrounding land uses.
- Provide a building type that satisfies the needs, desires, and market demand for high-tech office users in Class A office space (e.g. larger floor plates, operationally sustainable/functional buildings, energy efficient systems, and onsite employee amenities).
- Provide for a redeveloped site that fully complies with all applicable General Plan Goals and Policies, as well as applicable standards and guidelines established by the Municipal Code.
- Create an interactive pedestrian oriented space that is attractive to future employees, tenants, and visitors to the site.
- Retain and augment additional planting to the grove of trees along Los Gatos - Saratoga Road and the freeway on-ramp.
- Through redevelopment of the site, create an opportunity for enhanced pedestrian and bicycle connectivity to the existing Town network.
- Utilize building setbacks, landscaping and architectural treatments (materials, colors, and surfaces) to minimize impacts to the surrounding neighborhoods.



Source: Esri 2010

Figure 1

Project Location

401-409 Alberto Way DEIR



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 Project Site

Source: Google Earth 2015



Figure 2
Project Site

401-409 Alberto Way DEIR

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- Redevelop the site to create a net positive fiscal impact to the Town of Los Gatos and the Los Gatos school districts.
- Provide a Transportation Demand Plan to maximize alternative mode splits, reduce dependence on single-occupant vehicles and encourage the use of pedestrian/bicycle/ride-share programs.
- Provide incentives to employees that use public transit by providing the following:
 - 1) subsidize the cost of transit passes (details to be provided when a tenant is secured);
 - 2) make available designated carpool parking and garage area storage for up to 40 bicycles; and
 - 3) provide shower and locker areas for pedestrians and cyclists.

2.3 PROJECT DESCRIPTION

Project Overview

The proposed project is the redevelopment of the project site with demolition of existing site improvements and the development of two new, steel frame, two-story buildings totaling 92,800 square feet over a two-level, below-grade parking garage. Site improvements would include an onsite employee amenity area, visitor parking, new landscaping, and a variety of energy efficient and/or sustainable interior and exterior building elements.

The two proposed new buildings are referred to as Building A and Building B. Building A would have a total building area of 47,800 square feet and Building B would have a total building area of 45,000 square feet, for a total of 92,800 square feet. As the three existing two-story buildings on the project site total approximately 31,000 square feet of building area, the proposed project would result in an increase of approximately 61,800 square feet of commercial square footage on the project site.

Although there are no future tenants for the new buildings identified at the time of preparation of this EIR, the buildings are anticipated to house a variety of professional office uses similar to use of the existing buildings on the site.

The proposed project would install 390 vehicle parking spaces on the site, compliant with the Town's Municipal Code. The majority of the parking spaces, 383, would be located in the proposed below-grade, 156,200 square feet parking facility. Five standard parking spaces, one accessible parking space, and one van accessible parking space would be provided at grade. The

project also would include 20 short-term bicycle parking spaces and 20 long-term bicycle parking spaces.

The proposed land coverage would be 49.6 percent of the site and the maximum height would be 35 feet, both of which are consistent with the General Plan land use and zoning designation for the site which allows up to 50 percent land coverage and a 35-foot height limit.

Site development would require demolition of all existing site improvements. The majority of the project site would be excavated to an estimated depth of approximately 20 feet to accommodate the proposed subterranean parking garage. [Figure 3, Site Plan](#), displays the proposed project.

Proposed Planning Approvals

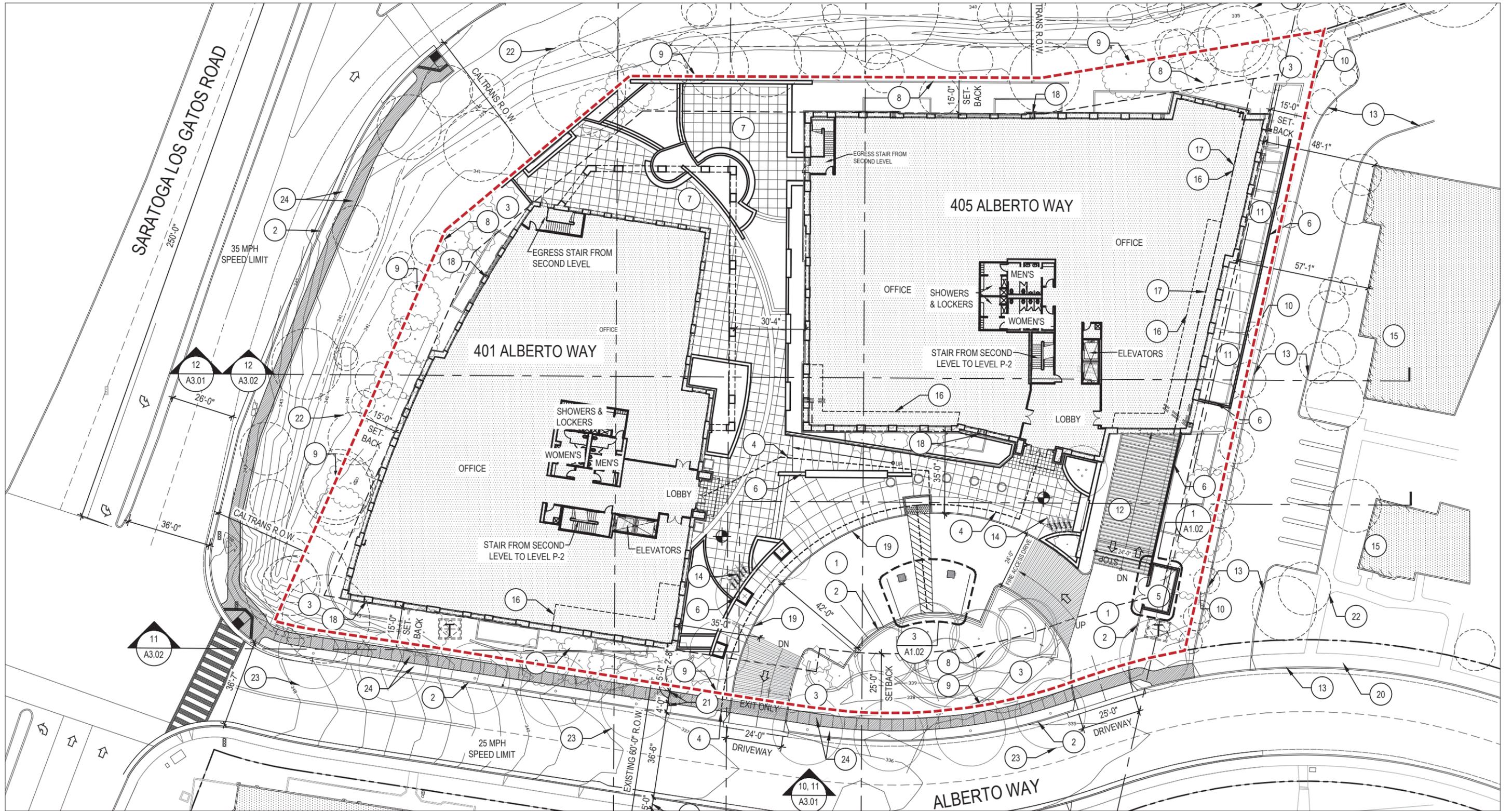
The Mixed-Use Commercial General Plan land use designation permits a mixture of retail, office, and residential uses in a mixed-use setting. Projects developed under this designation are intended to maintain the small-town, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. As the proposed project would be consistent with the intent of the General Plan land use designation of Mixed-Use Commercial for the site, no amendment to the General Plan or zoning would be required to approve the proposed project.

Planning approvals for the proposed project require certification of the project's EIR and approval of the project by the Planning Commission.

Physical Project Characteristics

Site Preparation

All existing buildings and parking areas on the project site would be demolished with implementation of the proposed project. However, the proposed project includes the preservation of existing street frontage trees on Alberto Way and Los Gatos –Saratoga Road. The majority of the site would be excavated to an estimated depth of approximately 20 feet to accommodate the proposed below-grade parking garage. Excavation would require the export of 69,350 cubic yards of earth.



Source: Architectural Technologies 2016



Figure 3
Site Plan

401-409 Alberto Way DEIR

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Site Layout and Building Design

The proposed project includes construction of two buildings on the project site. Building A would be located on the northern half of the project site with its entry facing east in the direction of Alberto Way. It would comprise approximately 47,800 square feet and would be slightly larger than Building B, which would comprise approximately 45,000 square feet. Building B would be located on the southern half of the project site with its entry facing north to the interior of the project site. Both buildings would be two stories and up to 35 feet tall.

The exterior design would be composed of a combination of stone veneer and exterior plaster in a contemporary Mediterranean style. A clay tile mansard roof would top the buildings and would provide screening of roof top equipment. Building entries would be accentuated with two-story glass fronts and would be located on the podium level of the garage along with employee amenity spaces and visitor parking. [Figure 4, 401 Alberto Way Building Elevations](#), and [Figure 5, 405 Alberto Way Building Elevations](#), display the elevations of the two proposed buildings on the site after construction. [Figure 6, Site Renderings](#), displays the appearance of the buildings after construction.

Access to the project site would be consolidated to two driveways (one in and one out and forming a loop) and leading to the underground parking structure entrance.

Landscaping

The proposed project includes the preservation of existing street frontage trees on Alberto Way and Los Gatos - Saratoga Road. These areas would be enhanced with additional native shrubs and groundcover. Additionally, the proposed project includes landscaped areas within the site and the placement of evergreen trees on the northern border of the project site between the site and the multi-family residential housing area adjacent to the site. About one-third of the project site would be landscaped. [Figure 7, Landscaping Plan](#), displays the proposed site landscaping.

Energy-Saving/Sustainability Features

The proposed project would be designed and constructed in conformance with Cal Green and the latest Title-24 Energy regulations. Additionally, the design is intended to comply with LEED Silver standards for sustainability and energy conservation.

Infrastructure

The project site is already connected to existing infrastructure systems such as electricity/natural gas, water, wastewater, and the storm drainage system. No new infrastructure connections would be required by the proposed project.

Phasing

Project construction would occur in a single phase with demolition proposed to commence in early winter 2017. The construction timeframe is 14 months from the initiation of shell and core to the completion of site work. The project site will require excavation and shoring to accommodate the site's proposed underground parking structure. The estimated timeline for excavation, grading and shoring, including demolition of existing structures on the site, is three months. Construction of the underground parking facility would occur next, with a projected timeline of four months. The core and shell building construction on the site of the proposed two buildings would occur next over an estimated timeline of six months. The final construction phase would consist of on-site finished hardscape, concrete sidewalks, paving, and landscaping, occurring over an estimated one month timeline.

Off-site Improvements

The project proposes restriping Alberto Way to include a dedicated right-turn lane and a shared left-through lane. Parking spaces on Alberto Way along the Best Western Inn frontage would be removed under the proposed restriping of Alberto Way. Detached sidewalks with a landscape buffer would be provided on Alberto Way along the project frontage, as well as on the north side of Los Gatos-Saratoga Road between Alberto Way and State Route 17.

The project also proposes the following off-site improvements:

- Improvements to the eastbound left-turn lane on Los Gatos-Saratoga Road at Alberto Way;
- Upgrading the signal at the Los Gatos-Saratoga Road at Alberto Way intersection; and,
- Interconnecting the Los Gatos-Saratoga Road at Alberto Way intersection signal to the signal on Los Gatos-Saratoga Road at Los Gatos Boulevard.

The proposed intersection off-site improvements at Alberto Way and Los Gatos-Saratoga Road are shown on [Figure 8, Conceptual Proposed Off-Site Improvements](#). The proposed off-site improvements are discussed in further detail in Section 3.11, Transportation and Traffic.



9 401 ALBERTO WAY - NORTH ELEVATION
SCALE: 3/32" = 1'-0"



10 401 ALBERTO WAY - EAST ELEVATION
SCALE: 3/32" = 1'-0"



11 401 ALBERTO WAY - SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



12 401 ALBERTO WAY - WEST ELEVATION
SCALE: 3/32" = 1'-0"

Source: Architectural Technologies 2016

Figure 4

401 Alberto Way Building Elevations

401-409 Alberto Way DEIR



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9 405 ALBERTO WAY - EAST ELEVATION

SCALE: 3/32" = 1'-0"



10 405 ALBERTO WAY - NORTH ELEVATION

SCALE: 3/32" = 1'-0"



11 405 ALBERTO WAY - WEST ELEVATION

SCALE: 3/32" = 1'-0"



12 405 ALBERTO WAY - SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

Source: Architectural Technologies 2016

Figure 5

405 Alberto Way Building Elevations

401-409 Alberto Way DEIR



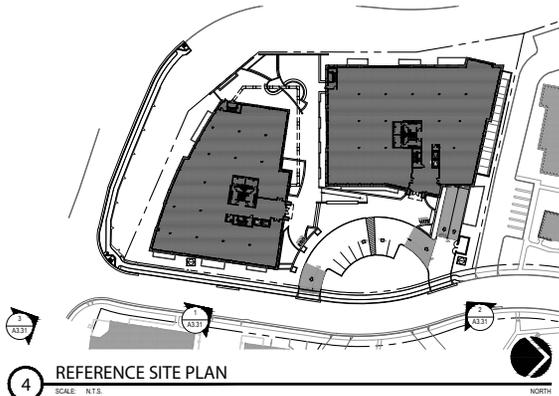
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3 VIEW FROM SOUTH EAST OF SITE
SCALE: N.T.S.



1 VIEW FROM SOUTH EAST OF SITE
SCALE: N.T.S.



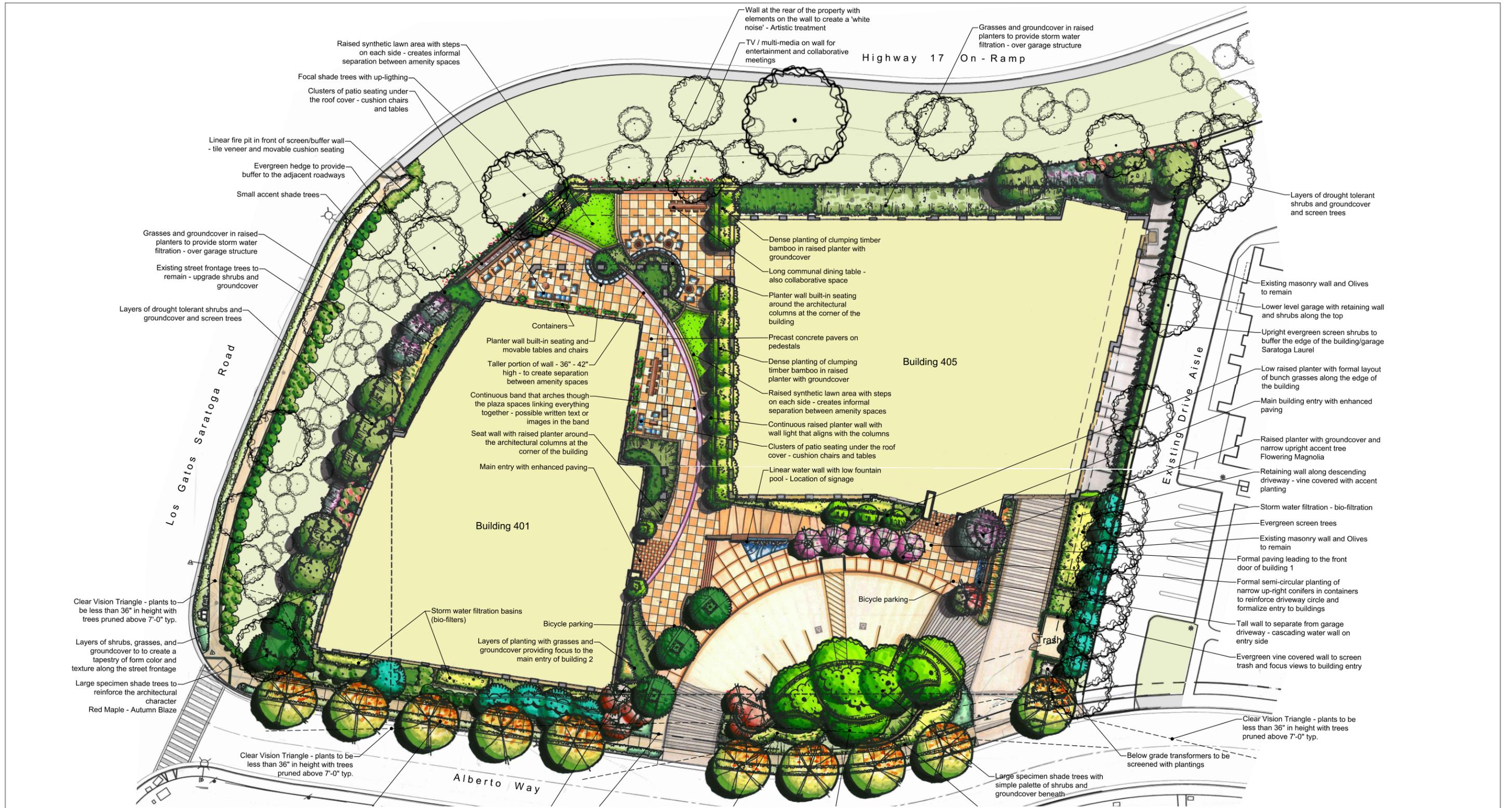
4 REFERENCE SITE PLAN
SCALE: N.T.S.



2 VIEW FROM NORTH EAST OF SITE AT 8 YEARS TREE GROWTH
SCALE: N.T.S.

Source: Architectural Technologies 2016

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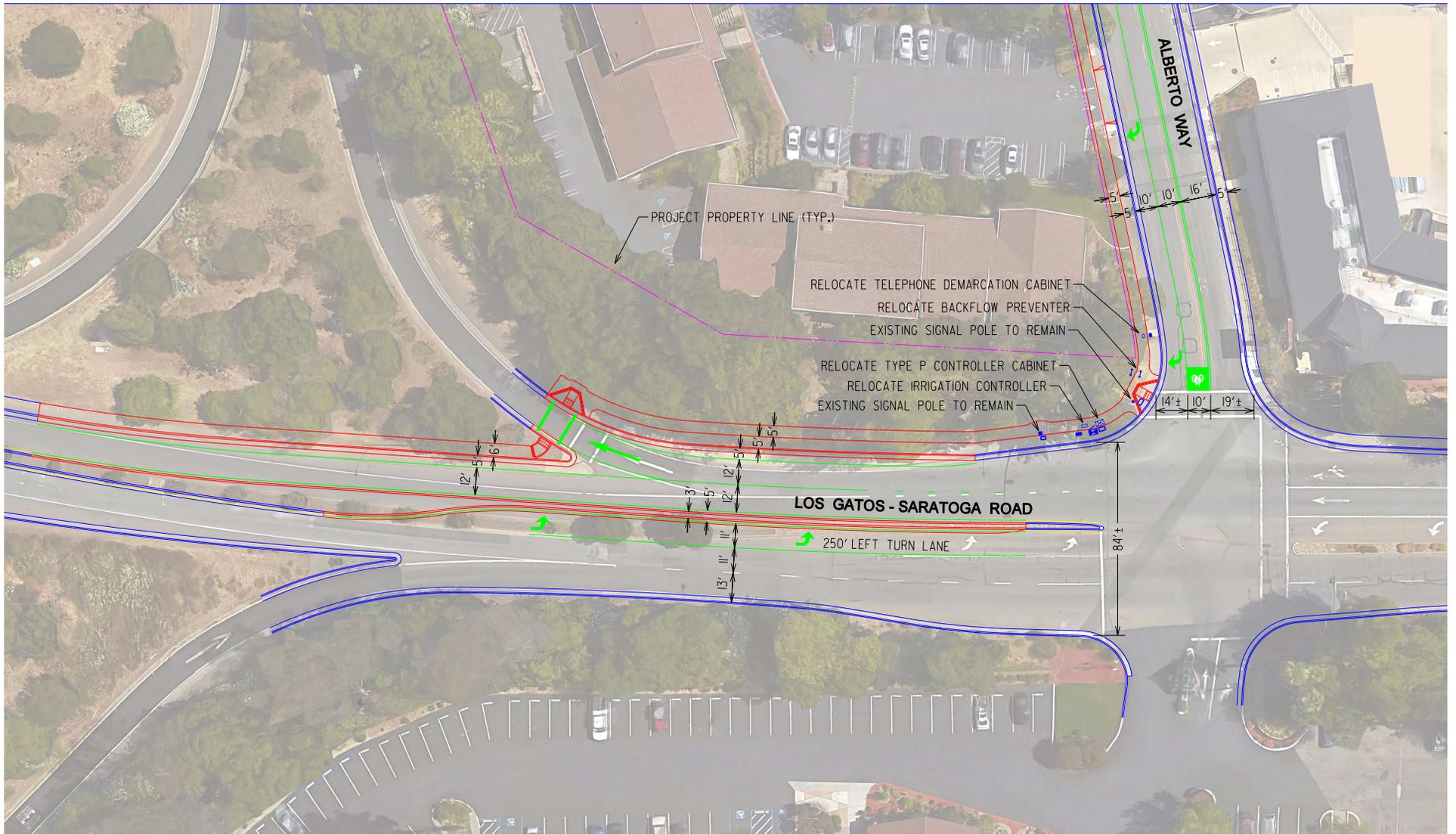


Source: Architectural Technologies 2016



Figure 7
 Landscaping Plan
 401-409 Alberto Way DEIR

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Source: Hexagon Transportation Consultants, Inc. 2015

Figure 8

Conceptual Proposed Off-Site Improvements

401-409 Alberto Way DEIR



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2.4 CONFORMANCE WITH TOWN PLANNING POLICIES

General Plan

General Plan policies LU-1.4, 1.8, 6.5, C.D-1.1, 1.2 require projects to be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, to blend rather than compete with the established character of the area, to be designed in keeping with the small-town character of Los Gatos, and have a proportion, type, density, and intensity consistent with that of the immediate neighborhood. While the project design has always been consistent with the Los Gatos Zoning Code and General Plan Land Use designation for height and mass, the Town architect found that the proposed project as originally designed was inconsistent with General Plan policies for keeping with the small town character and appropriately blending and harmonizing with the established area. The project was redesigned to more appropriately meet these General Plan policies. The proposed project would be developed to follow the natural contours of the property, and incorporate street trees and ground cover for visual continuity consistent with Policies CD-1.3, 4.4, and 4.5. Further, as designed, street and structural lighting would have minimal visual impacts to the night sky and surrounding areas as required by Policy CD-3.2. The revised site plans include sidewalks that are an integral part of development to ensure safe movement of people and vehicles and minimize disruption to the streetscape (Policy TRA-2.6). Per Policy TRA-3.1, a traffic impact analysis was undertaken to identify and mitigate project traffic impacts. Finally, the project incorporates appropriate site design, building design, and landscaping and will use noise attenuating construction techniques and materials to protect residential areas from noise consistent with Policy NOI-5.1.

General Plan Land Use Designation

The General Plan land use element identifies the project site as Mixed-Use Commercial. Allowable uses within the Mixed-Use Commercial designation include office, retail, and residential uses with a 35 foot height limit and no more than 50 percent site coverage.

Zoning

The project site is zoned CH- Restricted Commercial Highway. Allowable uses include retailing, personal service businesses, service businesses necessary for the conduct of households, office uses, and limited manufacturing uses. The proposed project is for the construction of office buildings and this is consistent with the Los Gatos Zoning Code.

2.5 EIR USES AND APPROVALS

In accordance with CEQA Guidelines section 15124(d), following is a list of agencies that are expected to use this EIR in their decision-making, and a list of the approvals for which this EIR may be used. These lists include information that is known to the Town as the lead agency.

Local Agencies

- Town of Los Gatos
 - Approval of EIR and the proposed project.

State Agencies

- California Department of Transportation
 - Possible encroachment permit during site construction.

Federal Agencies

- None applicable

3.0

ENVIRONMENTAL EFFECTS

3.1 AESTHETICS

This section considers potential impacts to aesthetics and visual resources within the project site and from public view points near the project site. Information in this section is derived from a variety of sources including:

- *Site Design Plans* (Architectural Technologies 2016)

Several comments were received in response to the NOP which directly addressed potential visual impacts of the proposed project. Concerns included new obstructions to views of the mountains, maintenance of the character of the town, and building design inconsistency with surrounding area.

Environmental Setting

The natural visual character of the Town is defined by its setting at the eastern base of the Santa Cruz Mountains, which is integrated into the Town's fabric through views of forested hillsides, mature trees, and creek-side trails. The urban character of the Town is densely knit with a high level of architectural detail. The Town has created and maintained an attractively built environment through careful attention to the design of buildings, landscaping, public improvements, and the preservation of and careful integration with the natural environment.

Mature trees cover much of the Town's landscape, particularly in the hillside neighborhoods. Los Gatos is one of 152 communities in California designated a "Tree City USA" and has been in the Tree City USA Program since 1980. This program provides national recognition and technical assistance to towns and cities for preserving and maintaining trees in their jurisdictions.

The primary scenic views within the Town are those of the Santa Cruz Mountains, particularly the Sierra Azul Ridge to the south. Many major roads that run north-south have views of the ridge to the south. However, these views are often blocked or partially blocked by trees.

Visual Character of Surrounding Area

Views from Alberto Way include other commercial and residential uses with heavily landscaped tree cover. A wooded strip of land on the western edge of project site obscures views of the project site from the on-ramp to northbound State Route 17. A multi-family residential development is located north of the project site. Multi-family housing, professional offices, and a hotel are located to the east, across Alberto Way. Los Gatos - Saratoga Road is located to the south of the project site. These various features define an urbanized visual character for the area of mixed residential and commercial uses.

Visual Character of Project Site

The existing conditions on the project site include three, two-story, wood frame multi-tenant office buildings reaching up to 35 feet in height and comprising approximately 31,000 square feet, including basement areas beneath the buildings. The site also contains paved surface parking lots. There is landscaping throughout the project site. [Figure 9, Existing Site Photos](#), displays the existing buildings and surface parking areas of the project site.

The project site and the existing office buildings can be viewed from surrounding roads, including Los Gatos - Saratoga Road and Alberto Way. The project site is also partially visible from adjacent residential and commercial properties. However, views of the project site from State Route 17 and the State Route 17 onramp are obstructed by existing trees and shrubs. There are fleeting views of the Santa Cruz Mountains from Alberto Way, but existing buildings and trees obscure most views of the mountains. Many of the trees on the project site and the adjacent rights-of-way are taller than the existing buildings. There are views of the Santa Cruz Mountains from State Route 17 near the project site; however, the project site buildings and vegetation do not interfere with views from State Route 17 to the mountains. Vegetation within the State Route 17 appears to be the major factor in obscuring views toward the project site from that section of State Route 17.

Regulatory Setting

Town of Los Gatos Town Code

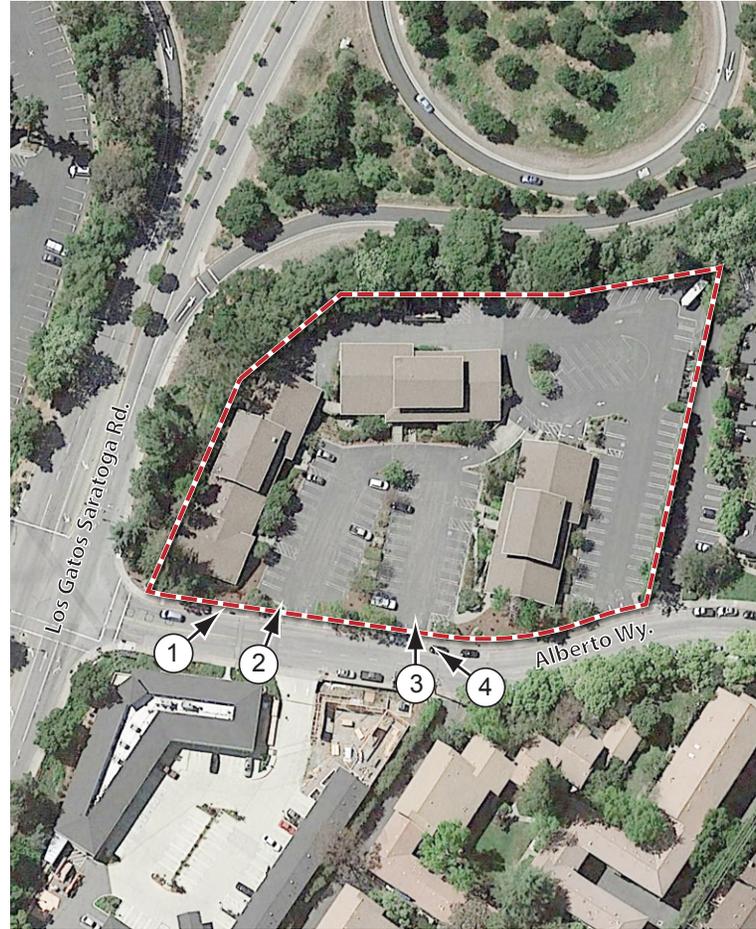
Tree Protection Ordinance. As part of its Zoning Ordinance, the Town of Los Gatos adopted a Tree Protection Ordinance (Sec 29.10.0950 et. seq.) that sets forth parameters for tree removal. The Town's tree ordinance is discussed in greater detail within Section 3.3, Biological Resources.



① View of site looking northwest from Alberto Way



② View of southern site entrance from Alberto Way



Source: Google Earth 2015
 Photographs: EMC Planning Group
 November 2015



③ View of northern site entrance from Alberto Way



④ View of site looking southwest from Alberto Way

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Town of Los Gatos General Plan

One of the General Plan's vision statement consensus points relates to aesthetics: "Foster a pedestrian-oriented community with a small-town character."

The General Plan contains goals and policies related to aesthetics and visual resources. The following General Plan policies related to aesthetics and visual resources are applicable to the proposed project.

Policy LU-1.3 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.

Policy LU-1.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

Policy LU-1.8 Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos.

Policy LU-6.3 Protect existing residential areas from adjacent nonresidential uses by assuring that buffers are developed and maintained.

Policy LU-6.5 The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.

Policy LU-9.9 Buffers shall be required as conditions of approval for nonresidential projects that are adjacent to residential areas and may consist of landscaping, sound barriers, building setbacks, or open space.

Policy CD-1.1 Building elements shall be in proportion with those traditionally in the neighborhood.

Policy CD-1.2 New structures, remodels, landscapes, and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.

Policy CD-1.3 Buildings, landscapes, and hardscapes shall follow the natural contours of the property.

Policy CD-1.4 Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

Policy CD-1.5 Town staff shall evaluate projects to assess how built characteristics, including scale, materials, hardscape, lights, and landscape, blend into the surrounding neighborhood.

Policy CD-1.6 Town staff shall review properties next to community entry points when they are developed or redeveloped to reflect the gateway concept.

Policy CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.

Policy CD-3.4 Encourage the use of landscaping such as trees, large shrubs, and trellised vines to mitigate the effects of building mass, lower noise, and reduce heat generation.

Policy CD-3.5 All landscaping shall be carefully reviewed to ensure that it is aesthetically pleasing, compatible with its neighborhood and natural environment, and water conserving.

Policy CD-3.7 Roof mounted mechanical equipment shall be screened and such screening shall be considered as part of the structure for height limitations.

Policy CD-3.9 Parking structures and facilities shall have a low profile, be screened from view, and be aesthetically pleasing.

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

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

Policy CD-4.4 Street trees shall be required in new developments.

Policy CD-4.5 New development shall promote visual continuity through tree planting, consistent use of low shrubs, and ground cover.

Policy CD-6.1 Reduce the visual impact of new construction and/or remodels on the Town and its neighborhoods.

Policy CD-16.1 Prevent development that significantly depletes, damages, or alters existing landscape vistas.

Policy CD-16.3 New structures or remodels shall be designed to respect views from surrounding properties while allowing all affected properties reasonable access to views.

Policies under Goal CD-17 establish a policy framework for Town procedures and standards for aesthetic review of proposed projects.

The General Plan characterizes the Santa Cruz Mountains as an important visual resource and encourages the preservation of views from north-south streets toward the Santa Cruz Mountains (General Plan page CD-24). The only north-south roads near the project site are Alberto Road and State Route 17.

Town of Los Gatos Commercial Design Guidelines

The Town has adopted commercial and residential design guidelines to ensure high quality architecture and building site design. Commercial development on the project site is subject to portions of the Town's Commercial Design Guidelines: the Common Design Guidelines and the Signage Guidelines. The Commercial Design Guidelines were adopted on June 20, 2005.

1.5.1 Design to maintain and reinforce the unique scale and character of Los Gatos.

1.5.2 Provide a richness of architectural facade depth and detail.

1.5.3 Provide a unified design around all sides of buildings.

1.5.4 Avoid blank walls and service areas which are visible from adjacent streets and projects.

1.5.5 Integrate the screening for all trash and service areas into the design of the buildings.

1.5.6 Screen all roof equipment.

1.5.7 Provide visual buffering of on-site utility elements.

1.5.8 Subordinate parking to the buildings.

1.5.9 Utilize high quality building materials and details.

1.5.10 All projects shall be well landscaped.

1.5.11 Maintain a high degree of transparency at all window areas.

1.5.12 Utilize colors that are appropriate to the use and the surrounding area.

Standards of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- substantially degrade the existing visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area;

Analysis, Impacts and Mitigation

The proposed project includes the demolition of the existing office buildings and removal of landscaping and paved surface parking lots. A pair of two-story buildings would be constructed on the site, referred to as Building A and Building B, as displayed in [Figure 3, Site Plan](#), in Section 2, Project Description.

Building A would be 47,800 square feet and be located on the northern half of the project site with its entry facing east in the direction of Alberto Way. Building B, comprising approximately 45,000 square feet, would be located on the southern half of the project site with its entry facing north to the interior of the project site. The proposed project would have a maximum height of 35 feet. The project would result in an increase of approximately 61,800 square feet of commercial space on the site with total site coverage of 49.6 percent of the site. The proposed site coverage is consistent with the Office Professional General Plan land use and zoning designations for the site, which allows up to 50 percent site coverage and a 35-foot maximum building height.

The exterior design of the buildings proposed for the site would be composed of a combination of stone veneer and exterior plaster in a contemporary Mediterranean style. A clay tile mansard

roof would top the buildings and would provide screening of roof top equipment. Building entries would be accentuated with two-story glass fronts and would be located on the podium level of the garage along with employee amenity spaces and visitor parking (Architectural Technologies 2016). [Figures 4-5, Building Elevations](#), in Section 2, Project Description, display the proposed project after construction. As part of the application review process, the Town's architectural consultant, Canon Design Group, reviewed proposed site plans for the project and concluded that the project was large in scale and did not blend well into the context of the neighborhood. The site-plans were revised to better reflect the character of Los Gatos and blend into the context of the neighborhood. The proposed project includes a landscaping plan, as displayed in [Figure 7, Landscape Plan](#), included in Section 2, Project Description. [Figure 6, Site Renderings](#), displays projected tree sizes at eight years on the project site.

Environmental Topics Eliminated from Further Consideration

State Highway Scenic Resources. Neither of the adjacent and nearby state highway segments, State Route 17 or State Route 9 (Los Gatos Saratoga Road west of State Route 17)), are designated as scenic highways. However, portions of State Route 17 and State Route 9 near the project site are eligible for scenic designation. As previously described, views from State Route 17 are not obstructed by existing buildings on the project site. Existing views from a portion of Los Gatos - Saratoga Road are partially obstructed by the existing buildings and tree cover on the site, but, this segment of Los Gatos - Saratoga Road is not as designated scenic highway or designated as an eligible scenic highway, and the protected views are in the opposite direction. Furthermore, while the proposed new buildings for the site would be larger in bulk than the existing buildings on the site, the maximum building height would remain the same and the increase in size would not result in a significant new obstruction to views that would damage scenic resources. The portion of State Route 9 on Los Gatos – Saratoga Road is west of State Route 17, and there are no views of the project site from that state highway. The proposed project would not affect scenic resources within these state highway segments. Therefore, no impact would occur and this topic is not further addressed in this section.

IMPACT: THE PROPOSED PROJECT WOULD HAVE AN ADVERSE EFFECT ON A SCENIC VISTA (LESS THAN SIGNIFICANT)

As previously discussed, the General Plan identifies the Santa Cruz Mountains and surrounding ridgelines as scenic vistas. The General Plan requires that all views of scenic vistas (Policy CD-16.1), including views from adjacent private property (Policy CD-6.1 and CD-16.3) and roads (especially those running north-south towards the Santa Cruz Mountains), are to be protected.

The project site contains existing office buildings and the project site and adjacent rights-of-way contain tree cover that partially obstructs existing views of the Santa Cruz Mountains and

ridgelines from adjacent residential and commercial properties, and Alberto Way. The project site is to the north of Los Gatos – Saratoga Road, so development and trees on the project site do not affect the southward views of the Santa Cruz Mountains from that street.

Height. The General Plan land use designation for to the project site allows buildings up to 35 feet in height. The current office buildings are up to 35 feet in height along portions of their rooflines, and the new office buildings proposed by the project would also have a 35 foot maximum height (in compliance with the General Plan height limits). While the new development would result in height increases and partial view obstructions in new areas of the project site based on current versus proposed building configuration, these obstructions would not be considered significant. The existing buildings and proposed project elevations remain below ridgeline views, which precludes potentially significant ridgeline obstructions. Existing landscaping, both on the project site and on the adjacent rights-of-way, obscures views of the mountains to the same or greater extent than the buildings. Building elevations on the site with construction of the proposed project would remain within those mandated by the General Plan for view protection. Thus, impacts to scenic vistas would be less than significant.

Landscaping. General Plan policies require a vegetative buffer and screening along freeways. According to the General Plan, the ideal vegetative screen would obscure buildings while preserving sightlines to the Santa Cruz mountains and ridgelines. However, the General Plan recognizes that trees within the Town, including vegetative buffers, often block views toward the mountains. The project site includes existing tree buffers along the State Route 17 and Los Gatos - Saratoga Road frontages that will either remain or will be re-planted to achieve the same screening effect. Many of the existing trees within this area are within the street or highway rights-of-way, and many of the trees are taller than the 35-foot building height limit. Based on the preceding view analysis for buildings, trees planted in the buffer area would not add significantly to the blocking of views of the mountains and ridgelines. The proposed plantings would, at maturity, partially obscure views of the mountains from surrounding locations; however, views would be similar to existing obstructions on the site. Further, the vegetation would only pose a potential view obstruction during a brief span of State Route 17 as the buffers are only visible for a short span of the roadway, and the plantings within the rights-of-way also obscure views. In compliance with General Plan policies, vegetative buffers and street trees will be maintained or replanted in a manner that obscures the new buildings without significantly increasing obstructions to views to the mountains and ridgelines. The landscape screening proposed by the project for the site would have a less than significant impact on scenic views.

The project features including vegetative buffers, landscaping, and building height remain below ridgeline views and thus will not significantly affect scenic vistas.

IMPACT: THE PROPOSED PROJECT WOULD CHANGE THE VISUAL CHARACTER OF THE PROJECT SITE (LESS THAN SIGNIFICANT)

Construction of the proposed project would result in demolition of the three existing one- to two-story, wood-framed office buildings and their replacement with two, two-story steel-framed buildings at a maximum height of 35 feet. The Floor Area Ratio (FAR) is less than 50 percent and building height is within the 35 foot limit allowed by the General Plan Land Use Designation. Overall, proposed conditions would be substantially similar to existing conditions with respect to the general visual character of the site as a commercial office building site. [Figures 4-5, Building Elevations](#), included in Section 2, Project Description, illustrates the project design as it would appear from different directions.

The building design (See [Figures 4-5, Building Elevations](#), in Section 2, Project Description) is compatible with the general character of the area. While the proposed project would result in an increase of approximately 61,800 square feet of commercial square footage on the project site, the proposed structures have been scaled to respect the surrounding land uses, while lending an aesthetic and functional architectural style to the site design. Views of the existing project site are partially obstructed by landscaping, surrounding vegetation, and surrounding development. These conditions would be similar for the proposed project. [Figure 6, Site Renderings](#), in Section 2, Project Description, displays projected on-site tree sizes at eight years on the project site. The most significant visual changes would be the increase in overall building mass and the decrease in asphalt parking area. Based on tree growth projections provided by the applicant, the buildings on the site would be partially obscured by tree plantings included in the proposed project's landscaping plan. Compared to existing views of the site (See [Figure 9, Existing Site Photos](#)), proposed tree plantings on the site would provide more concealment of buildings within eight years than existing landscaping currently provides.

The clearest views into the project site are from Alberto Way and Los Gatos - Saratoga Road. Development of new office buildings as proposed by the project would be consistent with surrounding land uses within the urbanized setting. The proposed development is consistent with the General Plan's development parameters that affect how development changes the character of the project site, including requirements for landscaping, and limitations on height and bulk of future development. These parameters in relation to the proposed project are further assessed below.

Building Height. The effect of proposed building height limits on views is discussed earlier in this section. In regard to changes to site character from building height, the proposed project would result in height increases in new areas of the project site based on current versus proposed building configuration on the site. The existing buildings are two stories above grade in parts and single story above grade in other parts. The proposed buildings are uniformly 35 feet tall. Based on Town design guidelines applicable to the site, the proposed 35-foot maximum building height

would consistent with existing commercial and residential uses along surrounding streets. Therefore, the proposed project would be in compliance with the Town height requirement for the project site.

Walled-In Effect. To prevent a walled-in effect, a 30-foot building setback is required from State Route 17 and Los Gatos - Saratoga Road and the adjacent residential area. The proposed project design would be compliant with this requirement, providing between 45-foot and 60-foot setback from the State Route 17 right-of-way, and an approximate 35-foot setback from the Los Gatos – Saratoga Road right-of-way.

Landscaping. The proposed project includes landscaping that promotes visual continuity through tree planting, consistent use of low shrubs, and ground cover. The landscaping utilizes a mixture of tree species, both deciduous and evergreen, to partially screen the site and create a natural environment to the extent feasible. As previously discussed, the project as proposed maintains or requires replanting of street trees within vegetative buffers. The Town’s consultant arborist, Deborah Ellis, approved project site plans and proposed tree removal and planting on the site associated with the proposed project, within the September 25, 2015 *Arborist Report*. Therefore, the proposed project would be in compliance with Town requirements regarding landscaping.

Intensity. The proposed project would result in an increase of approximately 61,800 square feet of commercial square footage on the project site, but would remain consistent with the General Plan mandate of lot coverage of less than 50 percent for the Mixed-Use Commercial land use designation for the site. Therefore, the proposed project would be in compliance with this Town requirement for the project site.

Design. An overarching theme of the General Plan is the preservation of the existing small town character that is especially reflected in the downtown areas and older residential neighborhoods. Policies directed specifically at this goal address preservation of trees and natural environment and context with adjoining development, both discussed earlier. For commercial development, the General Plan direction is carried out through the Commercial Design Guidelines, which provide more specific detail.

This section considers the explicit direction of General Plan Policy LU-1.8, which states that commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos. The qualities that convey the “small town character” in the Town’s downtown area, among others, are the result of a long series of individual design decisions made over the course of more than one hundred years and influenced by a progression of market conditions and architectural traditions. Emulating “small town character” in new development is dependent to a significant degree on the quality of development plans and the judgment exercised in the design review process.

In an attempt to attain a small town feel to the new development, the original architectural site plans for the proposed project were revised during the Town's application review process to reflect increased consistency with other commercial developments in the Town and other development in the surrounding area in response to the town consultant's recommendations. The project's proposed design incorporates approaches such as vertical and horizontal façade variations, color and texture changes, and decorative features to break up uniform wall planes to achieve a look characteristic of the surrounding area in compliance with Commercial Design Guideline requirements for the project site.

As described above, although the proposed project would change the visual character of the site with the construction and operation of a larger commercial office complex than currently exists on the site, the proposed project would be in compliance with General Plan policies and Commercial Design Guidelines. Therefore, the proposed project would be compatible with the general character of the Town and impacts to the visual character of the project site would be less than significant.

IMPACT: THE PROJECT WOULD CREATE LESS THAN SIGNIFICANT LIGHT AND GLARE (LESS THAN SIGNIFICANT)

The project site presently has exterior building and walkway lights, and limited surface parking lot lighting. There are no streetlights along the project site's Alberto Way frontage, although there are street lights at Los Gatos – Saratoga Road and farther to the north on Alberto Way. Development of the proposed project would result in modifications to the existing on-site lighting. Lighting improvements would include decorative (sconces), security lighting, illuminated signage, and lit underground parking. There are residential uses adjacent to the project to the north and across Alberto Way to the east.

Lighting would be concentrated at the entry driveways, the entrance to the underground parking area, and in the pedestrian plaza area that runs from the driveways to the area between the two buildings. The proposed project does not include significant lighting on its north side adjacent to the Las Casitas multifamily residential development. An existing narrow planting on the Las Casitas property and new plantings on the project site would reduce light spill toward this property. The proposed buildings would be set back 15 feet from the property line, and about 48 feet from the nearest residential building. The Pueblo de Los Gatos multi-family residential development to the east of Alberto Way, is located about 85 feet or more from the project site. Existing trees along the eastern Alberto Way frontage (in front of the Pueblo de Los Gatos), screen views and would block light from the project site.

The underground parking would serve to limit onsite security lighting to visitor parking and common areas. The proposed project includes architectural treatments that will minimize glare. The proposed project would adhere to General Plan Policy CD 3.2 which requires that street and

structural lighting minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky. Additionally, the project would be required to demonstrate compliance with Town Code Section 29.10.09035, which prohibits the generation of direct or reflected light onto any area outside of the project boundaries. Compliance with the Town Code would be required as a condition of project approval prior to the issuance of building permits for the proposed project.

Overall, conditions would be improved over existing conditions with respect to light or glare with the undergrounding of parking which would reduce the need for above ground visitor lighting. Therefore, on-site lighting and glare impacts would be less than significant.

3.2 AIR QUALITY

This section of the EIR includes evaluation of potential impacts to air quality by the proposed project. During the NOP process, comments were received addressing potential air quality impacts during construction activities on the site and the potential for air quality impacts related to an increased amount of vehicles accessing the site during the proposed project's operational phase.

Environmental Setting

Air Basin Characteristics and Climate

The project site is located within the San Francisco Bay Area Air Basin (Air Basin). Temperatures at Mineta San Jose International Airport average 59 degrees Fahrenheit annually, ranging from the low-40s on winter mornings to near 80 degrees Fahrenheit on summer afternoons. The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential.

Winds in the valley are greatly influenced by the terrain and temperature gradients. The prevailing winds flow roughly parallel to the Santa Clara Valley's northwest-southeast axis. A

north-northwesterly sea breeze flows through the Santa Clara Valley during the afternoon and early evening, and a light south-southeasterly flow occurs during the late evening and early morning. In the summer, the southern end of the Santa Clara Valley sometimes becomes a “convergence zone,” when air flowing from the Monterey Bay gets channeled northward into the southern end of the Santa Clara Valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with winter storms (Bay Area Air Quality Management District 2010a).

Criteria Air Pollutants and their Effects on Human Health

The six most common and widespread air pollutants of concern, or “criteria pollutants,” are ground level ozone, nitrogen oxides, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, volatile organic compounds are a key contributor to the criteria pollutants because they react with other substances to form ground level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in [Table 1, Common Air Pollutants](#). The primary pollutants of concern in Santa Clara County include ozone, carbon monoxide, and particulate matter 10 and 2.5 microns or less in size (Bay Area Air Quality Management District 2010a).

Table 1 Common Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone (O ₃)	Created by the chemical reaction between nitrogen oxides and volatile organic compounds in the presence of heat and sunlight. Ground level ozone is the principal component of smog.	<ul style="list-style-type: none"> ▪ Motor vehicle exhaust; ▪ Industrial emissions; ▪ Gasoline vapors; ▪ Chemical solvents. 	<ul style="list-style-type: none"> ▪ Reduced lung capacity; Irritation of lung airways and inflammation; ▪ Aggravated asthma; ▪ Increased susceptibility to respiratory illnesses (i.e. bronchitis).
Volatile Organic Compounds (VOC)	Precursor of ground-level ozone.	<ul style="list-style-type: none"> ▪ Petroleum transfer and storage; ▪ Mobile sources; ▪ Organic solvents. 	<ul style="list-style-type: none"> ▪ Potential carcinogen (e.g. benzene); ▪ Toxic to plants and animals.

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Nitrogen Oxides (NO _x)	Group of highly organic gases containing nitrogen in varying amounts. Many nitrogen oxides are odorless and colorless.	<ul style="list-style-type: none"> ▪ Motor vehicles; ▪ Electric utilities; ▪ Industrial, commercial, and residential sources that burn fuel. 	<ul style="list-style-type: none"> ▪ Toxic to plants; ▪ Reduced visibility; ▪ Respiratory irritant.
Suspended and Fine Particulate Matter (PM ₁₀) (PM _{2.5})	Describes particles in the air, including dust, soot, smoke, and liquid droplets. Others are so small that they can only be detected with an electron microscope.	<ul style="list-style-type: none"> ▪ Motor vehicles; ▪ Factories; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Wood burning. 	<ul style="list-style-type: none"> ▪ Aggravated asthma; ▪ Increases in respiratory symptoms; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide (CO)	Colorless, odorless gas that is formed when carbon in fuel is not burned completely.	<ul style="list-style-type: none"> ▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic. 	<ul style="list-style-type: none"> ▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Reduced mental alertness; ▪ Death (at high levels)
Sulfur Oxides (SO _x)	Sulfur oxide gases are formed when fuel containing sulfur such as coal and oil is burned and when gasoline is extracted from oil, or metals are extracted from ore.	<ul style="list-style-type: none"> ▪ Electric utilities (especially coal-burning); ▪ Industrial facilities that derive their products from raw materials to produce process heat. 	<ul style="list-style-type: none"> ▪ Respiratory illness, particularly in children and the elderly; ▪ Aggravates existing heart and lung diseases.
Lead	Becomes airborne as a component of exhaust following fuel combustion.	<ul style="list-style-type: none"> ▪ Combustion of leaded gasoline. 	<ul style="list-style-type: none"> ▪ Organ, brain, nervous system damage; ▪ Behavioral disorders, ▪ Anemia; ▪ Mental retardation and lowered IQ.

Source: Bay Area Air Quality Management District 2010 a, Table 11 and U.S. Environmental Protection Agency

Ozone. Ground level ozone is produced by chemical reactions, which are triggered by sunlight, involving nitrogen oxides and volatile organic compounds. Since ozone is not directly emitted to the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant. Ozone is a seasonal problem, occurring roughly from April through October, when higher sun angles provide the warm temperatures and ultraviolet light necessary for ozone formation.

Ozone is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to ozone. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to ozone damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that ozone also damages vegetation.

Volatile Organic Compounds (Ozone Precursor). Volatile organic compounds are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal.

Nitrogen Oxides (Ozone Precursor). Most nitrogen oxides are created during combustion of fuels. Nitrogen oxides are a major contributor to ozone formation. Nitrogen dioxide is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. Like ozone, nitrogen dioxide is not directly emitted, but is formed through a reaction between nitric oxides and atmospheric oxygen. Nitrogen dioxide also contributes to the formation of particulate matter (see discussion below). Nitrogen dioxide concentrations in the air basin have been well below ambient air quality standards; therefore, nitrogen dioxide concentrations from land use projects are not a concern.

Particulate Matter. Particulate matter is comprised of small, suspended particles, primarily composed of dust particles, nitrates, and sulfates. Particulate matter is classified as under 10 microns (suspended particulate matter or PM_{10}) and under 2.5 microns (fine particulate matter or $PM_{2.5}$). Suspended particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is suspended particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 microns in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10 microns in diameter are able to pass through the body's natural defenses and the mucous

membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

Carbon Monoxide. Carbon monoxide is a component of motor vehicle exhaust, which contributes about 56 percent of all carbon monoxide emissions nationwide. Other non-road engines and vehicles (such as construction equipment and boats) contribute about 22 percent of all carbon monoxide emissions nationwide. Carbon monoxide can cause harmful health effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues. Carbon monoxide contributes to the formation of ground-level ozone.

Higher levels of carbon monoxide generally occur in areas with heavy traffic congestion. In cities, 85 to 95 percent of all carbon monoxide emissions may come from motor vehicle exhaust. Concentration of carbon monoxide is a direct function of vehicle idling time and, thus, traffic flow conditions. Transport of carbon monoxide is extremely limited; it disperses rapidly from the source under normal meteorological conditions. Under certain meteorological conditions, however, carbon monoxide concentrations close to a congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Emissions thresholds established for carbon monoxide apply to direct or stationary sources.

Typically, high carbon monoxide concentrations are associated with roadways or intersections operating at unacceptable levels of service. Congested intersections with high volumes of traffic could cause carbon monoxide “hot spots,” where localized high concentrations of carbon monoxide occur

Sulfur Oxides. Sulfur oxides are gases formed when fuel containing sulfur, such as coal and oil, is burned, when gasoline is extracted from oil, or metals are extracted from ore. Sulfur oxides dissolve in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment.

Lead. Lead was formerly a major air pollutant of concern. Levels of lead in the air decreased 94 percent between 1980 and 1999, following the initial reduction and ultimate removal of lead from gasoline. Today, the highest levels of lead in air are usually found near lead smelters and a few other industrial and utility plants.

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants are pollutants that may be expected to result in an increase in mortality or serious illness or may pose a present or potential health hazard. Health effects include cancer, birth defects, neurological damage, damage to the body's natural defense system, and diseases

that lead to death. Toxic air contaminants can be classified as either carcinogens or non-carcinogens. Toxic air contaminants are defined in Health and Safety Code section 39655. Based on the Health and Safety Code definition, the state establishes a list of toxic air contaminants in California Code of Regulations section 93000. The list was most recently revised in 2007 and includes 21 substances. Some criteria pollutants are also treated as toxic air contaminants, including particulate matter, lead, and vinyl chloride. The Air District considers an incremental risk of greater than 10 cases per million, over a 70-year exposure period, for the Maximally Exposed Individual to be a significant impact. The ten excess cases per million equates to the possibility of causing 10 additional cancer cases in a population of one million. The ten-in-one-million risk level also is used by the Air Toxics “Hot Spots” (AB 2588) program and California’s Proposition 65 as the public notification level for air toxic emissions from existing sources. The EPA has established National Emission Standards for Hazardous Air Pollutants, which are applicable to asbestos, beryllium, mercury, vinyl chloride, benzene, arsenic, and radon/radionuclides.

Diesel Emissions. Diesel exhaust is the predominant toxic air contaminant in urban air and is estimated to represent about two-thirds of the cancer risk from toxic air contaminants. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and toxic air contaminants. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter. Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the toxic air contaminants contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Short-term exposure to diesel particulate matter is associated with variable irritation and inflammatory symptoms. Diesel engine emissions are responsible for a majority of California’s estimated cancer risk attributable to air pollution. Diesel particulate matter is a significant fraction of California’s particulate pollution (California Air Resources Board 2005; Bay Area Air Quality Management District 2012a; California Office of Environmental Health Hazard Assessment 2001 a, b).

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The United States Environmental Protection Agency (EPA) regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce nitrogen oxides and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards were phased in through 2014 (U.S. Environmental Protection Agency 2004). Ultralow sulfur off-road diesel fuel, 15 parts per million (ppm) is now the standard in California, replacing the current 500 ppm fuel (Clean Diesel Fuel Alliance 2013). The Tier 4 engines and ultralow sulfur fuels reduce emissions by up to 65 percent compared to older engines and fuel (U.S. Environmental Protection Agency 2004). California’s Regulation for In-use Off-road Diesel Vehicles establishes a state program to reduce nitrogen oxides and

particulate emissions from older construction equipment. Several provisions of the regulation are currently suspended (pertaining to fleet composition and vehicle retrofits), and some provisions are in force (idling restrictions and reporting). As the regulation is fully implemented, it will reduce construction equipment emissions over time (California Air Resources Board 2010/2011, 2013d).

Asbestos. Asbestos handling and disposal is regulated by federal and state law. Asbestos is found in several kinds of building materials. Asbestos is generally not harmful when asbestos-containing materials are left undisturbed, but when disturbed microscopic fibers can be dislodged and remain in the air for long periods. If asbestos fibers are inhaled they can become lodged in body tissues and pose a serious health threat, especially lung disease.

Asbestos is also found naturally-occurring in certain rock formations in the California Coast Ranges and elsewhere. Asbestos is the generic term for the naturally-occurring fibrous (asbestiform) varieties of six silicate minerals. These minerals are: chrysotile, tremolite (when fibrous), actinolite (when fibrous), crocidolite (fibrous riebeckite), anthophyllite (when fibrous), and amosite (fibrous cummingtonite-grunerite). Chrysotile is the most common asbestos mineral in California and belongs to the serpentine mineral group. Naturally occurring asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or weathered. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. Weathered asbestos becomes a component of the soil and can migrate downstream. Asbestos-containing rock has sometimes been used for unpaved gravel roads, landscaping, and fill. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations.

The project site is not located in an area where naturally occurring asbestos-containing rock is likely to be present, however, some ridge tops in the Santa Cruz Mountains have serpentine rock outcroppings, including some ridge tops within the Los Gatos Creek watershed. Therefore, it is possible soils in the project site contain small amounts of asbestos (Department of Conservation, Division of Mines and Geology 2000; U. S. Environmental Protection Agency).

Pollutant Concentrations Affecting Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, parks, retirement homes, and hospitals. In addition, certain air pollutants, such as carbon monoxide, only have significant effects if they directly affect a sensitive population. The nearest existing sensitive receptors outside of the project site include residences to the north, approximately 63 feet from the property line of the project site, and residences on the other side of Alberto Way to the east of the project site, approximately 90 feet from the property line.

High Traffic Roadways. The *Air Quality and Land Use Handbook* (California Air Resources Board 2005) encourages local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes or daycare centers) near sources of concentrated air pollution. Unlike industrial or stationary sources of air pollution, siting of new sensitive receptors does not require air quality permits or approval by air districts, but could increase risks of air pollution-related health problems. The risks of exposure to diesel exhaust and potential health effects resulting from prolonged exposure are greater near high-volume freeways. On-road diesel-fueled vehicles contribute about 26 percent of statewide diesel particulate matter emissions, and on a typical urban freeway (truck traffic of 10,000-20,000 per day), diesel particulate matter represents about 70 percent of the potential cancer risk from the vehicle traffic. Studies cited in the *Air Quality and Land Use Handbook* indicate that pollutant concentrations drop in a logarithmic curve, most steeply nearest the freeway and more gradually farther from the freeway. A study in Los Angeles showed pollutant levels had dropped to near background levels within 300 feet of the nearest freeway lanes. A separation of 500 feet between high volume freeways and sensitive receptors is recommended. In rural areas a high-volume freeway is defined as having average daily trips greater than 50,000, and in urban areas as having average daily trips greater than 100,000. The California Air Resources Board acknowledges that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities, and other quality of life issues (California Air Resources Board 2005).

Construction Emissions. Emissions generated during construction are “short-term” in the sense that they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of reactive organic gasses, nitrogen oxides, suspended particulate matter, and carbon monoxide. Emissions of reactive organic gasses, nitrogen oxides, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Suspended particulate matter emissions are generated primarily by wind erosion of exposed graded surfaces.

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce nitrogen oxides and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards are being phased in through 2014 (United States Environmental Protection Agency 2004). California’s Regulation for In-use Off-road Diesel Vehicles establishes a state program to reduce nitrogen oxides and particulate emissions from older construction equipment. The regulations restrict the addition of

equipment with older diesel engines (Tier 0, 1 or 2) to equipment fleets, and are phased in through 2018. Currently-owned older equipment is permitted to continue in use. Idling restrictions and reporting requirements are also in effect (California Air Resources Board 2010/2011, 2013). Ultralow sulfur diesel fuel (15 ppm) became the standard in California in 2006, replacing the previous 500 ppm low sulfur diesel fuel standard (Clean Diesel Fuel Alliance 2013). The Tier 4 engines and ultralow sulfur fuels will reduce emissions by up to 65 percent compared to older engines and fuel (United States Environmental Protection Agency 2004).

Other Sources. Other potential sources of concentrated air pollutant emissions potentially affecting sensitive receptors include stationary sources (power and industrial plants, large generators, etc.) and farming operations (chemical sprays).

Regulation and Policy

Federal and State Clean Air Acts

Air quality is regulated on the state and federal level. The Clean Air Act, adopted in 1970 and amended in 1990, set federal standards for air quality. The California Clean Air Act was adopted by the state legislature in 1988.

The federal Clean Air Act, adopted in 1970 and amended in 1990, provides the basis for federal air quality standards. The federal Clean Air Act required the EPA to set National Ambient Air Quality Standards for several air pollutants on the basis of human health and welfare criteria. The Clean Air Act also set deadlines for the attainment of these standards. Two types of national air standards: primary and secondary standards are established by the Clean Air Act. Primary standards set limits to protect public health, including the health of sensitive persons such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. Historically, air quality laws and regulations have divided air pollutants into two broad categories of airborne pollutants: “criteria pollutants” and “toxic air contaminants.”

In general, the Clean Air Act creates a partnership between state and federal governments for implementation of the Clean Air Act provisions. The federal Clean Air Act requires states to prepare an air quality control plan known as a State Implementation Plan. California’s State Implementation Plan contains the strategies and control measures California will use to attain the National Ambient Air Quality Standards. If, when reviewing the State Implementation Plan for conformity with Clean Air Act Amendments mandates, the EPA determines a State Implementation Plan to be inadequate, it may prepare a Federal Implementation Plan for the non-attainment area and may impose additional control measures.

The Lewis-Presley Air Quality Management Act, adopted in 1976 and amended in 1987, and the California Clean Air Act, adopted in 1988 and amended in 1992, provide the basis for air quality regulation in the state. The California Clean Air Act requires that all air districts in the state endeavor to achieve and maintain California Ambient Air Quality Standards for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and particulate matter. The California Clean Air Act specifies that air districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the California Clean Air Act provides districts with authority to regulate indirect sources.

Federal and State Standards for Air Pollutants

Ambient air quality is described in terms of compliance with the state and national standards. In general, criteria pollutants are pervasive constituents, such as those emitted in vast quantities by the combustion of fossil fuels. Both the state and federal governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. [Table 2, Federal and State Ambient Air Quality Standards](#), lists state and federal ambient air quality standards for common air pollutants. The state standards generally have lower thresholds than the federal standards, yet both are applicable to the proposed project. When thresholds are exceeded at regional monitoring stations, an “attainment plan” must be prepared that outlines how an air quality district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods.

Table 2 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		Federal Standards ²			
		Concentration ³		Primary ^{3,4}		Secondary ^{3,5}	
		ppm	µg/m ³	ppm	µg/ m ³	ppm	µg/ m ³
Ozone	1 Hour	0.09	180	-	-	-	-
	8 Hour	0.07	137	0.07	137	0.07	137
PM ₁₀	24 Hour	-	50	-	150	-	150
	Annual	-	20	-	-	-	-
PM _{2.5}	24 Hour	-	-	-	35	-	35
	Annual	-	12	-	12	-	15
Carbon Monoxide (CO)	1 Hour	20	23,000	35	40,000		
	8 Hour	9	10,000	9	10,000		

3.0 ENVIRONMENTAL EFFECTS

Pollutant	Averaging Time	California Standards ¹		Federal Standards ²			
		Concentration ³		Primary ^{3,4}		Secondary ^{3,5}	
		ppm	µg/m ³	ppm	µg/ m ³	ppm	µg/ m ³
Nitrogen Dioxide (NO ₂)	1 Hour	0.18	339	0.100 ⁶	188	-	-
	Annual Mean	0.03	57	0.053	100	0.053	100
Sulfur Dioxide (SO ₂)	1 Hour	0.25	655	0.075	196	-	-
	3 Hour	-	-	-	-	0.5	1,300
Lead ⁷	30 Day Average	-	1.5	-	-	-	-
	Rolling 3 Month	-	-	-	0.15	-	0.15
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer - visibility of ten miles or more due to particles when relative humidity is less than 70 percent. Method: Beta attenuation and transmittance through filter tape.		No Federal Standards			
Sulfates	24 Hour	-	25				
Hydrogen Sulfide	1 Hour	0.03	42				
Vinyl Chloride ⁷	24 Hour	0.01	26				

Source: California Air Resources Board 2015.

Notes:

- California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM₁₀, PM_{2.5}, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
 4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
 5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
 6. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm.
 7. The CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
-

National Emissions Standards for Hazardous Air Pollutants are emissions standards set by the EPA for an air pollutant not covered by National Ambient Air Quality Standards that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness. The standards for a particular source category require the maximum degree of emission reduction that the EPA determines to be achievable, which is known as the Maximum Achievable Control Technology.

Toxic Air Contaminants Regulation

The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) created California's program to reduce exposure to air toxics. The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly 1987) supplements the AB 1807 program, by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

Under AB 1807, the California Air Resources Board is required to use certain criteria in the prioritization for the identification and control of air toxics. In selecting substances for review, the ARB must consider criteria relating to "the risk of harm to public health, amount or potential amount of emissions, manner of, and exposure to, usage of the substance in California, persistence in the atmosphere, and ambient concentrations in the community" [Health and Safety Code section 39666(f)]. AB 1807 also requires the California Air Resources Board to use available information gathered from the AB 2588 program to include in the prioritization of compounds. This report includes available information on each of the above factors required under the mandates of the AB 1807 program.

The Office of Environmental Health Hazard Assessment assists the California Air Resources Board by developing the health assessment portion of the TAC identification documents; reviews facility risk assessments for the "Hot Spots" Program; is developing new risk assessment guidelines for the "Hot Spots" Program; and is the lead agency for Proposition 65. The Department of Pesticide Regulation regulates toxic air contaminants that are also pesticides.

United States Environmental Protection Agency

The EPA was established in 1970, the same year the federal Clean Air Act was passed, and has primary responsibility for establishing the standards the states must enforce, conducting research, and providing financial and technical assistance to the states. When necessary, the EPA steps in to aid the states in implementation and enforcement of clean air regulations.

California Air Resources Board

The federal Clean Air Act give states primary responsibility for directly monitoring, controlling, and preventing air pollution. The California Air Resources Board is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. The duties of California Air Resources Board include coordinating air quality attainment efforts, setting standards, conducting research, and creating solutions to air pollution. The California Air Resources Board is composed of regional districts that are charged with developing attainment plans for their regions. The California Air Resources Board grants regional air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips.

Bay Area Air Quality Management District

The Air District is the agency with primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. The air basin encompasses all of seven counties: Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, and portions of two others: southwestern Solano and southern Sonoma. The Air District is charged with regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, providing guidelines for analysis of air quality impacts pursuant to CEQA, and preparing an air quality management plan to maintain or improve air quality in the air basin.

Air pollutants of concern in the air basin are ozone, particulate matter (PM₁₀ and PM_{2.5}), and toxic air contaminants (Bay Area Air Quality Management District 2010a).

Air Basin Attainment Status

The California Air Resources Board is required to designate areas of the state as attainment, non-attainment, or unclassified with regard to its compliance with state standards for criteria air pollutants. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “non-attainment” designation indicates that

a pollutant concentration violated the standard at least once, excluding an “unclassified” designation signifies that available data does not support either an attainment or non-attainment status. A “non-attainment transitional” status infers that the air basin has had fewer than three exceedances at any one monitoring station. The California Clean Air Act divides districts into moderate, serious, and severe air pollution non-attainment categories, with increasingly stringent control requirements mandated for each category.

Ambient air quality is monitored at by the Air District at eight locations in Santa Clara County. The ozone and particulate matter standards have been exceeded and therefore the Air Basin does not meet the state ambient air quality standards for these pollutants. The ozone attainment status is currently “non-attainment” and the suspended and fine particulate matter attainment status is currently “non-attainment.” On October 29, 2012, EPA proposed that the Bay Area be re-classified as in attainment for the 24-hour national fine particulate standard. Other criteria pollutants are not considered to have a non-attainment status (Bay Area Air Quality Management District 2010a, 2012a). [Table 3, San Francisco Bay Area Air Basin Attainment Status Designations](#), identifies the current status within the air basin for each criteria pollutant.

Table 3 San Francisco Bay Area Air Basin Attainment Status Designations

Pollutant	State	Federal
Ozone (O ₃)	Non-attainment	Non-attainment
Inhalable Particulates (PM ₁₀)	Nonattainment	Unclassified
Fine Particulates (PM _{2.5})	Non-attainment	Non-attainment ¹
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment

Source: Bay Area Air Quality Management District 2012b

Note: On October 29, 2012, EPA proposed that the Bay Area be re-classified as in attainment for the PM_{2.5} federal standard.

Air Quality Management Plans

The federal Clean Air Act requires areas with unhealthful levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air

districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts and other agencies, such as the Bureau of Automotive Repair and the Department of Pesticide Regulation, prepare State Implementation Plan elements and submit them to the California Air Resources Board for review and approval. The California Air Resources Board forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register. The 1990 amendments to the federal Clean Air Act set deadlines for attainment based on the severity of an area's air pollution problem (California Air Resources Board 2013c).

The Air District is delegated with the responsibility at the local level to implement both federal and state mandates for improving air quality in the Air Basin through an air quality plan. When thresholds are exceeded at regional monitoring stations on consecutive accounts, an attainment plan must be prepared that outlines how an air quality district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods. The Air District periodically prepares and updates plans in order to attain State and national air quality standards, comply with quality planning requirements, and achieve the goal of clean and healthful air. These plans also report on progress in improving air quality and provide a road map to guide the Air District's future activities.

The Air District has adopted several plans in an attempt to achieve state and federal air quality standards. Because the San Francisco Bay Air Basin has been designated as a non-attainment area for the national ozone standard since 1998, the Air District has prepared ozone attainment plans in 1999, 2001, and 2005. The 2010 Clean Air Plan updates the Air District's most recent state ozone plan, the 2005 Ozone Strategy, which laid out a comprehensive plan to reduce emissions. The 2010 Clean Air Plan was developed as a multi-pollutant plan; this plan provides an integrated control strategy to reduce ozone, particulate matter, toxic air contaminants, and greenhouse gases. The 2010 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation; some of the control measures relate to residential or commercial development. The 2020 Clean Air Plan's summary description of each applicable control measure is included in the Analysis, Impacts, and Mitigation section. Refer to Volume 2 of the 2010 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2010a, Chapter 4 and Volume II).

Town of Los Gatos

The following General Plan goals and policies relating to air quality are applicable to the proposed project.

Policy TRA-1.3 Evaluate the effects of all circulation and other transportation improvements on air pollution, noise, and use of energy prior to issuing any zoning approval.

Policy ENV-12.2 Require consideration of alternatives to individual auto use whenever the environmental review document concludes that the traffic generated by a development project would result in adverse impacts from air and noise pollution.

Policy ENV-12.9 For significant projects, require project proponents to prepare and implement a Construction Management Plan, which will include Best Available Control Measures, among other measures. Appropriate control measures will be determined on a project-by-project basis, and should be specific to the pollutant for which the daily threshold is exceeded. Such control measures may include, but not be limited to:

- a. Minimizing simultaneous operation of multiple construction equipment units.
- b. Watering the construction area to minimize fugitive dust.
- c. Requiring off-road diesel powered vehicles used for construction to comply with California vehicle emissions standards.
- d. Minimizing idling time by construction vehicles.

Several *Los Gatos Sustainability Plan* policies affect both air quality and greenhouse gas emissions, and are presented in Section 3.6 Greenhouse Gasses.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);

3.0 ENVIRONMENTAL EFFECTS

- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

The air quality analysis is based on the guidance in the Air District's *California Environmental Quality Act Air Quality Guidelines* (hereinafter "2011 CEQA Air Quality Guidelines"). The CEQA Guidelines state that the significance criteria established by the applicable air district may be relied upon to make determinations regarding violations of air quality standards. Criteria air pollutant analysis for plans is based on meeting the following two thresholds:

- Consistency with 2010 Clean Air Plan control measures; in accordance with the 2011 CEQA Air Quality Guidelines, a project is considered consistent with the 2010 Clean Air Plan if it supports the primary goals of the 2010 Clean Air Plan, includes applicable 2010 Clean Air Plan control measures, and would not disrupt or hinder implementation of any 2010 Clean Air Plan control measures; and
- A proposed plan's projected vehicle miles travelled or vehicle trips (either measure may be used) increase is less than or equal to its projected population increase.

The quantitative thresholds for criteria pollutants do not apply to the plan level analysis in this EIR, but would apply to future development projects within the project site, and are provided here for reference:

- Nitrogen oxides and volatile organic compounds: 54 pounds/day;
- Inhalable particulate matter (PM₁₀): 82 pounds/day;
- Fine particulate matter (PM_{2.5}): 54 pounds/day; and
- Carbon monoxide: A quantitative carbon monoxide impact analysis is required (comparing project emissions to the state standards), if none of the following are met:
 - Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
 - The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
 - The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The following toxic air contaminants thresholds are used in this analysis:

- Increased cancer risk below 10.0 cases in one million for individual projects and below 100 cases in one million (from all local sources) for cumulative sources;
- Increased non-cancer risk below 1.0 Hazard Index (Chronic or Acute) for individual projects and below 10.0 Hazard Index (from all local sources) for cumulative sources; and
- Ambient fine particulate matter increase below 0.3 µg/m³ annual average for individual projects and below 0.8 µg/m³ annual average (from all local sources) for cumulative sources.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Substantial Odors. Based on the land uses proposed, there is no potential for substantial odors. No industrial uses that typically produce significant odors would be developed within the project site; use would be office and not associated with significant odors. There are no significant odor-producing uses in the vicinity of the project site that could affect proposed uses. Therefore, this topic is not further discussed in this section.

General Plan Consistency. Most of the General Plan air quality policies call for implementing adequate mitigation measures to respond to project effects. Several adverse air quality impacts are identified and mitigation measures are presented to reduce impacts to a less-than-significant level. General Plan Policy ENV-12.3 specifically requires design criteria for site plans to reduce the effects of high air pollution concentrations associated with roadways by appropriate placement of structures, use of landscaping, and parking arrangements.

Because a large portion of air emissions are related to vehicle operation, many of the air quality impacts are mitigated through transportation measures. Therefore, this topic is not further discussed in this section. Refer to [Section 3.13](#) Transportation and Traffic for discussion of alternative transportation modes and mitigation measures to improve usability of alternative transportation modes.

IMPACT: THE PROJECT IS INCONSISTENT WITH THE 2010 CLEAN AIR PLAN (LESS THAN SIGNIFICANT WITH MITIGATION)

The 2010 Clean Air Plan addresses ozone, particulate matter, and toxic air contaminants. 2011 CEQA Air Quality Guidelines section 9.1 provides guidance on determining if a project is consistent with the 2010 Clean Air Plan. For consistency a project should meet three criteria:

- Support the primary goals of the 2010 Clean Air Plan;
- Include applicable 2010 Clean Air Plan control measures; and,
- Not disrupt or hinder implementation of any 2010 Clean Air Plan control measures.

The proposed project's consistency with each of these criteria is discussed below.

Support the primary goals of the 2010 Clean Air Plan. The primary goals of the 2010 Clean Air Plan are to attain air quality standards; to reduce population exposure and protect public health in the Bay Area; and to reduce greenhouse gas emissions and protect the climate. This is considered to have been accomplished if there are no significant project-level air quality or greenhouse gas impacts, or if significant impacts are mitigated to a less-than-significant level. As discussed in this section, all significant air quality effects can be mitigated to a less-than-significant level. No significant greenhouse gas emission effects are identified (refer to Section 3.6, Greenhouse Gas Emissions).

Include applicable 2010 Clean Air Plan control measures. There are 55 control measures in the 2010 Clean Air Plan, many of which are applicable only for industrial or regional implementation, and do not apply to other types of projects. Fourteen control measures are potentially applicable to commercial projects. The 2011 CEQA Air Quality Guidelines do not state the extent to which a project must be consistent with applicable control measures. The recognized standard for general plan consistency states that a project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. A project need not be in perfect conformity with each and every policy of the general plan if those policies are not relevant or leave the city (town) or county room for interpretation (California Governor's Office of Planning and Research 2003, page 164). Project consistency with each of the applicable control measures is discussed below, based in part, on the implementation expectations stated in the 2010 Clean Air Plan. Refer to the Policy and Regulation section above for text summaries of the control measures, or to the 2010 Clean Air Plan for full descriptions (Bay Area Air Quality Management District 2010a, Volume 2).

SSM 12 Space Heating. The proposed project would meet current California Energy Code requirements for furnace efficiency, but not necessarily NO_x emissions specified in the control measure. The Air District Regulation 9 Rule 4 applies to smaller single-family furnaces (less than 175,000 BTUs), but not to commercial heating systems. Commercial heating systems may not meet the low NO_x standards. The proposed project would not be in conformance with this control measure. Implementation of Mitigation Measure AQ-1 would reduce this inconsistency to a less-than-significant level.

MSM A-2 Zero Emission Vehicles and Plug in Hybrids. Expand the use of Zero Emission (ZEV) and Plug - in Hybrid (PHEV) passenger vehicles and light - duty trucks within the Bay Area, working in partnership with the Bay Area Electric Vehicle Corridor coalition. The developer plans to install conduit for 32 “clean air vehicles” within the parking garage, 2 of which can be used for ADA parking. This will allow the future tenants to provide the charging stations with rapid charge systems. This installation would conform to this control measure if the tenants follow through and install the charging stations. Mitigation Measure AQ-2 would reduce this inconsistency to a less-than-significant level.

MSM C-1 Construction Equipment. This measure affects the composition of heavy equipment used during construction. The use of lower nitrogen oxides emitting construction equipment is an approach typically used as mitigation to reduce construction phase nitrogen oxides violations. State and federal programs addressing diesel fuel and construction equipment fleet composition reduce both toxic air emissions and criteria emissions from heavy construction equipment. The proposed project would be in conformance with this control measure.

TCM C-1 Support Voluntary Employer - Based Trip Reduction Program. Under this control measure, the Town is encouraged to require mitigation of vehicle travel as part of new development approval, and develop innovative ways to encourage rideshare, transit, cycling, and walking for work commute trips. General Plan Policy ENV-12.2 and the Specific Plan’s circulation section suggest similar direction. The proposed project includes office uses and would encourage commuting by bicycle, transit service, car-pooling, etc. Therefore, the project would be in conformance with this measure.

TCM C-2. Implement Safe Routes to Schools and Safe Routes to Transit. The safe routes to transit portion of this control measure is applicable to the proposed office use. The project site is approximately one-half a mile from the transit stop (bus route 48) located on Los Gatos - Saratoga Road between University Avenue and Santa Cruz Avenue. Sidewalk improvements are proposed along Los Gatos - Saratoga Road. Another transit stop on Los Gatos Boulevard is located approximated one-quarter mile from the project site and sidewalks exist to accommodate patrons using that bus service. Refer to Section 3.11, Transportation and Traffic, for mitigation measures which would result in conformance with this control measure.

TCM C-3 Promote Rideshare Services and Incentives. This control measure calls for the Town to encourage ridesharing and create incentives to promote ridesharing. The proposed project includes office uses and will include sidewalks to encourage walking from the adjacent neighborhoods. The Project Objectives document, provided by the applicant, states incentives will be provided to the employees that use public transit. Incentives will include subsidized cost of transit passes, designated carpool parking and garage area storage for forty (40) bicycles and provide showers and locker areas for pedestrians and cyclists. The applicant will also provide Transportation Demand Management to maximize alternative mode splits, reduce dependence on single-occupant vehicles and encourage the use of pedestrian/bicycle/ride-share programs.

TCM D-2 Pedestrian Access. The applicant includes sidewalks and pedestrian connections throughout the project site. Sidewalks are provided on the streets adjacent to the project site to provide reasonable pedestrian access to adjacent services. The proposed project would be in conformance with this control measure. Refer also to Section 3.11, Transportation and Traffic.

TCM D-3 Local Land Use Strategies. The site plan is consistent with the General Plan. It is feasible that office personnel could walk or bike to nearby lunch, lodging, banking or shopping facilities. The proposed project would be in conformance with this control measure.

TCM E-2 Parking and Pricing Management Strategies. The applicant has proposed to construct a parking garage beneath the office building to house 390 vehicles and forty bicycles. Parking garages are encouraged to reduce the land area dedicated to parking. The proposed project would be in conformance with this control measure.

LUM 4 Land Use Guidelines. The Town has already incorporated a number of these strategies in the General Plan. Refer to TCM D-3. The proposed project would be in conformance with this control measure.

ECM-1 Energy Efficiency. The proposed project would be required to comply with the Town's sustainability plan and state energy efficiency codes, including the California Energy Code and the California Green Building Standards Code. The proposed project is implementing design measures suitable for LEED Silver qualification. The proposed project would be in conformance with this control measure.

ECM 2 Renewable Energy. The site plan does not show solar roofing at this time. However, the installation of a solar energy system is anticipated to be included in the final building plans. The active solar energy system will be designed specific for the future tenant. The *Los Gatos Sustainability Plan* includes requirements for several renewable energy programs, which should be reflected in the site plan. Therefore, the proposed project would be in conformance with this control measure.

ECM 3 Urban Heat Island. This measure addresses the use of cool roof and cool pavement materials. General Plan Policy ENV-13.1 and the *Los Gatos Sustainability Plan* include similar requirements, which should be reflected in the site plan. The proposed project will install a roof system that will be either single ply TPO or PVC roof, which will be white in color. This installation of this roofing material the project would be in conformance with this control measure.

ECM 4 Shade Trees. This measure addresses the use of shade trees to reduce the heat island effect. The proposed project includes shade tree planting on its site plan and would be in conformance with this control measure.

The proposed project would implement many of the control measures, which are requirements of Town plans, such as the *Los Gatos Sustainability Plan*. Several of the control measures would not be implemented, as noted above.

Not disrupt or hinder implementation of any 2010 Clean Air Plan control measures. The proposed project does not include features that would directly interfere with attainment of the 2010 Clean Air Plan.

As identified in the discussion above, the site plan does not fully address several of the control measure requirements of the 2010 Clean Air Plan. This represents a potential significant environmental impact. Mitigation measures presented in Section 3.11, Transportation and Traffic and the mitigation measures presented below, would eliminate conflicts with the 2010 Clean Air Plan.

Mitigation Measures

AQ-1. Final plans for the proposed buildings on the site shall be amended to include a requirement for low NO_x heating systems to be installed in new buildings on the site.

AQ-2. Final plans shall be amended to include a requirement for the installation of at least four electric charging stations prior to occupancy, with parking restricted to electric or plug-in hybrid vehicles, and at least one handicapped space shall be provided with access to a charging station.

IMPACT: THE PROJECT WOULD RESULT IN LESS THAN SIGNIFICANT EMISSIONS OF CRITERIA AIR POLLUTANT EMISSIONS DUE TO A REDUCTION IN PER CAPITA TRIPS (LESS THAN SIGNIFICANT)

The Air Basin is in non-attainment for ozone and particulate matter. Future emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM₁₀ or PM_{2.5}) from the proposed project could result in an increase in non-attainment criteria pollutants within the Air Basin. Vehicle miles traveled is a measure of a project's effect on criteria air pollutant emissions.

To compare vehicle miles trips the project site's existing trips were compared to projected trips. The existing number of trips were counted at 42 during the AM peak hour and 81 during the PM peak hour, as indicated in the Final Traffic Impact Analysis by Hexagon Transportation Consultants, based on 30,000 square feet of existing office uses. The proposed new building area of 93,500 square feet is expected to generate 181 trips during the AM peak hour and 183 trips during the PM peak hour.

Daily existing trips were estimated at 331 based on standard trip rates for office uses. The proposed project would generate 1,031 daily trips as shown in Table 7 of the Traffic Impact Analysis provided by Hexagon Transportation Consultants (Appendix I), the development would increase the number of daily vehicle trips generated within the project site by approximately 700 trips. Mitigation measures presented in Section 3.11, Transportation and Traffic, would improve air pollutant emissions from vehicle trips associated with the proposed project. Therefore, potential air quality impacts related to vehicle trips would be less than significant.

IMPACT: THE PROJECT COULD RESULT IN POLLUTANT CONCENTRATIONS AT SENSITIVE RECEPTORS (LESS THAN SIGNIFICANT WITH MITIGATION)

Construction Dust. The air district has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of particulate matter in the form of fugitive dust because initial site preparation activities typically involve the most intensive grading, as would be the case with the proposed

project based on two-story deep excavation. During other construction phases, additional materials would be imported to the project site including base rock, select soil/gravel for trenches and building pads, and asphalt for paving. Without controls, dust from construction would be transported off-site via wind erosion of unpaved surfaces or through soils tracked-out onto paved roads where particulate matter enters the air through the motion of passing cars and trucks.

Construction of the proposed project would take place adjacent to existing residences adjacent to the project site. Residences are located to the north of the site, approximately 150-200 feet from existing buildings on the site. Residences are also located east of the site, approximately 100 to 125 feet from existing buildings on the site. Construction would result in dust emissions (particulate matter) that could affect residents in this area. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

AQ-3. The project contractor shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The project contractor shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.

Basic dust control measures:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph;
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and
- f. The project contractor shall designate a "disturbance coordinator" responsible for responding to any local complaints regarding dust complaints. The project contractor will post a publicly visible sign with a contact telephone number for the disturbance coordinator. The disturbance coordinator shall respond and take correction action

for any complaint received within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;
- h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and
- i. Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.

Health Effects from Roadway Emissions. The project site is adjacent to one arterial street, the on ramp to State Route 17, and a low volume street. High volumes of traffic, including heavy diesel trucks, use some of these roads. Because this is an office complex and does not include residential homes, the amount of time patrons may spend outside exposed to roadway emissions would be limited in nature and therefore the effects of roadway generated toxic air contaminant emissions less than significant. No mitigation measure is needed for the proposed office use.

Carbon Monoxide Concentrations. The proposed project would increase traffic volumes at the studied intersections but would have an insignificant impact on levels of service at the studied intersections. The proposed project would not result in hourly traffic volumes in excess of 44,000 vehicles at any of the street intersections, and therefore, the proposed project would not result in a significant environmental impact from concentrations of carbon monoxide. No mitigation measures are necessary to reduce carbon monoxide concentration.

Cancer Risk from Stationary Sources. There are no stationary sources proposed as part of the project or within 1,000 feet of the project site. Toxic air emissions from stationary sources would have a less than significant environmental impact. No mitigation is required.

Asbestos. The proposed project includes demolition of buildings that could include asbestos-containing materials. Standard requirements for permitting removal and handling of asbestos would reduce potential effects from asbestos from building demolition to a less-than-significant level. Soils-borne asbestos is considered a significant issue when susceptible populations may be exposed to asbestos, such as at playgrounds and schools, or residential yards. Since the project site is not adjacent to a stream that could have transported asbestos from ridge tops, the likelihood of high levels of asbestos in the soil is low, and considered a less-than-significant impact. With implementation of standard requirements for demolition activities no additional mitigation is required.

3.3 BIOLOGICAL RESOURCES

The proposed project is redevelopment of a fully developed commercial site that does not involve the disturbance of natural habitat areas. Information from the detailed project arborist report has been verified in the field and incorporated into this section.

No comment letters pertaining to biological resources were submitted in response to the NOP.

Environmental Setting

Methods

This section is based on a biological reconnaissance field survey conducted by EMC Planning Group senior biologist and certified arborist Andrea Edwards on February 15, 2016. The purposes of the survey were to document existing plant communities and wildlife habitats, and evaluate the potential for special-status biological resources to occur on the project site. Prior to the site visit, Ms. Edwards reviewed site plans; aerial photographs; database accounts; and scientific literature/project reports describing natural resources in the project vicinity. Biological resources were documented in field notes during the survey, including species observed, dominant plant communities, and wildlife habitat characteristics. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level were noted.

Biological Resources Setting

The project site is situated in the California Floristic Province's San Francisco Bay Area sub-region, which is reasonably well defined by geographic features such as Mount Tamalpais, the Santa Cruz Mountains, and the northern Diablo Range, including Mount Diablo and Mount Hamilton. The sub-region is less well defined by vegetation, encompassing a diversity of plant community types, from wet redwood forest to dry oak-pine woodland and chaparral (Baldwin 2012). The area experiences a Mediterranean-type climate, which can be characterized as having cool, wet winters, and warm, dry summers. Rainfall between the months of April and October is relatively rare, totaling approximately 15 percent of the average annual precipitation of 26.9 inches at the Los Gatos weather station (Western Regional Climate Center 2016).

The project site is situated on the U.S. Geological Survey (USGS) Los Gatos quadrangle map. Elevations on the flat site range from about 340 to 345 feet. The fully developed commercial site is surrounded by dense urban development and State Route 17. It consists of developed areas (three office buildings and paved parking lots), along with maintained non-native ornamental landscaping. Trees on the site are discussed below, and irrigated and mulched areas with ornamental shrubs, grasses, and succulents are also present.

Plant Communities

The General Plan EIR Figure 4.3-1, Vegetation and Wildlife Habitat Types, identifies the area where the project site is located as woodland/forest (Town of Los Gatos 2010). However, no natural plant communities are present on the developed and ornamental (landscaped) site. The site is bordered to the west and south by a dense but narrow strip of mature trees that contain a small amount of semi-riparian vegetation and a shallow drainage ditch that was dry at the time of survey. The incised ditch is partially filled with thick leaf litter, and begins at a small concrete culvert at the intersection of Alberto Way and Los Gatos - Saratoga Road.

Trees in this narrow wooded area adjacent to the site (within the State Route 17 and Los Gatos – Saratoga Road rights-of-way) include native coast live oaks (*Quercus agrifolia*) mixed with various non-native ornamental trees. The dense understory contains mainly non-native French broom (*Genista monspessulana*), common oleander (*Nerium oleander*), olive (*Olea europaea*), and English ivy (*Hedera helix*); some common native plants are also present including western poison oak (*Toxicodendron diversilobum*), toyon (*Heteromeles arbutifolia*), and California rose (*Rosa californica*). This woodland habitat patch is separated from the site by a chain link fence and would not be impacted by the proposed project. Note that the project site is located approximately 425 feet from Los Gatos Creek; however, it is separated from the creek by State Route 17.

Regulated Trees

The project arborist report prepared by the Town’s consulting arborist Deborah Ellis contains a tree inventory with map, tree descriptions, and recommendations relative to proposed construction; it is provided as Appendix B (Ellis 2015). It states that 60 trees regulated by the Town are located on or immediately adjacent to the fully developed commercial site. Regulated trees include trees that measure four inches or more in diameter of any trunk at 4.5 feet above the ground; this excludes certain non-native invasive trees and most fruit/nut trees (see page 2 of the arborist report for further details on excluded trees).

The 60 regulated trees include a native valley oak (*Quercus lobata*) and 11 native coast live oaks; the remaining ornamental/planted tree species include olive, crape myrtle (*Lagerstroemia* sp.), sweet gum (*Liquidambar styraciflua*), European white birch (*Betula pendula*), coast redwood (*Sequoia sempervirens*), southern magnolia (*Magnolia grandiflora*), New Zealand Christmas tree (*Metrosideros excelsa*), Raywood ash (*Fraxinus angustifolia* ‘Raywood’), Brazilian pepper tree (*Schinus terebinthefolius*), Monterey pine (*Pinus radiata*), and California pepper tree (*Schinus molle*). These trees were systematically surveyed and mapped, and typically tagged and photographed, with the following data collected: species, trunk diameter(s), preservation suitability, value (monetary appraisal), and expected construction impact/action/reason (Ellis 2015).

Of the 60 regulated trees, at least 52 would be removed by the proposed project, with six additional trees that may also be removed, and two coast live oak trees located adjacent to the site that would not be impacted. The arborist report contains detailed recommendations to protect trees on or adjacent to the project site that will not be removed, but could potentially be disturbed by the proposed project, including monitoring, maintenance, and pruning measures; protection underneath tree drip-line areas/ tree root protection distances; and new landscaping installation and maintenance policies. Finally, the Los Gatos Town Code tree protection requirements (Zoning Regulations - Chapter 29, Article 1/Division 2, Sections 29.10.1005 through 1045) are included in the arborist report (Ellis 2015).

Wildlife Habitats

The overall quality of wildlife habitats at the developed project site is quite low. The site provides only marginally suitable habitat conditions for common, urban-adapted wildlife species because it is surrounded by urban development, has a high human and domestic animal presence, is highly disturbed, and contains almost no native vegetation. Common species expected to occur on the project site include birds that utilize ornamental landscaped vegetation and man-made structures for nesting, such as house sparrow (*Passer domesticus*), house finch (*Carpodacus mexicanus*), western scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), and European starling (*Sturnus vulgaris*).

Special-Status Species

Special-status species in this analysis are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW); or listed as Rare Plant Rank 1B or 2B species by the California Native Plant Society (CNPS). The special-status designation also includes CDFW Species of Special Concern and Fully Protected species. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW *California Natural Diversity Database* was conducted for the Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, Santa Teresa Hills, Felton, Laurel, and Loma Prieta USGS quadrangles in order to generate a list of potentially occurring special-status species in the project vicinity (CDFW 2016). A USFWS *Endangered Species Program* Threatened and Endangered species list was also generated for Santa Clara County (USFWS 2016). Records of occurrence for special-status plants were reviewed for the nine USGS quadrangles listed above in the CNPS *Inventory of Rare and Endangered Plants* (CNPS 2016).

Special-Status Plants. Special-status plants often occur in relatively undisturbed areas and are largely found within unique plant communities. Table 4, *Special-Status Plants Potentially Occurring in the Project Vicinity*, shows special-status plant species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. No special-status plant species are expected to occur on the project site due to the lack of suitable habitats.

Special-Status Wildlife. Special-status wildlife often requires undisturbed or minimally disturbed habitats. Table 5, *Special-Status Wildlife Potentially Occurring in the Project Vicinity*, shows special-status wildlife species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. No special-status wildlife species are expected to occur on the project site due to the lack of suitable habitats.

However, various bird species may nest in the numerous trees and shrubs present on and adjacent to the project site or on the ground in ornamental (landscaped) areas. Construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests.

Policy and Regulation

Federal Regulations

Endangered Species Act. The federal Endangered Species Act of 1973 (hereafter the “Act”) protects species that the USFWS has listed as “Endangered” or “Threatened.” Permits may be required from the USFWS if activities associated with a proposed project would result in the “take” of a federally listed species or its habitat. Under the Act, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in “take.” “Take” of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Table 4 Special-Status Plants Potentially Occurring in the Project Vicinity

Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Anderson's manzanita (<i>Arctostaphylos andersonii</i>)	--/--/1B.2	Broadleaved upland forest, chaparral, and North Coast coniferous forest. Known only from the Santa Cruz Mountains. Prefers open sites in redwood forest; elevation 180-800m.	No suitable habitat present on the site; not expected to occur.
Arcuate bush-mallow (<i>Malacothamnus arcuatus</i>)	--/--/1B.2	Chaparral, in gravelly alluvium; elevation 80-355m.	No suitable habitat present on the site; not expected to occur.
Ben Lomond buckwheat (<i>Eriogonum nudum</i> var. <i>decurrans</i>)	--/--/1B.1	Chaparral, cismontane woodland, lower montane coniferous forest, and ponderosa pine sand hills; elevation 50-800m.	No suitable habitat present on the site; not expected to occur.
Ben Lomond spineflower (<i>Chorizanthe pungens</i> var. <i>hartwegiana</i>)	FE/--/1B.1	Lower montane coniferous forest; found on Ben Lomond sands and Zayante coarse sands in maritime ponderosa pine sand hills; elevation 120-470m.	No suitable habitat present on the site; not expected to occur.
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	--/--/1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland, on decomposed shale soils; elevation 3-500m.	No suitable habitat present on the site; not expected to occur.
Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>)	--/--/1B.2	Valley and foothill grassland, and cismontane woodland; sometimes on serpentine substrates; elevation 35-1000m.	No suitable habitat present on the site; not expected to occur.
Bonny Doon manzanita (<i>Arctostaphylos silvicola</i>)	--/--/1B.2	Chaparral, closed-cone coniferous forest, and lower montane coniferous forest. Known only from inland marine Zayante sands in Santa Cruz County; elevation 120-390m.	No suitable habitat present on the site; not expected to occur.
Bristly sedge (<i>Carex comosa</i>)	--/--/2B.1	Coastal prairie, marshes and swamps (lake margins), and valley and foothill grassland; elevation 0-625m.	No suitable habitat present on the site; not expected to occur.
Caper-fruited tropidocarpum (<i>Tropidocarpum capparideum</i>)	--/--/1B.1	Valley and foothill grassland on alkaline clay; elevation 0-445m.	No suitable habitat present on the site; not expected to occur.
Chaparral ragwort (<i>Senecio aphanactis</i>)	--/--/2B.2	Cismontane woodland and coastal scrub. Prefers drying alkaline flats; elevation 20-575m.	No suitable habitat present on the site; not expected to occur.
Choris' popcornflower (<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>)	--/--/1B.2	Chaparral, coastal scrub, and coastal prairie; mesic sites; elevation 15-100m.	No suitable habitat present on the site; not expected to occur.
Congdon's tarplant (<i>Centromadia parryi</i> spp. <i>congdonii</i>)	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Occurs on various substrates, and in disturbed/ruderal areas.	No suitable habitat present on the site; not expected to occur.

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Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Contra Costa goldfields (<i>Lasthenia conjugens</i>)	FE/--/1B.1	Wet areas in cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools; elevation 0-470m.	No suitable habitat present on the site; not expected to occur.
Coyote ceanothus (<i>Ceanothus ferrisiae</i>)	FE/--/1B.1	Serpentine sites in chaparral, coastal scrub, and valley and foothill grassland; elevation 120-460m.	No suitable habitat present on the site; not expected to occur.
Deceiving sedge (<i>Carex saliniformis</i>)	--/--/1B.2	Wet areas in coastal prairie, coastal scrub, meadows and seeps, and coastal salt marshes and swamps; elevation 3-230m.	No suitable habitat present on the site; not expected to occur.
Dudley's lousewort (<i>Pedicularis dudleyi</i>)	--/SR/1B.2	Chaparral, North Coast coniferous forest, and valley and foothill grassland. Deep shady woods of older coast redwood forests; also in maritime chaparral; elevation 100-490m.	No suitable habitat present on the site; not expected to occur.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m.	No suitable habitat present on the site; not expected to occur.
Hall's bush-mallow (<i>Malacothamnus hallii</i>)	--/--/1B.2	Chaparral, some populations on serpentine; elevation 10-550m.	No suitable habitat present on the site; not expected to occur.
Kellogg's horkelia (<i>Horkelia cuneata</i> ssp. <i>sericea</i>)	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings; elevation 10-200m.	No suitable habitat present on the site; not expected to occur.
Loma Prieta hoita (<i>Hoita strobilina</i>)	--/--/1B.1	Wet areas on serpentine substrate in chaparral, cismontane woodland, and riparian woodland; elevation 30-860m.	No suitable habitat present on the site; not expected to occur.
Marsh microseris (<i>Microseris paludosa</i>)	--/--/1B.2	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland; elevation 5-300m.	No suitable habitat present on the site; not expected to occur.
Marsh sandwort (<i>Arenaria paludicola</i>)	FE/SE/1B.1	Sandy openings in freshwater or brackish marshes and swamps; elevation 3-170m.	No suitable habitat present on the site; not expected to occur.
Metcalf Canyon jewel-flower (<i>Streptanthus albidus</i> ssp. <i>albidus</i>)	FE/--/1B.1	Valley and foothill grassland. Endemic to Santa Clara County. Relatively open areas in dry grassy meadows on serpentine soils/balds; elevation 45-245m.	No suitable habitat present on the site; not expected to occur.
Minute pocket moss (<i>Fissidens pauperculus</i>)	--/--/1B.2	North coast coniferous forest. Moss growing on damp soil along the coast; elevation 10-100m.	No suitable habitat present on the site; not expected to occur.
Monterey spineflower (<i>Chorizanthe pungens</i> var. <i>pungens</i>)	FT/--/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland; elevation 3-450m.	No suitable habitat present on the site; not expected to occur.

Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Most beautiful jewel-flower (<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>)	--/--/1B.2	Chaparral, valley and foothill grassland, and cismontane woodland; serpentine outcrops, on ridges and slopes; elevation 120-730m.	No suitable habitat present on the site; not expected to occur.
Mt. Hamilton fountain thistle (<i>Cirsium fontinale</i> var. <i>campylon</i>)	--/--/1B.2	Serpentine seeps in chaparral, cismontane woodland, and valley and foothill grassland; elevation 100-890m.	No suitable habitat present on the site; not expected to occur.
Northern curly-leaved monardella (<i>Monardella sinuata</i> ssp. <i>nigrescens</i>)	--/--/1B.2	Sandy sites in chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills); elevation 0-300m.	No suitable habitat present on the site; not expected to occur.
Point Reyes horkelia (<i>Horkelia marinensis</i>)	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m.	No suitable habitat present on the site; not expected to occur.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m.	No suitable habitat present on the site; not expected to occur.
Round-leaved filaree (<i>California macrophylla</i>)	--/--/1B.2	Clay sites in cismontane woodland, and valley and foothill grassland; elevation 15-1200m.	No suitable habitat present on the site; not expected to occur.
Saline clover (<i>Trifolium hydrophilum</i>)	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m.	No suitable habitat present on the site; not expected to occur.
San Francisco champion (<i>Silene verecunda</i> ssp. <i>verecunda</i>)	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral, and coastal prairie on mudstone/shale and serpentine substrates; elevation 30-645m.	No suitable habitat present on the site; not expected to occur.
San Francisco collinsia (<i>Collinsia multicolor</i>)	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m.	No suitable habitat present on the site; not expected to occur.
San Francisco popcornflower (<i>Plagiobothrys diffusus</i>)	--/SE/1B.1	Valley and foothill grassland, and coastal prairie. Historically from grassy slopes with marine influence; elevation 60-485m.	No suitable habitat present on the site; not expected to occur.
Santa Clara Valley dudleya (<i>Dudleya abramsii</i> ssp. <i>setchellii</i>)	FE/--/1B.1	Valley and foothill grassland, and cismontane woodland. Endemic to serpentine outcrops and on rocks within grassland or woodland in Santa Clara County; elevation 80-335m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz clover (<i>Trifolium buckwestiorum</i>)	--/--/1B.1	Broadleaved upland forest, cismontane woodland, and coastal prairie; prefers moist grassland and gravelly margins; elevation 105-610m.	No suitable habitat present on the site; not expected to occur.

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Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Santa Cruz cypress (<i>Hesperocyparis abramsiana</i> var. <i>abramsiana</i>)	FE/SE/1B.2	Closed-cone coniferous forest and lower montane coniferous forest in the Santa Cruz Mountains on sandstone and granitic derived soils; elevation 300-800m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz Mountains beardtongue (<i>Penstemon rattanii</i> var. <i>kleei</i>)	--/--/1B.2	Chaparral and lower montane coniferous forest. Sandy shale slopes in transition zone between forest and chaparral; elevation 400-1100m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz Mountains pussypaws (<i>Calyptridium parryi</i> var. <i>hesseae</i>)	--/--/1B.1	Sandy or gravelly openings in chaparral and cismontane woodland; elevation 305-1530m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	FT/SE/1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland; often on clay or sandy soils; elevation 10-220m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz wallflower (<i>Erysimum teretifolium</i>)	FE/SE/1B.1	Lower montane coniferous forest and chaparral. Pine Parkland Area, on inland marine sands (Zayante coarse sand); elevation 120-610m.	No suitable habitat present on the site; not expected to occur.
Scotts Valley polygonum (<i>Polygonum hickmanii</i>)	FE/SE/1B.1	Valley and foothill grassland. Purisima sandstone or mudstone with a thin soil layer, vernal moist due to runoff; elevation 210-250m.	No suitable habitat present on the site; not expected to occur.
Scotts Valley spineflower (<i>Chorizanthe robusta</i> var. <i>hartwegii</i>)	FE/--/1B.1	Meadows, and valley and foothill grassland. In grasslands with mudstone and sandstone outcrops; elevation 230-245m.	No suitable habitat present on the site; not expected to occur.
Smooth lessingia (<i>Lessingia micradenia</i> var. <i>glabrata</i>)	--/--/1B.2	Chaparral; endemic to Santa Clara County. Serpentine substrates, often on roadsides; elevation 120-485m.	No suitable habitat present on the site; not expected to occur.
Swamp harebell (<i>Campanula californica</i>)	--/--/1B.2	Mesic sites in bogs and fens, closed-cone coniferous forest, coastal prairie, meadows and seeps, freshwater marshes and swamps, and North Coast coniferous forest; elevation 1-405m.	No suitable habitat present on the site; not expected to occur.
Tear drop moss (<i>Dacryophyllum falcifolium</i>)	--/--/1B.3	Carbonate substrates in North Coast coniferous forest; elevation 50-275m.	No suitable habitat present on the site; not expected to occur.
Western leatherwood (<i>Dirca occidentalis</i>)	--/--/1B.2	Broadleaved upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. Found on brushy slopes, in mesic sites, mostly in mixed evergreen and foothill woodland communities; elevation 30-550m.	No suitable habitat present on the site; not expected to occur.
White-flowered rein orchid (<i>Piperia candida</i>)	--/--/1B.2	Broadleaved upland forest, lower montane coniferous forest, and North Coast coniferous forest; sometimes serpentine; elevation 30-1310m.	No suitable habitat present on the site; not expected to occur.

Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
White-rayed pentachaeta <i>(Pentachaeta bellidiflora)</i>	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m.	No suitable habitat present on the site; not expected to occur.
Woodland woollythreads <i>(Monolopia gracilens)</i>	--/--/1B.2	Serpentine, open sites in broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland; elevation 100-1200m.	No suitable habitat present on the site; not expected to occur.

Listing Status Codes:

Federal (USFWS)

- FE: Listed as Endangered under the Federal Endangered Species Act.
- FT: Listed as Threatened under the Federal Endangered Species Act.

State (CDFW)

- SE: Listed as Endangered under the California Endangered Species Act.
- ST: Listed as Threatened under the California Endangered Species Act.
- SR: Listed as Rare under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions

- 1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.
- 2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.
- .1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).
- .2: Fairly endangered in California (20-80% occurrences threatened).
- .3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Sources: CDFW 2016, CNPS 2016

Table 5 Special-Status Wildlife Potentially Occurring in the Project Vicinity

Species	Status (Federal/ State)	Habitat Description	Potential to Occur on the Project Site
American badger <i>(Taxidea taxus)</i>	--/SSC	Most abundant in drier, open stages of most shrub, forest, and herbaceous habitats. Need sufficient food and open, uncultivated ground with friable soils to dig burrows. Prey on burrowing rodents.	No suitable habitat present on the site; not expected to occur.
American peregrine falcon <i>(Falco peregrinus anatum)</i>	--/SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	No suitable habitat present on the site; not expected to occur.
Bay checkerspot butterfly <i>(Euphydryas editha bayensis)</i>	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Castilleja densiflora</i> and <i>C. exserta</i> are secondary host plants.	No suitable habitat present on the site; not expected to occur.
Black swift <i>(Cypseloides niger)</i>	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls, in deep canyons and sea bluffs above surf; forages widely.	No suitable habitat present on the site; not expected to occur.
Burrowing owl <i>(Athene cunicularia)</i>	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	No suitable habitat present on the site; not expected to occur.
California red-legged frog <i>(Rana draytonii)</i>	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	No suitable habitat present on the site; not expected to occur. Shallow drainage ditch adjacent to site also contains no suitable habitat. Further, dispersal barriers from Los Gatos Creek include State Route 17 and existing urban development.
California tiger salamander <i>(Ambystoma californiense)</i>	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding habitat.	No suitable habitat present on the site; not expected to occur. Shallow drainage ditch adjacent to site also contains no suitable habitat. Further, dispersal barriers from Los Gatos Creek include State Route 17 and existing urban development.

Species	Status (Federal/ State)	Habitat Description	Potential to Occur on the Project Site
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	No suitable habitat present on the site; not expected to occur.
Coho salmon (<i>Oncorhynchus kisutch</i>)	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	No suitable habitat present on the site; not expected to occur.
Foothill yellow-legged frog (<i>Rana boylei</i>)	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	No suitable habitat present on the site; not expected to occur.
Golden eagle (<i>Aquila chrysaetos</i>)	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	No suitable habitat present on the site; not expected to occur.
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	FT/SE	Feeds near shore, and nests up to six miles inland from coast from Half Moon Bay to Santa Cruz in old-growth redwood forests, often in Douglas fir trees.	No suitable habitat present on the site; not expected to occur.
Mount Hermon June beetle (<i>Polyphylla barbata</i>)	FE/--	Sand hills at Mount Hermon.	No suitable habitat present on the site; not expected to occur.
Ohlone tiger beetle (<i>Cicindela ohlone</i>)	FE/--	Remnant native grasslands in Santa Cruz County. Substrate is poorly drained clay or sandy clay soil over bedrock of Santa Cruz mudstone.	No suitable habitat present on the site; not expected to occur.
Pallid bat (<i>Antrozous pallidus</i>)	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	No suitable habitat present on the site; not expected to occur.
Purple martin (<i>Progne subis</i>)	--/SSC	Inhabits woodlands, particularly low elevation coniferous forests (Douglas fir, ponderosa pine, and Monterey pine). Nests in cavities, often in tall, isolated trees or snags, and also in man-made structures.	No suitable habitat present on the site; not expected to occur.
Smith's blue butterfly (<i>Euphilotes enoptes smithi</i>)	FE/--	Coastal dunes and coastal sage scrub plant communities. Host plants include <i>Eriogonum latifolium</i> and <i>E. parvifolium</i> for larval and adult stages.	No suitable habitat present on the site; not expected to occur.

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Species	Status (Federal/ State)	Habitat Description	Potential to Occur on the Project Site
Steelhead <i>(Oncorhynchus mykiss irideus)</i>	FT/--	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	No suitable habitat present on the site; not expected to occur.
Swainson's hawk <i>(Buteo swainsoni)</i>	--/ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas, such as grasslands or agricultural fields supporting rodent populations.	No suitable habitat present on the site; not expected to occur.
Townsend's big-eared bat <i>(Corynorhinus townsendii)</i>	--/SCT	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	No suitable habitat present on the site; not expected to occur.
Tricolored blackbird <i>(Agelaius tricolor)</i>	--/SSC	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	No suitable habitat present on the site; not expected to occur.
Western pond turtle <i>(Emys marmorata)</i>	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	No suitable habitat present on the site; not expected to occur.
White-tailed kite <i>(Elanus leucurus)</i>	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	No suitable habitat present on the site; not expected to occur.
Zayante band-winged grasshopper <i>(Trimerotropis infantilis)</i>	FE/--	Isolated sandstone deposits in the Santa Cruz Mountains, Zayante Hills ecosystem.	No suitable habitat present on the site; not expected to occur.

Listing Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

State (CDFW)

SE: Listed as Endangered under the California Endangered Species Act

ST: Listed as Threatened under the California Endangered Species Act.

SCT: Candidate for listing as Threatened under the California Endangered Species Act.

SSC: Species of Special Concern.

SFP: Fully Protected species under the California Fish and Game Code.

Source: CDFW 2016

Migratory Bird Treaty Act. The Migratory Bird Treaty Act of 1918, last amended in 1989, prohibits killing, possessing, or trading in migratory birds, and protects the nesting activities of native birds including common species, except in accordance with certain regulations prescribed by the Secretary of the Interior. Over 800 native nesting bird species are currently protected under the federal law. This Act encompasses whole birds, parts of birds, bird nests, and eggs.

Clean Water Act. Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into “Waters of the U.S.” including wetlands. Certain natural drainage channels and wetlands are considered jurisdictional “Waters of the U.S.” The U.S. Army Corps of Engineers (USACE) is responsible for administering the Section 404 permit program. The agency determines the extent of its jurisdiction as defined by ordinary high water marks on channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 *Corps of Engineers Wetlands Delineation Manual* and the 2008 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*.

Activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the project proponent agrees to provide compensatory mitigation which results in no net loss of wetland area, function, or value, either through wetland creation, restoration, or the purchase of wetland credits through an approved wetland mitigation bank. In addition to individual discharge permits, the USACE also issues nationwide permits applicable for certain activities.

State Regulations

California Endangered Species Act. Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the “take” of a state-listed Threatened or Endangered species. “Take” is defined under the Act as an activity that would directly or indirectly kill an individual of a species; “take” is defined in Section 86 of the California Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” If a proposed project would result in the “take” of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a species conservation plan, would be required.

Nesting Birds and Birds of Prey. Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders *Falconiformes* and *Strigiformes*) are specifically protected under provisions

of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the bird nesting season, is considered “take” by the CDFW.

Streambed Alterations. The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources and/or riparian vegetation are subject to CDFW regulations. Activities that would disturb such drainages are regulated by the CDFW; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates measures that will protect habitat values of the impacted drainage.

California Porter-Cologne Water Quality Control Act. Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (RWQCB) may necessitate Waste Discharge Requirements for the fill or alteration of “Waters of the State,” which according to California Water Code Section 13050 includes “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction. Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state RWQCB is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

Regional/Local Policies and Regulations

Town of Los Gatos General Plan

The following General Plan policies relating to biological resources are applicable to the proposed project.

Policy CD-4.1 Preserve the Town’s distinctive and unique environment by preserving and maintaining the natural topography, wildlife, and native vegetation, and by mitigating and reversing the harmful effects of traffic congestion, pollution, and environmental degradation on the Town’s urban landscape.

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

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

Policy ENV-1.1 Preserve trees that are protected under the Town's Tree Protection Ordinance, as well as other native heritage, heritage and specimen trees.

Policy ENV-1.5 Prohibit the use of invasive plant species listed by the California Invasive Plant Council (Cal-IPC) for all new construction.

Policy ENV-1.7 Require new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat.

Policy ENV-4.7 Nesting sites shall be preserved in new development and within existing development unless a mitigation plan is approved.

Town of Los Gatos Tree Protection Ordinance

Sec. 29.10.0960. Scope of protected trees.

The trees protected by this division are:

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

(6) Any tree that was required by the Town to be planted or retained by the terms and conditions of a development application, building permit or subdivision approval in all zoning districts, tree removal permit or code enforcement action.

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

Sec. 29.10.0990. Standards of review [abridged].

The Director or deciding body shall review each application for a tree removal permit required by this division using the following standards of review. The standards of review are intended to serve as criteria for evaluating tree removal requests and the basis upon which the Director or the deciding body will subsequently determine whether or not one or more of the Required Findings listed in Section 29.10.0992 can be made.

- (1) The condition of the tree or trees with respect to: (a) disease, (b) imminent danger of falling, (c) structural failure, (d) proximity to existing or proposed structures, (e) structural damage to a building, or (f) a public nuisance caused by a tree. The International Society of Arboriculture (ISA) Best Management Practices for Tree Risk Assessment shall be used where appropriate in determining a Tree Risk Rating.
- (2) The condition of the tree giving rise to the permit application cannot be reduced to a less than significant level by the reasonable application of preservation, preventative measures or routine maintenance.
- (3) The removal of the tree(s) will not result in a density of trees or tree cover that is inconsistent with the neighborhood.
- (4) The number of trees the particular parcel can adequately support according to good urban forestry practices, or whether a protected tree is a detriment to or crowding another protected tree.
- (5) In connection with a proposed subdivision of land into two (2) or more parcels, the removal of a protected tree is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.).
- (6) Except for properties located within the hillsides, the retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (7) The Hillside Development Standards and Guidelines.
- (8) Removal of the protected tree(s) will not result in a substantial adverse change in the site's aesthetic and biological significance; the topography of the land and the effect of the removal of the tree on erosion, soil retention, or diversion or increased flow of surface waters.

- (9) Whether the Protected Tree has a significant impact on the property. Significant impact from a tree is defined in Sec. 29.10.0955. Definitions.
- (10) The species, size (diameter, canopy, height), estimated age and location on the property of the protected tree.

Sec. 29.10.0992. Required findings.

The Director, Director's designee, or deciding body shall approve a protected tree removal permit, severe pruning permit, or pruning permit for Heritage trees or large protected trees only after making at least one of the following findings:

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.
- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication.
- (3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.
- (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.
- (5) The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.

- (6) The tree has caused or may imminently cause significant damage to an existing structure that cannot be controlled or remedied through reasonable modification of the root or branch structure of the tree.
- (7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (8) The removal of the tree is unavoidable due to restricted access to the property.
- (9) The removal of the tree is necessary to repair a geologic hazard.
- (10) The removal of the tree and replacement with a more appropriate tree species will enhance the Town's urban forest.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan;
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Sensitive Natural Communities. Sensitive natural communities are defined by local, state, or federal agencies as habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity. No sensitive natural communities occur on the fully developed project site, so no impacts to sensitive natural communities would occur. Therefore, this topic is not further discussed in this section.

Wetlands and Waterways. As confirmed through the biological reconnaissance field survey and review of the USFWS National Wetlands Inventory, the project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the USACE, the CDFW, or the RWQCB would occur. Further, the ephemeral drainage ditch located in the strip of mixed woodland adjacent to the project site would not be impacted by the proposed project. Therefore, this topic is not further discussed in this section.

Wildlife Movement. In general, wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. The project site is a fully developed commercial site surrounded by dense urban development and State Route 17, and does not contain any wildlife movement corridor or native wildlife nursery site. No impacts to wildlife movement corridors or native wildlife nursery sites would occur. Therefore, this topic is not further discussed in this section.

Habitat Conservation Plans. The project site is not located within the Santa Clara Valley Habitat Plan permit area. The proposed project would not conflict with any adopted habitat conservation plan. Therefore, this topic is not further discussed in this section.

Forest Lands. The project site is a fully developed commercial site surrounded by dense urban development, and does not contain forest lands. Although a strip of mixed woodland borders the site to the west and south, it is located off-site and would not be impacted by the proposed project; this area consists of an isolated patch of vegetated habitat between the existing commercial development and State Route 17. The proposed project would not impact any forest land/timberland zoning, or convert forest land to non-forest use. Therefore, this topic is not further discussed in this section.

IMPACTS: THE PROPOSED PROJECT WOULD POTENTIALLY IMPACT NESTING BIRDS (LESS THAN SIGNIFICANT WITH MITIGATION)

Vegetation on and adjacent to the site has the potential to provide breeding habitat for nesting birds protected by the California Fish and Game Code and/or the federal Migratory Bird Treaty Act. If any active nest(s) of protected bird species should occur on or adjacent to the site, then construction activities or tree removal, if conducted during the bird nesting season (February 1 through August 31), could result in the direct loss of nests, including eggs and young, or the abandonment of active nests. This would be a significant potential impact; the following mitigation measure would reduce this potential impact to a less-than-significant level.

In addition, removal of mature trees for project implementation could conflict with General Plan policy ENV-4.7, which establishes protective measures requiring the preparation of a mitigation plan prior to the removal of nesting habitat. If the Town determines that a significant number of mature trees (non-orchard trees over 40 feet in height) would be removed by the proposed project, then the project developer would be required as a project design feature to retain a qualified biologist to prepare a nesting bird mitigation plan prior to the start of construction activities that would mitigate for the loss of suitable nesting habitat.

Mitigation Measure

BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance/construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared to determine and clearly delineate an appropriately-sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

IMPACT: THE PROPOSED PROJECT WOULD POTENTIALLY IMPACT REGULATED TREES (LESS THAN SIGNIFICANT)

The proposed project would result in the removal of 52 to 58 trees regulated by the Town of Los Gatos Tree Protection Ordinance. Most of these trees are ornamental landscaped trees, with the exception of 6 to 10 native oaks. Because most of the trees are not native, are pruned and spaced apart to reduce cover, and are surrounded by existing development, they only provide low quality wildlife habitat. The project developer would be required to obtain a tree removal permit from the Town prior to tree removal, and to implement the Los Gatos Town Code tree protection requirements that are contained in the project arborist report for retained trees.

The proposed project includes the installation of new landscaping, including large specimen shade trees and evergreen ornamental shrubs that would replace the low quality wildlife habitat values of the removed trees and restore opportunities for nesting birds on the site. Therefore, proposed project tree removals would be a less-than-significant biological resource impact, and no mitigation would be required.

3.4 CULTURAL RESOURCES

This section addresses potential impacts of the proposed project on cultural resources.

Information contained within this section is based on a variety of sources including:

- *Cultural Resource Evaluation of the Project at 401-409 Alberto Way* (Archaeological Resource Management 2016)

Most of this section has been derived from the Cultural Resources Evaluation prepared for the project by Archaeological Resource Management (2016). Note that while an EIR is an informational disclosure document, information about the specific location of archaeological sites and sacred lands is specifically restricted from disclosure under State CEQA Guidelines Section 15120(d) in accordance with California Government Code Section 6254. Because the Cultural Resources Evaluation identifies the potential locations of cultural resources in the vicinity of the project site, it has not been made public; rather, this section provides a general summary of the cultural resources in the proposed program area.

No comments were received regarding cultural resources during the NOP process.

Environmental Setting

Archaeological Resources Setting

The project site lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group of Native Americans. This group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. The Somontac, a Costanoan linguistic group, resided in the area of what is today Los Gatos (Archaeological Consulting 2011, General Plan page OSP-9). The project site is located about 425 feet east of Los Gatos Creek.

Historic Resources Setting

Los Gatos was founded around the Forbes Mill, a flour mill built in 1854. Located in a heavily wooded area, the logging industry gained importance in the late 1800s and Los Gatos later became an agricultural town in the early 1900s. In the 1950s, the Town grew primarily as a suburb of the City of San Jose (General Plan page CD-1).

The project site was once part of Mexican-era Rancho Rinconada de Los Gatos, a 6,631-acre land grant made by Governor Juan Alvarado to Jose Maria Hernandez and Sebastian Fabian Peralta in 1840, and confirmed by the United States government in 1860. The land grant included the present-day cities of Los Gatos, Monte Sereno, and portions of Campbell. In 1850, Alexander Forbes, former Vice-Counsel in San Francisco for the British Government, purchased 3,000 acres of the Rancho Rinconada de Los Gatos in the vicinity of Los Gatos Creek. By 1876, maps show the land grant divided into numerous parcels.

Regulatory Setting

Federal

The National Historic Preservation Act was adopted in 1966 and most recently amended in 2000. One of the most important provisions of the Act is the establishment of the National Register of Historic Places (National Register), the official record of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the National Register. The National Register is administered by the National Park Service (NPS). To be listed in the National Register, a property must be significant under one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of our history;
2. Is associated with the lives of persons significant in our past;
3. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
or
4. Has yielded, or may be likely to yield, information important in history or prehistory.

For a property to qualify under the National Register's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

1. Location is the place where the historic property was constructed or the place where the historic event occurred;
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting is the physical environment of a historic property;
4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;

6. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time; or
7. Association is the direct link between an important historic event or person and a historic property.

Since integrity is based on a property's significance within a specific historic context, an evaluation of a property's integrity can only occur after historic significance has been established.

State

Assembly Bill AB 52. Assembly Bill 52 added Public Resources Code Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA. In effect, this added "tribal cultural resources" to the list of cultural resources that must be considered under CEQA and imposes new requirements for tribal consultation regarding projects that may affect a tribal cultural resource. The requirements of this legislation as they pertain to CEQA compliance are included in the description of these Public Resource Code sections.

State Laws Pertaining to the Discovery of Human Remains. Section 7050.5 of the California Health and Safety Code requires that in the event of discovery or recognition of human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. CEQA Guidelines, (Public Resources Code Section 5097), discussed below, specify the procedures to be followed in the event of discovery of human remains on non-Federal land.

Archaeological Resources: Public Resources Code Section 21083.2 et seq., (CEQA). Under this section, lead agencies are authorized to determine whether a project may have a significant effect on unique archaeological resources for the purposes of CEQA. This section provides direction on identifying, analyzing, and mitigating impacts to known and accidentally discovered archaeological resources.

Subsection (b) states that if a project will cause damage to a unique archaeological resource, "the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state." Subsection (b) lists examples of that treatment, in no order of preference, which may include, but are not limited to, any of the following measures:

1. Planning construction to avoid archaeological sites;
2. Deeding archaeological sites into permanent conservation easements;

3. Capping or covering archaeological sites with a layer of soil before building on the sites; or
4. Planning parks, greenspace, or other open space to incorporate archaeological sites.

Subsection (d) includes provisions to minimize the extent of excavation as mitigation of “unique archaeological resources” that would be damaged or destroyed by a project, and provides further direction on the use by a lead agency of previously-completed testing or studies that “have adequately recovered the scientifically consequential information from and about the resource” and documenting the findings and conclusions in the environmental impact report.

Subsection (g) and Subsection (h) define unique and non-unique archaeological resources. Unique archaeological resources are defined as archaeological artifacts, objects, or sites “about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.”

Non-unique archaeological resources are defined as archaeological artifacts, objects, or sites, which do not meet these criteria. Archaeological resources that are determined to be “non-unique” require no further consideration by the lead agency.

Subsection (i) allows a lead agency to make provisions for archaeological resources accidentally discovered during construction, including, but not limited to, immediate evaluation of finds, contingency funding and time allotments sufficient to allow for recovery or to employ avoidance measures noted in subsection (b), and allows construction to continue on other parts of the project site while mitigation takes place.

Historical Resources: Public Resources Code Section 21084.1 et seq., (CEQA). Under Public Resources Code Section 21084.1, a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, or deemed significant pursuant to local register criteria, are presumed to be historically or culturally significant unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical

Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth for listing does not preclude a lead agency from determining whether the resource may be an historical resource.

Native American Resources and CEQA. For purposes of CEQA, Public Resources Code Sections 21073 and 21074 define “California Native American tribe” and “tribal cultural resources.” A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. “Tribal cultural resources” are defined as:

1. “Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1” (discussed below).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
 - b. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
 - c. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).”

Public Resources Code Section 21080.3.1 provides guidance for tribal consultation. Specifically, prior to the release of a CEQA document, the lead agency must consult with any Native American tribe if:

1. The California Native American tribe submits a written request to be informed by the lead agency through “formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe”; and

2. The California Native American tribe provides a written response requesting consultation within 30 days of receipt of the formal notification.
 - c. The Native American Heritage Commission will help the lead agency identify California Native American tribes that are traditionally and culturally affiliated with the project area.
 - d. Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to traditionally and culturally affiliated California Native American tribes that have requested notice. The written notice will include a brief description of the proposed project, project location, lead agency contact information, and a 30 day notice for the California Native American tribe to request consultation.
 - e. The tribal consultation process must begin within 30 days of receiving the written consultation request from the California Native American tribe.

Public Resources Code Section 21080.3.2 allows the parties to propose mitigation measures such as those presented in Section 21084.3 that would substantially lessen the potential for significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. If requested, the consultation may include discussion about the necessary type of environmental review, the significance of tribal cultural resources, the significance of the project's impacts on the resources, and project alternatives. The consultation is considered concluded when the parties either:

1. Agree to mitigation measures or avoid a significant effect on a tribal cultural resource; and
2. "Acting in good faith and after reasonable effort", conclude that they cannot come to a mutual agreement.

Public Resources Code Section 21082 requires the inclusion of any agreed upon mitigation measures into CEQA documents if it is determined to lesson or avoid a significant impact on a tribal cultural resource. Where a significant impact on a tribal cultural resource is found, the lead agency's CEQA document must discuss both of the following:

1. "Whether the proposed project has a significant impact on an identified tribal cultural resource"; and
2. Whether feasible or agreed upon alternatives or mitigation measures avoid or substantially lessen the impact on the identified tribal cultural resource.

Public Resources Code Section 21082 additionally requires that any information related to the location, description, and use of tribal cultural resources submitted by a tribe during the CEQA process will not be included in the CEQA document or made otherwise available to the public, unless prior written consent is received by the tribe that provided the information.

According to Public Resources Code Section 21084.2, “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Further, Public Resources Code Section 21084.3 states that “public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.1 and 21080.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

1. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
2. Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - A. Protecting the cultural character and integrity of the resource.
 - B. Protecting the traditional use of the resource.
 - C. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.). The guidelines provide additional guidance on the treatment and evaluation of cultural resources.

As previously discussed, CEQA Guidelines section 15064.5, subdivision (e) and California Health and Safety Code section 7050.5 require that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner has been informed and has determined that no investigation of the cause of death is required. Additionally, if the remains are of Native American origin, work may not resume unless:

- the descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98;
- the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission; or
- the landowner or his or her authorized representative rejects any timely recommendations of the descendent, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner.

Most Native American prehistoric sites are eligible to be included on the California Register of Historical Resources due to their age, scientific potential, and/or burial remains.

CEQA Guidelines section 15064.5(a)(i) defines an historical resource as, among other things, a resource listed or eligible for listing on the California Register of Historical Resources. In addition, a resource is presumed to constitute a historical resource if it is included in a local register of historical resources unless the preponderance of evidence demonstrates that it is not historically or culturally significant (CEQA Guidelines, Section 15064.5 (a)(2)).

The California Register of Historical Resources interprets the integrity of a cultural resource based upon its physical authenticity. A historic cultural resource must retain its historic character or appearance and thus be recognizable as an historic resource. Integrity is evaluated by examining the subject's location, design, setting, materials, workmanship, feeling, and association. If the subject has retained these qualities, it may be said to have integrity. It is possible that a cultural resource may not retain sufficient integrity to be listed in the National Register of Historic Places yet still be eligible for listing in the California Register of Historical Resources. If a cultural resource retains the potential to convey significant historical/scientific data, it may be said to retain sufficient integrity for potential listing in the California Register of Historical Resources.

Under CEQA Guidelines section 15064.5, a substantial adverse change in the significance of a historical resource is defined as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Material impairment occurs when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in either, the California Register of Historical Resources, a local register of historic resources, or a historical resources survey.”

CEQA Guidelines section 15064.5(b)(3) also states that generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, is considered mitigated to a less-than-significant level (National Parks Service 1995).

California Register of Historical Resources. On September 27, 1992, Assembly Bill 2881 (Statutes of 1992, Chapter 1075) was signed into law amending the Public Resources Code as it affects historical resources (Public Resources Code §4850 et seq.) This legislation, which became effective on January 1, 1993, also creates the California Register of Historical Resources, informally the California Register. A historical resource may be listed in the California Register of Historical Resources if it meets any of the qualifying criteria listed in §5024.1. The California Register of Historical Resources lists properties that have been formally determined to be eligible for listing in the National Register of Historic Places, State Historical Landmarks, and listed as eligible as Points of Historical Interest. All other resources require nomination in order to be included on the register. The California Register of Historical Resources is a guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or state level under one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. The seven aspects of integrity are: location, design, setting, materials, workmanship, feeling and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance

may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

Town of Los Gatos

The following General Plan policies relating to archaeological and historic resources are applicable to the proposed project.

Policy OSP-9.1 Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history.

Policy OSP-9.2 Ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites.

Policy OSP-9.3 Treat with respect and dignity any human remains discovered during implementation of public and private projects within the Town and fully comply with California laws that address the identification and treatment of human remains.

Policy OSP-9.4 Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Policy OSP-9.5 Encourage development to avoid impacts to burial sites by designing or clustering development to avoid archaeological deposits that may contain human remains.

Policy CD-12.1 Avoid demolishing historic buildings, unless the Planning Commission finds, based on substantial evidence, that there is no feasible means to ensure the preservation of the structure.

In addition to the above policies, the General Plan Land Use Element designates five historic districts and establishes a Landmark and Historic Preservation Overlay Zone. The following historic districts have been designated: Almond Grove, Broadway, Los Gatos Commercial, Fairview Plaza, and University/Edelen. The designated historic districts are concentrated in the downtown area. The project site is not located within or adjacent to any of the historic districts.

The Town of Los Gatos' Historic Preservation Code (Town Code Chapter 29, Division 3) is dedicated to preserving historic and architectural resources by setting forth standards for the

Landmark and Historic Preservation Overlay Zone and establishing the Historic Preservation Committee. The Landmark and Historic Preservation Overlay Zone is designated by Town Council and is applied to individual sites and structures or small areas deemed of architectural and/or historical significance. These sites or structures are subject to special standards regarding their appearance, use, and maintenance. The Historic Preservation Code includes standards and guidelines concerning the preservation and demolition of historic structures, design guidelines for rehabilitation and new construction, and guidance in the application of historic preservation standards. The Town recognizes an historic resource as follows: any structure/site that is located within an historic district; any structure/site that is historically designated; or any primary structure constructed prior to 1941, unless the Town has determined that the structure has no historic significance or architectural merit. The Historic Preservation Committee is an advisory body to the Planning Commission (General Plan page CD-15).

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would have any of the effects listed below. The Town utilizes the list of effects as its standards of significance for CEQA analyses. If any of the standards of significance are not applicable to the proposed project or the project would have no related impact, this is so noted in the analysis section below, and no further evaluation regarding the effect is provided.

- Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

A “substantial adverse change” to a historic resource is defined in CEQA Guidelines Section 15064.5(b) as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” Furthermore, the “significance of an historic resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources;” or “demolishes or

materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources...” or “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

For the purposes of CEQA (Guidelines Section 15064.5), the term “historical resources” shall include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the California Register (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4852) (see above).

Under CEQA Guidelines Section 15064.5, “generally, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings shall be considered as mitigated to a level of less than a significant impact on the historical resource.”

CEQA Section 15064.5(3) states that any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a lead agency considers a resource to be “historically significant” if the resource meets the criteria for listing in the California Register (Public Resources Code Section 5024.1, Title 14 of the California Code of Regulations, Section 4852[b]).

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Historical Resources. The existing structures at the project site would not be eligible for listing as historical resources in the national, state, or local registries, and do not have a potentially historic value. No historic resources are listed for the project site in the California Inventory of Historical Resources (prepared in March 1976), California Historical Landmarks, and the National Register of Historic Places. The structures on the project site were constructed in the 1960s and are not considered historic. Therefore, this topic is not further addressed in this section.

IMPACT: THE PROJECT COULD DISTURB BURIED ARCHAEOLOGICAL RESOURCES (LESS THAN SIGNIFICANT WITH MITIGATION)

A search of the files at the Northwest Information Center revealed that there are no recorded sites, prehistoric or historic, within the project site or within a quarter mile radius of the project site. However, data provided by local residents to the principal investigator conducting a surface reconnaissance of the site as a component of the project's cultural resource evaluation (Archaeological Resource Management 2016) indicated that an unrecorded site is located along Los Gatos Creek, across State Route 17 from the proposed project site.

No significant cultural materials were noted during surface reconnaissance; however, surface visibility was very low due to existing structures and hardtop surfaces. Thus, due to low visibility and the sensitivity of the general area for prehistoric cultural materials, the project's cultural resource evaluation recommended that earthmoving activities for the proposed project be monitored by a qualified archaeologist.

The proposed project would include excavations for buildings and pipelines and very deep excavations for the two-level parking garage. Because unknown significant buried cultural resources could be present at the project site and uncovered during grading or excavation activities, the potential exists for disturbance of archaeological resources. However, the following mitigation measure would reduce this potentially significant impact to a less-than-significant level and no further mitigation is required.

Mitigation Measure

CR-1. Prior to the issuance of a grading permit, the project's grading plan shall indicate the requirement for a qualified archaeologist to be present at all times during grading and excavation activities on the project site. If archaeological resources are uncovered, work

will not continue until the resources have been removed and/or recorded. The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs shall be the responsibility of the developer(s).

IMPACT: THE PROJECT WOULD NOT CAUSE AN ADVERSE CHANGE TO PALEONTOLOGICAL RESOURCES (LESS THAN SIGNIFICANT)

The General Plan cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town of Los Gatos (Draft EIR page 4.4-15), but determined that deep excavations could disturb unknown underground paleontological resources. The proposed project would involve deep excavations for underground parking. However, as the Town has not been identified as sensitive to potential fossil resources and the relatively limited area to be excavated, the potential to impact unknown paleontological resources would be low, resulting in a less-than-significant impact.

IMPACT: THE PROJECT WOULD POTENTIALLY DISTURB HUMAN REMAINS (LESS THAN SIGNIFICANT WITH MITIGATION)

The proposed project site is not known to contain human remains, but excavation during construction of project improvements could result in disturbance of human remains, should they be buried on site. Implementation of the following mitigation measure would reduce this potential impact to a less-than-significant level.

Mitigation Measure

CR-2. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a

recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs shall be the responsibility of the developer(s).

3.5 GEOLOGY AND SOILS

This section addresses potential impacts to geology and soils. The following technical report was prepared for the proposed project and is referenced in this section:

- EN GEO Incorporated. *401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report*. July 17, 2015, Rev. August 13, 2015

This report is included in Appendix C. No NOP comments were received regarding geology, soils, or mineral resources.

Environmental Setting

Geology

The Town of Los Gatos is located in the central portion of the Coast Ranges Physiographic Province of California, which is composed of a series of coastal mountain chains running parallel to the northwest-southeast trend of the coastline. The regional geology is characterized by two assemblages of base rock that are separated by the San Andreas Fault. A basement assemblage of mostly granitic rocks, known as the Salinian Terrane, lies southwest of the San Andreas Fault. Northeast of the San Andreas Fault is a Mesozoic basement assemblage consisting of the Franciscan Complex, the Coast Range Ophiolite and the Great Valley Sequence. These assemblages are overlain by Tertiary- and Quaternary-age sedimentary and volcanic rocks. The areas to the northeast are covered by Quaternary alluvial material derived from the Santa Cruz Mountains to the southwest. All of the bedrock units in the region have undergone a complex structural history and are strongly deformed by faults and folds of various ages (Town of Los Gatos 2010b, page 4.5-5).

Seismicity

Identified earthquake faults located within the San Francisco Bay region include the San Andreas, Hayward-Rincon, and Calaveras. In addition to the regional faults secondary faults near the project site include the Monte Vista Shannon, and Berrocal. While a strong earthquake on any of these faults could cause significant ground shaking within the project site, the Monte Vista Shannon, San Andreas, and Berrocal govern the seismic design parameters for the project site. The mapping by McLaughlin et al. (2001), as mentioned in the ENGEO Geological *Exploration Report* and USGS mapping included as Figure 4 in Attachment H, depicts a concealed splay of the Berrocal fault approximately 200 feet to the south of the project site with a characteristic moment magnitude of 6-7. The Monte Vista Shannon Fault is located 1.4 mile to the north of the project site with a characteristic moment magnitude of 6-7; the San Andreas Fault is located 3.4 miles to the southwest, with a characteristic moment magnitude of 7+ on the nearest segments. [Table 6, Major Regional Earthquakes Since 1800](#), presents a list of past major earthquakes in the region since 1800. The United States Geological Survey has published estimates for future earthquake probability in the state. The 30-year probability of a magnitude 6.7 or greater earthquake striking the San Francisco Bay Area is estimated to be 63 percent (United States Geological Survey 2008, page 6).

Table 6 Major Regional Earthquakes Since 1800

Year	Fault	Magnitude	Approximate Epicenter
1836	San Andreas	6.5	Monterey Bay Area
1838	San Andreas	6.8	San Francisco Peninsula
1865	San Andreas	6.5	Santa Cruz Mountains
1868	Hayward	6.8	Hayward
1890	San Andreas	6.3	Corralitos
1897	Calaveras	6.3	Gilroy
1906	San Andreas	7.8	Marin County
1911	Calaveras	6.5	Gilroy
1926	San Gregario	6.1 (two earthquakes)	Monterey Bay
1984	Calaveras	6.2	Coyote Lake
1989	San Andreas	6.9	Aptos

Source: United State Geologic Survey 2013, Treadwell and Rollo 2009, Griggs 1973.

Note: Earthquakes included are those over Magnitude 6.0 with significant effects in the southern Bay Area region.

Project Site Soil Characteristics

The surface soil type within the project site was determined using regional geologic mapping by McLaughlin et al. (2000, Figure 3) in the ENGEO *Geotechnical Exploration Report* (geotechnical report) and identifies Holocene-age alluvial fan deposits (Qhf) underlying the site. Also noted in the report by ENGEO is regional mapping by Dibblee (2005) which indicates the site is underlain by Quaternary-age sand and gravel of major stream channels (Qg) thought to be deposits from nearby Los Gatos Creek.

Exploratory borings were taken on three locations on the site. The borings were drilled to depths from approximately 15 feet to 40 feet below ground surface (bgs). Figure 2 in the geotechnical report attached as Appendix D, shows the approximate location of the borings. The exploratory borings revealed medium dense to dense clayey sands to depths ranging between 10 – 21 feet bgs. Below this level medium dense to very dense clayey gravels to the depths of approximately 29- 33 feet bgs were encountered. Below this level, bedrock consisting of weak and closely fractured shale was encountered.

Groundwater was encountered by ENGEO on the neighboring property to the east, according to the geotechnical report, at depths of approximately 18.5 – 21 feet bgs. In addition Plate 1.2 of the *Seismic Hazard Zone Report for Los Gatos Quadrangle* (2002) indicates historic groundwater highs between approximately 10- 20 feet bgs.

Soil liquefaction was also studied by ENGEO using the Youd 2001, Seed 2003 and I&B 2008 methods. Based on the methodologies used it is the opinion of ENGEO that the gravel deposits at portions of the site below the depth of approximately 20 feet (with cumulative thickness of roughly nine feet) are potentially liquefiable. Additionally for portions of the site not within the proposed subterranean parking garage, as proposed for the project site, gravel deposits at portions of the site below a depth of approximately 15 feet (with a cumulative thickness of roughly 14 feet) are also potentially liquefiable. Liquefaction calculations are included in the geotechnical report and are attached as Appendix D.

Regulatory Setting

State

Alquist-Priolo Act. The Alquist-Priolo Earthquake Fault Zoning Act was enacted in 1972 in the aftermath of the San Fernando earthquake. The Alquist-Priolo Act prohibits the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Single family homes that are not part of a development project of four or more units are exempt. Under the Alquist-Priolo Act the State

Geologist establishes earthquake fault regulatory zones and issues maps identifying those zones. No Alquist-Priolo Zones are mapped within the Town of Los Gatos.

Seismic Hazards Mapping Act. Under the Seismic Hazards Mapping Act the state designates seismic hazard zones to protect from the effects of strong ground shaking, earthquake- induced landslides, liquefaction, or other ground failures associated with seismic activity.

California Building Code. Every three years the California Building Standards Commission adopts an updated version of the building codes. The building codes are based on national model codes, amended by the State as the California Building Code, and often further amended by local jurisdictions. The 2013 California Building Code became effective in January 2014. The next triennial code update is scheduled for publication on or before July 1, 2016 and will be effective January 1, 2017.

Town of Los Gatos

The following General Plan goals and policies relating to geology and soils are applicable to the proposed project.

Policy ENV-2.2. Construction plans shall be reviewed to determine the adequacy of erosion control plans during and after construction.

Policy ENV 5.1. Applicants shall demonstrate that new development will not contaminate surface water and/or groundwater.

Policy ENV 5.7. Parking lots should be designed to drain into landscaped areas.

Policy ENV 9.2. Promote non-point source pollution control programs to reduce and control the discharge of pollutants into the storm drain system.

Goal SAF-1. To minimize exposure to geologic hazards, including slope instability, subsidence, and expansive soils, and to seismic hazards, including groundshaking, fault rupture, liquefaction and landslides.

Policy SAF-1.1. Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.

Policy SAF-1.2. Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards.

Policy SAF-1.6. Require geological investigations for any development or project as mandated by the State or deemed warranted by the Town.

Policy SAF-1.8. Require preparation of a report from an engineering geologist and/or geotechnical engineer that discusses the geologic, seismic, and geotechnical engineering conditions and potential hazards for developments in hazard zones mapped by the State or identified by the Town, as shown in Figures SAF-1 and SAF-2.

Policy SAF-1.9. Enforce the California Building Code seismic safety restrictions. Require fault investigations for structures for human habitation and all critical facilities. Investigation may include field investigations. Reports shall include appropriate design measures to mitigate potential fault ground rupture/deformation to acceptable levels, and shall be reviewed by the Town.

Policy SAF-1.10. Require geologic and geotechnical reports and Town review during the development review process for projects with significant grading, potential erosion and sedimentation hazards.

Policy SAF-1.11. Require geologic and geotechnical reports to specify construction methods to protect the proposed project, as well as existing residences in the vicinity, from identified hazards.

Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land-filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared under the following conditions:

- a. The graded portion of the site includes more than 10,000 square feet of area having a slope greater than five percent;
- b. There is a significant risk that more than 2,500 square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;
- c. Grading will occur within 20 feet of any watercourse; or,
- d. The Town Engineer determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would have any of the effects listed below. The Town utilizes the list of effects as its standards of significance for CEQA analyses. If any of the standards of significance are not applicable to the proposed project or the project would have no related impact, this is so noted in the analysis section below, and no further evaluation regarding the effect is provided.

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 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;
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction; or
 - Landslides.
- Result in substantial soil erosion or the loss of topsoil;
- 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;
- Be located on expansive soil, creating substantial risks to life or property; or
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Septic Systems. The proposed project would connect to the municipal sewer system and no septic systems are proposed. Therefore, the suitability of geologic and soils conditions for septic systems is not relevant to the proposed project. Therefore, this topic is not further discussed in this section.

IMPACT: THE PROJECT SITE WOULD BE EXPOSED TO EFFECTS OF SEISMIC ACTIVITY INCLUDING GROUND SHAKING AND LIQUEFACTION (LESS THAN SIGNIFICANT WITH MITIGATION)

The project site is not within an Alquist-Priolo zone, and therefore, fault rupture within the project vicinity is not likely. The nearest earthquake fault is the Borrocal Fault, located 200 to 300 feet to the south the project site. The project site would be subject to strong shaking during a moderate to large earthquake on any of several regional earthquake faults. Sufficiently strong shaking could potentially result in liquefaction; the project site is located in an area identified in the General Plan EIR and the Seismic Hazards Zone Map as a seismically-induced liquefaction zone (Town of Los Gatos 2010 (a), Figure 4.5-3; California Department of Conservation 2002).

Liquefaction occurs when soil particles with limited cohesion loosen during the ground movement associated with earthquakes, typically resulting in loss of adequate support for the buildings in the area. Site-specific exploration of the soils and groundwater condition suggest that portions (Boring 1-B3) of the project site have the potential for liquefaction based on two of the three study methods performed. Within the project site, extensive excavation is proposed for the subsurface parking garage to depths approximately 20'. Due to the deep excavation, recommendations were made by ENGEO within the project's geotechnical report and if those measures are implemented with site development the site will be suitable for the proposed development.

The project site does not have steep slopes, so large landslides would not occur, with or without seismic action. Ground shaking from earthquakes could be very strong within the project site, as with the entire region. Applicable building codes and engineering standards have been developed to address the forces to which buildings are subjected during earthquakes, and buildings constructed in accordance with these codes and standards should withstand earthquakes without severe damage or significant numbers of injuries or deaths.

If sound engineering practices using the California Building Code and the design measures suggested in the project's geotechnical report are implemented, as identified below in Mitigation Measure GEO-1, the proposed project would have less-than significant impacts resulting from exposure to seismic activity.

Mitigation Measure

GEO-1. Prior to the approval of building permits for the project site, the applicant shall be responsible for demonstrating to the approval of the Building Official that proposed design plans are in conformance with all current California Building Code standards and that all design measures and site preparation recommendations as suggested in the project's

geotechnical exploration report prepared by ENGEO (2015) have been incorporated into the project's final design.

IMPACT: STANDARD REQUIREMENTS WOULD PREVENT SOIL EROSION (LESS THAN SIGNIFICANT)

Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared for projects that expose large areas of bare soil. Soil-disturbing activities undertaken for development within the project site would be required to obtain a grading permit and would be required to prepare an erosion and sedimentation control plan.

With implementation of these standard requirements and the implementation of the required Storm Water Pollution Prevention Plan (SWPPP), the proposed project would result in less than significant soil erosion impacts.

IMPACT: THERE IS A RISK OF SOIL INSTABILITY DUE TO DEEP EXCAVATIONS (LESS THAN SIGNIFICANT WITH MITIGATION)

The project site is not located within, or near, a landslide hazard area, nor areas of other known soil instability. However, due to the large amount of excavation for the proposed project, the project's geotechnical report recommended adequate drainage for retaining walls, backfill specifications specific for wet sites, temporary shoring and dewatering measures, as well as other measures. If these measures are implemented in the construction and design process of the project as outlined in the project's geotechnical exploration report and required in Mitigation Measure GEO-1, potential impacts related to soil instability would be less than significant.

IMPACT: THE PROJECT SITE WOULD BE SUSCEPTIBLE TO EXPANSIVE SOILS (LESS THAN SIGNIFICANT WITH MITIGATION)

Expansive soils (generally those containing clay) shrink and swell as a result of moisture changes and can cause heaving and cracking during or after construction. Standard construction designs and methods can be used to mitigate adverse effects. Exploratory borings revealed medium dense to dense clayey sands on the project site. Testing performed during the project's geotechnical exploration indicated a moderate expansive potential.

If measures are implemented in the construction and design process of the project as outlined in the project's geotechnical exploration report and required in Mitigation Measure GEO-1, potential impacts related to expansive soil would be less than significant.

3.6 GREENHOUSE GAS EMISSIONS

The proposed project will result in generation of greenhouse gas emissions (GHG) from construction activities and from operational activities, including combustion of fuel in vehicles and use of electricity generated by fossil fuels.

The GHG emissions contributed by the project will contribute to global warming that changes climate conditions. This section of the EIR includes discussion of the science of climate change, existing setting conditions, existing applicable policy and regulatory direction regarding climate change, and the sources and projected volume of GHG emissions that would be generated by the proposed project.

Information in this section is derived from a variety of sources including:

- California Energy Commission – Cal Adapt website at: <http://cal-adapt.org/>;
- 2010 CEQA Air Quality Guidelines (Bay Area Air Quality Management District 2010); and
- Alberto Way EIR GHG/AQ Emissions Quantification - Methodology and Assumptions Memorandum (EMC Planning Group 2016) and related GHG analyses contained in Appendix D.

No comment letters pertaining to greenhouse gas emissions were submitted in response to the NOP.

Global, National, State, and Local Environmental Setting

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. The federal government has begun to tackle concerns about climate change through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Regulatory Setting section below.

Causes and Effects of Climate Change

The greenhouse effect naturally regulates the Earth's temperature. However, human activity has increased the intensity of the greenhouse effect by releasing increasing amounts of greenhouse gasses GHGs into the atmosphere. GHGs can remain in the atmosphere for decades. The GHG emissions that are already in the atmosphere will continue to cause climate change for years to come, just as the warming we are experiencing now is the result of emissions produced in the past. Climatic changes are happening now and are projected to increase in frequency and severity before the benefits of GHG emission reductions will be realized. Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes.

Rising Temperatures. The Intergovernmental Panel on Climate Change, which includes more than 1,300 scientists from the United States and other countries, estimated that over the last century, global temperatures have increased by about 1.3 degrees Fahrenheit (°F). The Intergovernmental Panel on Climate Change forecasts indicate that global temperatures can be expected to continue to rise between 2.5°F (low emissions scenario) and 10°F (high emissions scenario) over the next century. According to the California Climate Adaptation Strategy, average state temperatures are currently predicted to increase 1.8 to 5.4°F by 2050 and 3.6 to 9°F by 2100. Some regional models show average temperatures in California increasing as much as 10.8°F. Achieving the low emission scenarios has become unlikely, while the probability of reaching the medium and high scenarios is believed to be more likely.

Refined modeling of conditions in the San Francisco Bay Area conducted by Scripps Institute for Oceanography for the California Energy Commission suggests that by the end of the twenty-first century, temperatures will average 3° F greater under one scenario and warming ranges from about 3.5° F to 11° F under a second scenario (Cayan, Tyree, and Iacobellis 2012).

The Town of Los Gatos has already experienced a rise in average temperatures. Winters are now shorter and warmer than they were 30 years ago. According to Cal-Adapt, a climate change projection modeling tool developed by California Energy Commission, temperatures in the Town of Los Gatos have historically averaged about 57.1°F. Temperatures are projected to rise between 3.3 and 5.6 °F by 2090, based on average low and high emissions scenarios.

While temperatures are relatively low in the Town of Los Gatos compared to other areas in the state, the Town of Los Gatos will still experience temperature changes related to climate change. The Town of Los Gatos has historically experienced four extreme heat days per year (over 90°F), but by 2014 this number doubled and in 2015, one of the hottest years on record, this number increased to 19 extreme heat days per year. The number of extreme heat days per year will continue to fluctuate but models project a significant rise in the number of days exceeding

what is now considered extremely hot for the given area. By 2090 the Town of Los Gatos is expected to experience 12 to 53 extreme heat days per year utilizing a low carbon emissions scenario and utilizing a high carbon emissions scenario, the number of extreme heat days could increase to 51 to 89 per year.

As of 2015 heat waves (a minimum five-day period exceeding the extreme heat threshold) were a rare occurrence in the Town of Los Gatos; however, the frequency of these events is predicted to increase with as many as ten heat waves per year occurring by 2090 (utilizing a high carbon emissions scenario).

Precipitation Levels. Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Generally, higher temperatures increase evaporation and decrease snowfall, resulting in a drier climate. According to Cal-Adapt, the Mediterranean seasonal precipitation pattern that the Town of Los Gatos area experiences is expected to continue, with most precipitation falling during winter from North Pacific storms. One of the four climate models projects slightly wetter winters, and another projects slightly drier winters with a 10 to 20 percent decrease in total annual precipitation. However, even modest changes would have a significant effect because California ecosystems are conditioned to historical precipitation levels and water resources are nearly fully utilized.

Reduced Snowpack. The Sierra Nevada snowpack acts as a large natural reservoir that stores water during the winter and releases it into rivers and reservoirs in the spring and summer. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months.

It has already been documented that the Sierra Nevada snow line is rising. More precipitation is expected to fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack. According to Cal-Adapt, the spring snowpack in the Sierra Nevada decreased by 10 percent in the last century and if heat-trapping emissions continue unabated (a high carbon emissions scenario) the spring snowpack may be reduced by as much as 70 to 90 percent by 2100.

The Sierra Nevada snowpack provides approximately 80 percent of California's annual water supply. Although the water supplied to the Town is procured primarily from surface water sources, the rapid decrease in snowpack and spring melt poses a threat to groundwater resources. Declining snow pack affects both surface and groundwater resources (surface water recharges groundwater basins); therefore, surface water supplied under contract from agencies that divert surface water supply from the Sierra may be affected.

More Frequent and Extreme Storm Events. Extreme weather is expected to become more common throughout California. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks. Warmer ocean surface temperatures have caused warmer and wetter conditions in the Sierra Nevada, increasing flood risk. Strong winter storms may produce atmospheric rivers that transport large amounts of water vapor from the Pacific Ocean to the California coast. They often last for days and drop heavy rain or snow for days. As the strength of these storms increase and transport increased amounts of precipitation, the risk of flooding is increased.

Other Causes and Effects. Other anticipated effects related to climate change include diminished air quality; impacts on surface water quality from seawater intrusion into the Sacramento Delta; general decline in agricultural production resulting from increased scarcity of water supply; increased vulnerability of natural areas and agricultural production from rising temperatures and increases in potential pest infestation; increased growth rates and expanded ranges of weeds, insect pests, and pathogens due to elevated temperatures; increased energy demand, especially during hot summer months; and economic impacts resulting from reduced winter recreation (California Environmental Protection Agency 2006).

Climate Change as a Cumulative Effect

Global climate change is, as the name implies, a global phenomenon. Greenhouse gas emissions released to the atmosphere from a variety of human activities and natural processes that occur across the globe are contributing to global warming. While the U.S. emits the largest per capita volume of GHGs of any country in the world, other major countries contribute substantial volumes of emissions that continue to grow on a per capita basis. Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Hence, global climate change is inherently a cumulative effect.

The volume of GHG emissions generated by an individual project can be quantified. However, the precise indirect effects of a single project are difficult if not impossible to identify due to the complexity of local, regional, and global atmospheric dynamics and to the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane,

nitrous oxide and chlorofluorocarbons. The contribution of these GHGs to the U.S. inventory of GHGs in 2013 is summarized in [Table 7, GHG Types and Their Contribution to Global Warming](#).

Table 7 GHG Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide (CO ₂)	82 percent	Combustion of fuels, solid waste, wood
Methane (CH ₄)	10 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N ₂ O)	5 percent	Combustion of fuels, solid waste; agricultural and industrial processes
Chlorofluorocarbons (CFCs)	3 percent	Industrial processes

Source: United States Environmental Protection Agency at: <http://www3.epa.gov/climatechange/ghgemissions/gases.html>.

Note: Percentages reflect weighting for global warming potential.

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one. Methane has a global warming potential of 21 times that of carbon dioxide and nitrous oxide has a global warming potential of 310 times that of CO₂. The families of chlorofluorocarbons, hydrofluorocarbons and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO₂. See [Table 8, GHG Global Warming Potentials](#), below, for reference on the global warming potential of various GHGs. While CO₂ represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO₂e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO₂ as the base reference. It is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO₂e.

Table 8 GHG Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO ₂	50-200	1
Methane CH ₄	12 (+/- 3)	21
Nitrous Oxide N ₂ O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF ₄	50,000	6,500
PFC Hexafluoroethane C ₂ F ₆	10,000	9,200
Sulfur Hexafluoride SF ₆	3,200	23,900

Source: United Nations Framework Convention on Climate Change. Global Warming Potentials at:
http://unfccc.int/ghg_data/items/3825.php

Inventories of Greenhouse Gases

California GHG Emissions Inventory. California is a substantial contributor of global greenhouse gases. Based on CARB's most recent state GHG inventory, a net of about 459.28 million tons of CO₂e were generated in 2013 (California Air Resources Board 2015). In 2013, about 37 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation for imported electricity) were the second and third largest categories at about 23 percent and 20 percent, respectively. The commercial and residential use sectors combined to generate about 12 percent of the 2013 emissions, while the agricultural sector contributed about eight percent.

Bay Area and Santa Clara County GHG Emissions Inventory. The Bay Area Air Quality Management District ("air district") has developed an emission inventory for the Bay Area that includes direct and indirect GHG emissions due to human activities. The emissions are estimated for industrial, commercial, transportation, residential, forestry, and agriculture activities. Both direct GHG emissions from locally generated electricity in the Bay Area and indirect emissions from out-of-region generated electricity for consumption in the region are reported.

The Bay Area's GHG inventory as of the 1990 baseline year was 87.7 million metric tons CO₂e per year. In 2011, 86.6 million metric tons CO₂e were emitted by the San Francisco Bay Area,

including 83.9 million metric tons CO₂e within the air district boundaries and 2.7 million metric tons CO₂e from imported electricity. The transportation sector comprises 39.7 percent of the total emissions. The industrial/commercial sector comprises 14.0 percent, residential fuels comprise 7.7 percent, and the remaining three percent is attributable to off-road equipment and agriculture. Under a business-as-usual scenario, 2020 GHG emissions are projected to increase to 88.2 million metric tons per year and to 94.8 million metric tons per year by year 2029.

For Santa Clara County, GHG emissions in 2011 were 16.0 million metric tons, of which 47 percent were from transportation and 26 percent were from commercial/industrial sectors (Bay Area Air Quality Management District 2015).

Existing Sources of GHG Emissions within the Project Site

The site is improved with three office buildings, with a combined floor area of 31,000 square feet and a parking lot. Current activities including use of vehicles by employees and use of energy in the offices within the project site are sources of GHG emissions. The site does not contain notable sources of sequestered carbon such as trees that would be lost as a result of the proposed project.

Policy and Regulatory Setting

State and regional policies and regulations pertaining to climate change are summarized below. These provide context for how climate change is being addressed and to identify policy and regulatory actions whose implementation would lessen the contribution of the proposed project to climate change. The federal government is also taking significant regulatory steps toward addressing climate change. Generally, California policy and regulations are as or more comprehensive than federal actions; therefore, this regulatory section focuses on state activity. A number of policies and programs are included in the General Plan are directly or indirectly targeted to reduce GHGs.

State

State policy and regulatory guidance has grown out of its effort to meet goals under Executive Order S-03-05 and the landmark Global Warming Solutions Act, which was passed in 2006. Numerous additional legislative acts and executive orders provide further GHG emissions reduction guidance and have reinforced that CEQA is the appropriate evaluation tool for assessing climate change impacts of new development.

Executive Order S-03-05. The Governor signed this executive order on June 1, 2005. It recognizes the anticipated effects of climate change, such as increased temperatures, reduced

Sierra Nevada snowpack, worsened air quality, and sea level rise among others. The executive order includes GHG emission reduction targets for the purpose of combating these effects. GHG emissions are to be reduced to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050.

California Assembly Bill 32 (Global Warming Solutions Act). In September 2006, the Governor signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020 consistent with Executive Order S-03-05. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

AB 32 Scoping Plan. In December 2008, CARB adopted the Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons (MMT) CO₂e, or approximately 22 percent from the state's projected 2020 emission level of 545 MMT of CO₂e under a business-as-usual scenario. This is a reduction of 47 MMT CO₂e, or almost 10 percent, from 2008 emissions. CARB's original 2020 projection was 596 MMT CO₂e, but this revised 2020 projection takes into account the economic downturn that occurred in 2008. The Scoping Plan also includes CARB recommended GHG reductions for each emissions sector of the state GHG inventory. CARB estimates the largest reductions in GHG emissions would be by implementing the following measures and standards:

- improved emissions standards for light-duty vehicles (26.1 MMT CO₂e);
- the Low-Carbon Fuel Standard (LCFS) (15.0 MMT CO₂e);
- energy efficiency measures in buildings and appliances (11.9 MMT CO₂e); and
- renewable portfolio and electricity standards for electricity production (23.4 MMT CO₂e).

In 2011, CARB adopted a cap-and-trade regulation. The cap-and-trade program covers major sources of GHG emissions in the state such as refineries, power plants, industrial facilities, and transportation fuels. The cap-and-trade program includes an enforceable emissions cap that will decline over time. The state distributes allowances, which are tradable permits, equal to the emissions allowed under the cap. Sources under the cap are required to surrender allowances and offsets equal to their emissions at the end of each compliance period. Enforceable compliance obligations started in 2013. The program applies to facilities that comprise 85 percent of the states GHG emissions.

With regard to land use planning, the Scoping Plan expects that reductions of approximately 3.0 MMT CO₂e will be achieved through implementation of Senate Bill (SB) 375, which is discussed further below.

Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document. In 2011, CARB released this document to provide a more in-depth analysis of the five alternatives to the Scoping Plan that were originally included in that document. The supplemental analysis was conducted in response to litigation brought against CARB which challenged the adequacy of the alternatives analysis contained in the Scoping Plan. The supplemental analysis included an update of the business-as-usual GHG emissions projections that were contained in the Scoping Plan. The update is based on more recent economic conditions (including the economic downturn) and on reduction measures from the Scoping Plan that are already in place. The updated 2020 business-as-usual usual emissions forecast of 507 MMT CO₂e is lower than that contained in the 2008 Scoping Plan. With this forecast, only a 16 percent reduction below business-as-usual levels would be needed to return to 1990 levels (e.g. 427 MMT CO₂e) by 2020.

2014 Scoping Plan Update. In response to comments on the 2008 Scoping Plan, and AB 32's requirement to update the Scoping Plan every five years, CARB revised and reapproved the Scoping Plan, and prepared the First Update to the 2008 Scoping Plan in 2014 (2014 Scoping Plan). The 2014 Scoping Plan contains the main strategies California will implement to achieve a reduction of 80 MMT of CO₂e emissions, or approximately 16 percent, from the state's projected 2020 emission level of 507 MMT of CO₂e under the business-as-usual scenario defined in the 2014 Scoping Plan. The 2014 Scoping Plan also includes a breakdown of the amount of GHG reductions CARB recommends for each emissions sector of the state's GHG inventory. Several strategies to reduce GHG emissions are included: the Low Carbon Fuels Standard, the Pavley Rule, the Advanced Clean Cars program, the Renewable Portfolio Standard, and the Sustainable Communities Strategy.

Executive Order B-30-15. Issued on April 29, 2015, this order advances the intent of Executive Order S-03-05 by establishing a California GHG reduction target of 40 percent below 1990 levels by 2030. The new emission reduction is intended to be an interim target that maintains a reduction trajectory towards meeting the state's goal of reducing emissions to 80 percent below 1990 levels by 2050 as identified in Executive Order S-03-05. This is in line with the scientifically established levels needed in the U.S. to limit global warming below two degrees Celsius - the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

California Senate Bill 375 (Sustainable Communities Strategy). This 2008 bill sets forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region for the years 2020

and 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities strategy, then an alternative planning strategy must be developed which demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

In 2013, the San Francisco Bay Metropolitan Transportation Commission and the Association of Bay Area Governments jointly approved Plan Bay Area, which includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan. Plan Bay Area includes a target of reducing GHGs to seven percent below 2005 emissions levels by 2020, and 15 percent below 2005 levels by 2035. If the GHG reduction target is not met, transportation projects would not be eligible for state transportation funding programmed after January 1, 2012.

Local agencies that adopt land use, housing, and transportation policies that are consistent with and facilitate implementation of the related GHG reduction strategies in a sustainable communities strategy benefit through potential CEQA streamlining for qualifying projects proposed within their boundaries. Adoption of such policies can be a part of a general plan update or other similar policy adoption process. However a local agency's general plan is not required to be consistent with a sustainable communities strategy.

California Senate Bill 97. As directed by SB 97, the California Natural Resources Agency adopted amendments to the CEQA Guidelines for GHG emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The amendments became effective on March 18, 2010. CEQA allows lead agencies to analyze and mitigate the significant effects of GHG emissions, such as in a general plan, or as part of a separate plan (e.g., a climate action plan) to reduce GHG emissions.

Title 24 Standards/Energy Conservation. California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The Scoping Plan requires improved building energy efficiency with each new update to the Title 24, which is updated every three years. The standards were most recently updated in January 2013 and went into effect in July 2014. Energy efficient buildings require less electricity, natural gas, and other fuels, the use of which creates GHG emissions. The 2013 update requires new buildings to become even more energy-efficient than ever before by increasing the efficiency of new construction by 20 percent for residential uses and 25 percent for non-residential uses, compared to the previous 2008 Title 24 standards.

California Green Building Standards Code. The Green Building Standards Code (CALGreen), which requires all new buildings in the state to be more energy efficient and environmentally responsible, took effect on January 1, 2011. These comprehensive regulations will achieve major reductions in greenhouse gas emissions, energy consumption and water use.

Renewable Energy Legislation/Orders. The California Renewable Portfolio Standard Program (RPS) requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet a portion of their retail sales with renewable power. SB 1078, adopted in 2002, required 20 percent of retail sales to be met with renewable power by 2017. The requirement was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded in September 2010 by requiring all utilities to meet a 33 percent target by 2020. Governor Brown then signed AB 350, the Clean Energy and Pollution Reduction Act of 2015, which increases the RPS requirement to 50 percent of all retail sales by 2030.

California Senate Bill 350 (Clean Energy and Pollution Reduction Act of 2015). This bill has several aspects. Among its requirements are that the State Energy Resources Conservation and Development Commission must establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses of retail customers by January 1, 2030. Local publicly owned electric utilities are now required to establish annual targets for energy efficiency savings and demand reduction consistent with this goal. The bill also is intended achieve GHG reductions through increased investments in transportation electrification and notes that reducing GHGs to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 consistent with Executive Orders S-03-05 and S-30-15 will require widespread transportation electrification.

California Assembly Bill No. 1493 (“Pavley I Rule”). AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks by improving fuel efficiency requirements. Pavley I requirements apply to these vehicles in the model years 2009 to 2016. CARB has estimated the effectiveness of Pavley I standards on vehicle emission factors and estimates that these standards will reduce GHG emissions in the transportation sector by 20 percent in 2020 and 25 percent in 2035 above and beyond a scenario without these standards.

Advanced Clean Cars. In January 2012, CARB adopted an Advanced Clean Cars program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. Advanced clean cars (ACC) refers to suite of regulations that combine what were previously independent regulations that targeted GHG emissions reductions and smog emissions from passenger cars and light-duty trucks. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

The ACC program would provide major reductions in GHG emissions. By 2025, the program is projected to result in a 34 percent reduction in GHG emissions from new passenger cars and trucks above and beyond a scenario without the ACC program.

Executive Order S-01-07 Low Carbon Fuel Standard. Issued on January 18, 2007, this order mandates that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 and that a Low Carbon Fuel Standard (LCFS) for transportation fuels be established. The LCFS has been developed and implemented by CARB. CARB has incorporated the GHG emissions reductions accruing to the LCFS into the 2014 Scoping Plan as described above.

Executive Order S-13-08. This Executive Order enhances the state's management of climate impacts from sea level rise, increased temperatures, shifting precipitation and extreme weather events. In December 2009, the California Natural Resources Agency released the 2009 California Climate Adaptation Strategy Discussion Draft. The document provides interim guidance to state and local agencies on planning for the impacts and risks of climate change.

California Air Pollution Control Officers Association. The California Air Pollution Control Officers Association (CAPCOA) has prepared three guidance documents that together describe methods for quantifying GHG emissions and mitigation measures. The first document, *CEQA and Climate Change*, was released in 2008 and describes methods to estimate and mitigate GHG emissions from projects subject to CEQA. This CAPCOA report evaluates several GHG thresholds that could be used to evaluate the significance of a project's GHG emissions. The second document, *Model Policies for Greenhouse Gases in General Plans*, provides background information, examples, references, links, and a systematic worksheet to help local governments in moving toward GHG considerations in general plan updates, or in the development of specific climate action plans. In cooperation with the Northeast States for Coordinated Air Use Management and the National Association of Clean Air Agencies, CAPCOA released a third document, *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures*, in August 2010. The document provides methodologies to quantify project-level mitigation of GHG emissions associated with land use, transportation, energy use, and other related project areas.

Bay Area Air Quality Management District Guidance

The air district is charged with managing air quality within its boundaries. The air district implements policies and programs designed to ensure that air quality meets standards established under federal and state laws.

The air district is the only regional agency that to date has developed a plan for GHG emissions reductions that can be utilized by the city. The air district has published comprehensive guidance

on evaluating, determining significance of, and mitigating GHG impacts of projects and plans. The guidance is contained in the 2010 CEQA Air Quality Guidelines (Bay Area Air Quality Management District 2010). The 2010 version of the CEQA Air Quality Guidelines was the first to include draft thresholds of significance for GHG emissions and screening criteria designed to assess project types and intensities whose GHG emissions would not exceed project-specific GHG standards of significance. Two thresholds of significance were developed, a volumetric threshold and a service population threshold. For plan projects such as general plans or specific plans, the service population threshold is most applicable as described in the Thresholds of Significance section below.

In response to a lawsuit regarding the air district's CEQA process for adopting the GHG thresholds of significance contained in its 2010 CEQA Air Quality Guidelines, the 2012 version of the CEQA Air Quality Guidelines omitted reference to GHG thresholds of significance and to project screening criteria. However, many local agencies continue to utilize the thresholds given that the lawsuit does not challenge the substantial evidence used by the air district to establish the thresholds. The air district also adopted the 2010 Clean Air Plan, which although not directed specifically at GHG emissions reductions, includes air quality strategies that would have GHG emission reduction co-benefits.

The current air district thresholds are based on GHG reductions needed within the air district by 2020, including from new land development projects, for the district to contribute its fair share to the statewide reductions identified in AB 32 and the Scoping Plan. The thresholds were supported by substantial evidence. The threshold determination applies only to year 2020 reduction goals; it is not designed to enable the district to meet the reduction target of 40 percent below business-as-usual or 80 percent below business-as-usual as identified in Executive Order S-03-05 and Executive Order B-30-15, respectively. However, the air district adopted Resolution No. 23-11 in 2013, which sets forth the air district's goal to develop a regional climate protection strategy for the purpose of reducing GHG emissions within the air district to 80 percent below business-as-usual conditions by 2050. Towards this end, the air district has begun to implement a climate action work program. Short-term tasks in the work program include, but are not limited to: 1) setting a GHG reduction goal of 80 percent below business-as-usual by 2050 and developing interim targets and performance objectives, including per capita targets, to support this goal; 2) updating the Bay Area GHG inventory and conducting forecasts for 2020, an interim year, and 2050; 3) initiating GHG monitoring; and 4) preparing a regional climate action strategy. The air district is not expected to adopt new CEQA thresholds of significance for GHG impacts in the near term.

More about the role of the air district's guidance in assessing impacts of the proposed project is provided in the Thresholds of Significance section below.

Town of Los Gatos

Town of Los Gatos General Plan. The General Plan EIR concluded that build-out of the General Plan would have a significant unavoidable impact on climate change. The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan's 30 percent target reduction level.

The following General Plan policies relating to greenhouse gas emissions are applicable to the proposed project.

Policy CD-17.3 [abridged] Design standards shall be considered for every project. Staff reports shall include a design review section that analyzes the following: m. Energy efficiency

Policy ENV-13.1 Encourage development to address "heat island" effects by including cool roofs, cool pavements, and strategically placed shade trees.

Policy ENV-16.1 Encourage the use of energy conservation techniques and technology in existing and proposed developments to improve energy conservation.

Policy ENV-16.5 Require new subdivisions to examine the feasibility of incorporating site layouts that allow for passive solar heating and cooling.

Policy ENV-16.6 Encourage new development to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sun screens.

Policy ENV-17.1 Require new construction and remodels to use energy- and resource-efficient and ecologically sound designs, technologies, and building materials, as well as recycled materials to promote sustainability.

In April 2008, the Town adopted the Santa Clara County Cities Association Green Building Collaborative policy recommendations:

- Adopt the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating system and Build It Green's GreenPoint Rated System (residential) as the official green building standards.

3.0 ENVIRONMENTAL EFFECTS

- Require the submittal of a completed LEED or GreenPoint Rated checklist as part of a planning application.
- Adopt a policy for achieving LEED Silver certification or better for all new public construction and renovation projects over 5,000 square feet.

The Town also joined the International Council for Local Environmental Initiatives' Cities for Climate Protection Campaign, committing to a five-step process for evaluating and working towards GHG reductions:

1. Measure emissions of GHG's;
2. Commit to an emissions reduction target associated with a specific target year;
3. Adopt specific measures or take specific actions, described in a local plan, to reach the reduction target;
4. Implement the local plan; and
5. Monitor emissions reductions achieved by implementing the plan.

In 2012, the Town adopted the *Los Gatos Sustainability Plan*. The *Los Gatos Sustainability Plan* is the Town's principal tool in implementing the sustainability objectives of the General Plan. The *Los Gatos Sustainability Plan* presents the Town's strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. It was developed in part using the International Council for Local Environmental Initiatives' Cities for Climate Protection Campaign methodology for addressing and planning for GHG reductions. Implementation of the *Los Gatos Sustainability Plan* is projected to reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020. CEQA Section 15183.5 states that compliance with the requirements of a plan to reduce greenhouse gas emissions may be sufficient to mitigate greenhouse gas emissions from individual projects to less-than-significant levels.

The following *Los Gatos Sustainability Plan* policies are applicable to the proposed project:

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

RE-5 Solar Ready Features. Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include: proper solar orientation (i.e. south facing roof area sloped at 20° to 55°

from the horizontal); clear access on the south sloped roof (i.e. no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.

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.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- Generate a significant amount of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The air district's 2010 CEQA Air Quality Guidelines thresholds are as follows:

- Compliance with a qualified Climate Action Plan or
- Meet one of the following thresholds:
 - 1,100 metric tons or less of CO₂e per year; or
 - 4.6 metric tons CO₂e or less per service population (residents and employees) per year.

Analysis, Impacts and Mitigation

IMPACT: THE PROPOSED PROJECT WOULD GENERATE A VOLUME OF 1,828.89 MT CO₂E EMISSIONS PER YEAR DURING ITS OPERATION (LESS THAN SIGNIFICANT)

The Town of Los Gatos has not adopted its own GHG thresholds of significance, nor does it have a qualified GHG reduction plan in place. The Town's Sustainability Plan provides direction for reducing GHG to meet a specified emissions reduction target. GHG thresholds of significance included in the air district's guidelines for assessment of GHG impacts are used by

this EIR. Project emissions have been calculated using the California Emissions Estimator Model (CalEEMod). The results are shown in Appendix E. GHG emissions model results are reported on an annual basis in metric tons of carbon dioxide equivalent (MT CO₂e).

The proposed project would generate an estimated 1,828.89 MT CO₂e emissions per year during its operation. The estimated operational CO₂e emissions from existing uses if they were to continue on the site would be 1,024.51 MT CO₂e per year (Table 4 of the Alberto Way EIR GHG/AQ Emissions Quantification - Methodology and Assumptions Memorandum included as Appendix E). The net annual operational emissions are derived by subtracting baseline emissions from projected project emissions as shown in [Table 9, Unmitigated Operational GHG Emissions \(metric tons per year\)](#) below.

Table 9 Net Unmitigated Operational GHG Emissions (metric tons CO₂e/per year)

Projected	Existing/Baseline	Net Operational Emissions
1,828.89	1,024.51	804.38

Source: EMC Planning Group 2016

The proposed project's net operational emissions of 804.38 MT CO₂e per year are below the air district's threshold of 1,100 metric tons CO₂e per year; therefore, the proposed project impact is less than significant. The air district does not have a threshold of significance for construction phase GHG emissions.

IMPACT: THE PROPOSED PROJECT WOULD NOT CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING GREENHOUSE GAS EMISSIONS (LESS THAN SIGNIFICANT)

The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. The General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level. The Town has taken several steps toward implementing GHG reduction efforts. The Town has documented its 2005 GHG inventory, and the Town adopted the *Los Gatos Sustainability Plan* in October 2012. The Town of Los Gatos does not specifically have a GHG emissions reduction plan; however, policies in both the General Plan and the *Los Gatos Sustainability Plan* include measures that would reduce greenhouse gas emissions.

All policies cannot be immediately implemented, and several policies related to GHG have not yet been implemented. Although the *Los Gatos Sustainability Plan* contains a comprehensive long-range strategy to achieve sustainability and GHG reductions, the Town Council must approve several programs before the *Los Gatos Sustainability Plan* will be fully implemented. As examples, the Town will need to adopt a Green Building Ordinance and develop GreenPoint Rated Building Guidelines. When implemented, the Town intends that compliance with the *Los Gatos Sustainability Plan* and its implementing actions will be sufficient to reduce projects' GHG emissions to less-than-significant levels.

Project developers are responsible for implementation of many of the *Los Gatos Sustainability Plan* policies, and these will be implemented as new projects are approved and developed. The proposed project would implement many of the *Los Gatos Sustainability Plan* policies through design, including variety of energy efficient and/or sustainable interior and exterior building elements constructed in conformance with Cal Green and the latest Title-24 Energy regulations. Additionally, the design would comply with LEED Silver standards for sustainability and energy conservation.

As discussed earlier in this Analysis, Impacts and Mitigation section, GHG emissions would be below the air district's threshold, and therefore, the proposed project is assumed not to conflict with the air district's policy efforts to reduce GHG emissions. In addition the project implements several of the *Los Gatos Sustainability Plan* policies through design. Therefore, the impact is less than significant.

3.7 HAZARDS AND HAZARDOUS MATERIALS

This section addresses potential hazards and hazardous materials impacts from the proposed project. The following technical report was prepared for the proposed project and is referenced in this section:

- EN GEO Incorporated. *Phase I Environmental Site Assessment 401 Alberto Way Project, Los Gatos, California*. July 20, 2015.

This report is included in Appendix E. No comments were received regarding hazards and hazardous materials during the project's NOP process.

Environmental Setting

The project site currently consists of three, two-story office buildings with daylighted basements and associated at-grade parking and landscape areas.

Historical Setting

Review of historical records indicates that the project site has been occupied by the existing office buildings since the late 1960s. Prior to site development, the project site appears to have been vacant land with limited vegetation and agricultural use. The most recent agriculture occurred at least 50 years ago, and most soils that could have been contaminated by agricultural chemicals are covered by buildings and pavement.

On-site Hazards

A *Phase I Environmental Assessment* (environmental assessment) of the project site was prepared by Engeo on July 20, 2015. The environmental assessment included interviews with persons knowledgeable about current and past site use and a reconnaissance of the project site to review site use and current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials. Additionally, the environmental assessment included a review of local, state, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps, and physical setting sources.

Based on the findings of this assessment, no Recognized Environmental Conditions, no historical Recognized Environmental Conditions, and no controlled Recognized Environmental Conditions were identified for the property. A Recognized Environmental Condition is described as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property:

- (1) due to release to the environment;
- (2) under conditions indicative of a release to the environment; or
- (3) under conditions that pose a material threat of a future release to the environment.’

Records also did not show contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the project site. However, the records review determined that the project site is listed within the HAZNET database as a result of documentation of asbestos-containing waste originating from the property that was disposed of at an offsite landfill. This implies that asbestos containing materials may have been used for construction. Given the age of the buildings and documentation of previous asbestos-containing waste disposal at a landfill, it is likely that asbestos-containing building materials and/or lead-based paint was used during construction and could still remain within the structures. However, this is not considered a Recognized Environmental Condition.

Regulatory Setting

Federal Hazardous Materials Regulation

Title 40 of the Code of Federal Regulations establishes rules for the handling and disposal of hazardous waste materials. Generators of less than 100 kilograms of hazardous waste per month are conditionally exempt from regulation, but are still responsible for proper handling and disposal of hazardous wastes, i.e. no more than 1,000 kilograms of hazardous waste may be stored at any time, and disposal of hazardous materials through appropriate channels is required. EPA regulations apply to generators of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a month, and additional regulations apply to generators of greater than 1,000 kilograms of hazardous waste per month. Generators of greater than 100 kilograms of hazardous materials must obtain a registration number from the EPA.

State and County

The Department of Toxic Substances Control and RWQCB oversee most soils and groundwater contamination clean-ups in California. County environmental health departments and other state or local agencies can also take or share responsibility for clean-up oversight, depending on the particular circumstances. California regulates hazardous materials generators through provisions of the California Health and Safety Code and Title 22 of the California Code of Regulations. The Department of Toxic Substances Control issues permits to each location that generates more than 100 kilograms of hazardous materials in a month.

Cortese List

The Cortese list was authorized by the state legislature in 1985. A list (actually a series of lists) of various types of hazardous materials is compiled by several agencies as directed by the statute. Government Code Section 65962.5. (a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.
- (5) All sites included in the Abandoned Site Assessment Program. Government Code Section 65962.5. (c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:
 - (A) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.
 - (B) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.
 - (C) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

Bay Area Air Quality Management District

The air district regulates the demolition and renovation of buildings and structures that may contain asbestos, and the manufacture of materials known to contain asbestos.

The air district must be notified at least 10 business days before:

- Any renovation involving the removal of 100 sq. ft. or more, 100 linear ft. or more, or 35 cubic feet or more of asbestos.
- Every demolition regardless of asbestos content.

Air district regulations must always be followed when removing asbestos or demolishing buildings.

Town of Los Gatos

The following General Plan policy relating to hazards and hazardous materials is applicable to the proposed project:

- **Policy SAF-5.2** Phase I site assessments shall be required for all sites where property is suspected of containing any toxins.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment;
- for a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area;
- for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area;
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands.

Analysis, Impacts and Mitigation

Environmental Topics Elimination from Further Consideration

Transport, Use, or Disposal of Hazardous Materials. The proposed project does not involve the types of land uses that would transport hazardous materials. The proposed land use is office commercial which is not a use that involves the transport, storage, or use of significant quantities of hazardous materials. Thus, there will be no impacts related to the routine transport, use, or disposal of hazardous materials and this topic is not further addressed in this section.

Hazardous Materials within One-Quarter Mile of a School. One existing school, West Valley College, is located within one quarter mile of the project site. However, as discussed above, the proposed development within the project site would not involve the routine transport, storage, or use of significant quantities of hazardous materials. Thus, there will be no environmental impacts related to hazardous emissions within one-quarter mile of a school and this topic is not further addressed in this section.

Site Containing Hazardous Materials. A search of the Envirostor and Geotracker databases indicates that no Cortese List sites are located within the project site (California Department of Toxic Substances Control 2016, California Department of Water Resources 2016). Additionally, the Phase I Environmental Site Assessment prepared for the proposed project reviewed the potential for the site to contain hazardous materials. There is one Permitted Underground Storage Tank (UST) facility within 1,000 feet of the project site. However, this facility is closed and no longer handles hazardous waste and thus does not pose a significant hazard to the public or the environment. Therefore, this topic is not further addressed in this section.

Airport Safety Hazard. The project site is not within an *Airport Land Use Plan*, is not located within two miles of a public airport, and is not located near a private landing strip (Google Inc. 2016). The nearest airport is the San Jose International Airport, approximately ten miles to the north. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport, located approximately 35 miles northwest of the project site, generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos (Norman Mineta San Jose International Airport 2016). Therefore, this topic is not further addressed in this section.

Interference with an Emergency Plan. The *Santa Clara County Operational Area Emergency Operations Plan* outlines administrative response protocols. No evacuation routes or assembly locations are identified in the direct proximity of the project site (Santa Clara County Office of the County Executive 2008). The *Town of Los Gatos Emergency Operations Plan* identifies potential threats and outlines response protocols and procedures. Evacuations are considered most likely in response to a dam failure or wildfire (Town of Los Gatos 2010). The proposed project would not interfere with implementation of the emergency operations plans. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies. The project site is adjacent to major thoroughfares and less than a mile from a major hospital and a fire station. However, the proposed project would not impair access to these roads or facilities or interfere with response during an emergency and, thus, would not result in associated environmental impacts. Therefore, this topic is not further discussed in this section.

Wildlands Fire. The project site is classified as a non-Very High Fire Hazard Severity Zone, within the local responsibility area. Areas with this classification have a low potential for wildlands fires and, thus, the likelihood of exposing people or structures to a significant risk of loss, injury, or death involving wildland fires is unlikely (California Department of Forestry and Fire Prevention 2008). Furthermore, the project is located within an urban environment not typically subjected to wildfire exposure. Therefore, this topic is not further discussion in this section.

IMPACT: THE PROJECT COULD RESULT IN THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (LESS THAN SIGNIFICANT WITH MITIGATION)

While the proposed project land use is office commercial, which is not a use that involves the release of hazardous materials into the environment, given the age of the buildings and documentation at a landfill of previous disposal of asbestos-containing waste that came from the project site, it is likely that asbestos-containing building materials and/or lead-based paint was used during construction and could still remain within the structures (ENGE0 2016). Thus, during demolition of the existing office buildings, these hazardous materials could be released into the environment, which could result in a significant environmental impact. However, implementation of standard construction controls and safety procedures, which would avoid and minimize the potential for accidental release of such substances into the environment in compliance with local, state, and federal requirements and implementation of the following mitigation measure will reduce potential impacts to less than significant.

Mitigation Measure

HAZ-1. Prior to any demolition activities on the project site, an asbestos and lead-based paint survey shall be performed to determine if any additional waste removal activities would be required. The selected project contractor shall implement all site specific measures and recommendations identified within the site's asbestos and lead-based survey. Compliance with the asbestos and lead-based paint survey during site demolition activities shall be demonstrated to the satisfaction of the Town Engineer.

3.8 HYDROLOGY AND WATER QUALITY

This section of the EIR includes evaluation of hydrologic and water quality conditions within the project vicinity and the project site, and evaluation of the potential risks to hydrology and water quality from future development as anticipated by the proposed project. This section considers potential impacts to groundwater supply and recharge, existing drainage patterns, the

creation or contribution of run-off water, impacts to water quality, and potential flood-related impacts.

Information in this section is derived from a variety of sources including:

- *Review of Project Submittals for Compliance with Stormwater Requirements* (EOA Inc. 2015) included as Appendix F.

No specific comments regarding hydrology and water quality issues were received during the NOP process.

Environmental Setting

Groundwater and Water Supply

Groundwater levels in Santa Clara County decreased steadily after the introduction of widespread agriculture, and reached a low point in about 1960. Land subsidence of up to 13 feet was recorded in San Jose in the 1920s and spurred creation of what is now the Santa Clara Valley Water District. Since 1960, due to the replacement of some groundwater pumping by imported water, and an aquifer recharge program, groundwater levels have recovered (Santa Clara Valley Water District 2011, page 2-6).

Water supplies in Santa Clara County are managed by the Santa Clara Valley Water District. San Jose Water Company supplies water to the Town of Los Gatos.

Groundwater represents the largest water source, ranging from approximately 40 to 50 percent of total water use. Groundwater comes from two groundwater basins within the County: Llagas Basin in southern Santa Clara County (serving the Morgan Hill and Gilroy areas), and the Santa Clara Basin (which is divided into the Coyote and Santa Clara Plain sub-basins). The Santa Clara Valley Water District operates a recharge program that includes nearly 400 acres of recharge ponds and 90 miles of controlled recharge within creeks. A groundwater extraction fee is charged to developers to fund recharge programs (Santa Clara Valley Water District 2011, pages 3-6 to 3-11; Santa Clara County Local Agency Formation Commission 2011, page 412).

Because only about half the water used within Santa Clara County comes from local aquifers, other water sources are critical to management of water supply within the groundwater basins. After groundwater, treated local and imported surface water represents the second largest share, from 30 to 38 percent of total water use. Imported water comes from the federal Central Valley Project (San Felipe Pipeline) and the State Water Project (South Bay Aqueduct). The Santa Clara Valley Water District participates in an out-of-county banking program with the Semitropic Water Storage District, which allows banking of excess import supply in wet years

and receipt of “in lieu” water (extra deliveries through the State Water Project conveyance system), in dry years. The Santa Clara Valley Water District had 264,800 acre-feet of water in storage at the Semitropic Water Storage District as of January 2011, and can withdraw a portion of that water as needed.

The Santa Clara Valley Water District operates three treatment plants, including the Rinconada Plant, about two miles north of the project site. The Montevina Water Treatment Plant, the primary supply source for the Town, is located approximately 3.5 miles south of the project site. The Montevina Plant treats local rainfall collected in the Santa Cruz Mountains. The Montevina Plant is owned and operated by the San Jose Water Company (SJWC), a private water purveyor operating within the Santa Clara Valley Water District.

San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water (approximately five percent) and other non-Santa Clara Valley Water District local surface water (approximately four to five percent). The Santa Clara Valley Water District treats and supplies water to local retail water agencies which in turn provide it to their customers in Santa Clara County. The Santa Clara Valley Water District also manages the groundwater basin to the benefit of agricultural users and individual well owners who pump groundwater (Santa Clara Valley Water District 2011, pages 2-9, 3-1, 3-8, 3-18).

For additional information on water infrastructure and distribution, and San Jose Water Company operations, refer to Section 3.12 Utilities and Service Systems.

Watershed

The project site is within the Guadalupe Watershed. The Guadalupe Watershed is 171 square miles in area and includes the cities of San Jose, Santa Clara, Campbell, and Monte Sereno, and the Town of Los Gatos. The Guadalupe, Los Gatos, Ross, Alamos, and Canoas creeks are located in the Guadalupe Watershed. Surface water in the Guadalupe Watershed originates as high as the ridgeline of the Santa Cruz Mountains on both sides of State Route 17, and ultimately flows into the southern portion of the San Francisco Bay near Alviso. Los Gatos Creek has a drainage area of about 55 square miles above its confluence with the Guadalupe River. Lexington Reservoir is located upstream on Los Gatos Creek and has a storage capacity of 20,250 acre feet. The drainage area above Lexington Reservoir is 37.5 square miles (Santa Clara Valley Water District 1999). Water resources within the Guadalupe Watershed are managed by the Santa Clara Valley Water District, which operates five of the six dams and reservoirs located within the watershed (Santa Clara Valley Water District 2013). The reservoirs' primary purpose is control of downstream flow rates, including flood protection during the winter and enhanced percolation during the summer (Santa Clara Valley Water District 1999).

The Santa Clara Valley Water District operates several percolation ponds within the watershed, including the ponds along Los Gatos Creek approximately one-half mile north of the project site.

Project Site and Vicinity Drainage

The project site is essentially level and is fully developed with existing buildings and paved parking areas. The majority of the project site drains to the rear of the site through an existing 24-inch storm drain pipe. However, portions of the site frontage area currently discharge to the curb along Alberto Way. Drainage from the site and surrounding area is directed to storm water conveyance facilities in Los Gatos-Saratoga Road.

Surface Water Quality

During periods of rain, water flushes sediment and pollutants from urbanized areas into storm drain systems. These drains discharge directly to surface waters, and eventually flow to San Francisco Bay. Urban runoff contributes significant quantities of total suspended solids, heavy metals, petroleum hydrocarbons, and other pollutants to the waters of the region. The impacts of pollutants in urban runoff on aquatic systems are many and varied. For example, small soil particles washed into streams can smother spawning grounds and marsh habitat. Lead and petroleum hydrocarbons washed off from roadways and parking lots may cause toxic responses in aquatic life and exemplify another kind of threat.

On-site Erosion Potential

Project site soils are classified as primarily Urban land-Stevens Creek complex on 0 to 2 percent slopes, with small sections classified as Urban land-Flaskan complex and Elder fine sand loam on 0 to 2 percent slopes (USDA Geotracker, 2016). These soils are predominately sandy clay loam soils. Additionally, exploratory borings conducted as a component of the project's geotechnical report encountered medium dense to dense clayey sands to depths ranging between 10 to 21 feet below the site's surface (ENGEO 2015). In general, the clay component of the soil would reduce erosion potential. Because the project site is mostly level, with only short slopes along Los Gatos Boulevard, the project site is not subject to elevated erosion risk associated with slopes and significant run-off velocities.

Los Gatos Creek Flows and Erosion Potential

The project site area drains to Los Gatos Creek, which drains into the Guadalupe River and San Francisco Bay. The soils in and near Los Gatos Creek are in the Elder soil series, and are characterized as a fine sandy loam. In general, sandy soils have a higher risk of erosion. As the total area of impervious surfaces increases in previously undeveloped areas, infiltration of

rainfall decreases, causing more water to run off the surface as overland flow at a faster rate. The increased run-off volume and increased length of time over which flows occur, ultimately intensify erosion and sedimentation. This can affect the hydraulic geometry (width, depth, and slope) and the sediment transport characteristics of stream channels. Within a stream channel, erosion potential is related to the make-up of the channel materials, and the flow characteristics of the stream waters. The project site area is in a sub-watershed that is less than 65 percent impervious.

Los Gatos Creek has a number of dams and similar structures that affect flows within the creek. Two major water retention dams are located upstream of the project site area; these include Lake Elzman (near the top of the watershed), and Lexington Reservoir (impounded by Lenihan Dam about two miles upstream). Structures in the vicinity of the project site area include the support structure apron for the State Route 85 Bridge, and three diversion structures that turn most of the project reach into a series of seasonal reservoirs that attenuate much of the erosive effect of storm water flows. One of these, the Kirk Diversion Dam, is occasionally lowered (removed from use) during the winter when high flows are expected. Between 1995 and present, the diversion dam has been removed for six periods of time, for a total of about 16 months.

Flooding Potential

The project site is shown in the General Plan EIR and on Federal Emergency Management Agency maps as being located within the 500-year flood zone as classified by the Federal Emergency Management Agency (Draft EIR Figure 4.8-1; General Plan Figure SAF-4; Federal Emergency Management Agency 2009). A 500-year flood zone has a 0.2 percent probability of flooding in a given year; i.e. a 500-year flood zone is likely to flood only under extreme flood conditions.

However, the General Plan EIR identifies the project site and surrounding area as located in an area potentially subject to inundation in the event of dam failure, specifically within the Lenihan/Vasona Dam Inundation Zone.

Regulatory Setting

Federal

Clean Water Act. The federal Clean Water Act was established “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The act, as amended, regulates discharges of pollutants into the waters of the United States. It provides the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs. The Clean Water Act also sets water quality standards for contaminants in surface

waters and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained.

NPDES Waste Discharge Regulations. The federal Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) program to protect water quality of receiving waters. Clean Water Act Section 402 prohibits discharge of pollutants to receiving waters unless the discharge is in compliance with an NPDES permit. The EPA has determined that California's water pollution control program has sufficient authority to manage the NPDES program under California law in a manner consistent with the Clean Water Act. Therefore, implementation and enforcement of the NPDES program is conducted through the State Water Resources Control Board and the nine RWQCDs. Refer to the State and Regional regulatory setting.

State and Regional

Porter-Cologne Water Quality Control Act. The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) regulates water quality within California and established the authority of the State Water Resources Control Board and the nine regional water boards. The quality of San Francisco Bay area water resources is regulated under the jurisdiction of the San Francisco Bay RWQCB.

San Francisco Bay Region Basin Plan. The *San Francisco Bay Region Basin Plan* (Basin Plan) was prepared by the San Francisco Bay RWQCB to establish regulatory standards and objectives for water quality. The Basin Plan identifies existing, limited, and potential beneficial uses for surface water and groundwater, and provides numerical and narrative water quality objectives designed to protect those uses. Applicable water quality criteria for a specific water body, specified by the National Toxics Rule or the California Toxics Rule, are determined on the basis of the beneficial use(s) of the water. NPDES Municipal Regional Storm Water Permits and Construction General Permits are part of the Basin Plan strategy for protecting water quality. The *Santa Clara Basin Watershed Management Plan* implements the Basin Plan in the Santa Clara Basin.

Santa Clara Basin Watershed Management Plan. The *Watershed Management Plan* consists of three reports prepared by the *Santa Clara Basin Watershed Management Initiative: Watershed Characteristics Report, Watershed Assessment Report, and Watershed Action Plan*. The Watershed Management Initiative vision includes contiguous habitat within and along creeks, undeveloped floodplains, protection of aquatic animals from pollutants, drainage systems that treat run-off, and efficient use and re-use of water. Two *Watershed Action Plan* objectives relevant to the proposed project are inclusion of Watershed Management Initiative visions in specific plans, and retention/detention/treatment of storm water run-off (Santa Clara Basin Watershed Management Initiative 2001, 2003a, 2003b).

Hydromodification Management Plan. This report, prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program, provides background, methodologies, and standards for developing hydromodification plans. The Santa Clara Valley Urban Runoff Pollution Prevention Program maintains a set of maps that establish those areas for which a hydromodification plan is required for development projects. Hydromodification plans are incorporated as part of the other programs established to ensure water quality. The project site is located in an area defined by the SCVURPPP as being located where a hydromodification plan is required. However, since the post-project impervious surface area is less than the pre-project impervious surface area, the project is not subject to hydromodification management plan requirements.

Municipal Regional Storm Water Permit. Storm water in Santa Clara County is managed in accordance with the Municipal Regional Storm Water NPDES permit (MRP) from the San Francisco Bay RWQCB (Permit Number R2-2009-0074 adopted on October 14, 2009, and revised on November 28, 2011). This permit regulates discharges from all municipal separate storm sewer systems in Santa Clara County, including those in the Town of Los Gatos. The urban runoff management program focuses on reducing pollutant transport through storm water drain systems into surface waters. In general, measures that will effectively limit storm drain pollutant discharge will also limit direct runoff of pollutants into creeks.

Provision C.3.b.ii(3)(a) of the MRP requires that where a redevelopment project results in an alteration of more than 50 percent of the impervious area of a previous existing development that was not subject to Provision C.3. Provision C.3.c of the MRP requires new development and redevelopment projects that create or replace 10,000 square feet or more of impervious surfaces to incorporate Low Impact Design measures including source control measures, site design features, and treatment measures to manage storm water discharge run-off flows and reduce pollutant loads. Provision C.3.d of the MRP requires that storm water treatment systems meet specific numeric sizing criteria.

Provision C.3.g of the MRP requires that certain new development projects implement hydromodification measures to manage increases in storm water runoff flow and volume so that the post-project runoff does not exceed the estimated pre-project runoff rates and durations. Provision C.6 of the MRP requires adoption of a construction site inspection and control program. Construction-site erosion control plans must be consistent with local requirements, including the appropriateness and adequacy of proposed Best Management Practices (BMPs) as well as verification that site operators/developers have complied with the Construction General Storm Water Permit before issuing the grading permit for a project. Inspections must be conducted to determine compliance with local grading and storm water requirements. Provision C.14 of the MRP details a control program for select contaminants to help determine whether urban runoff is a conveyance mechanism associated with impairment of San Francisco Bay by these pollutants and determine whether there are specific locations within urban watersheds where prior or current land uses contribute to discharges of these pollutants.

The Santa Clara Valley Urban Runoff Pollution Prevention Program, an association of 13 cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District, is the local entity within Santa Clara County responsible for implementing compliance with the Municipal Regional Storm Water NPDES permit.

Storm Water Quality Regulations. In order to comply with State-issued NPDES permit, No. CAS612008, adopted on October 14, 2009, the Town of Los Gatos and other public agencies in the Santa Clara Valley are required to place additional conditions of approval related to storm water quality control on certain regulated development projects.

Projects that create and/or replace 10,000 square feet or more of impervious surface, collectively over the entire project site, are generally considered as regulated projects under NPDES requirements. All regulated project are required to implement Low Impact Design (LID) source control, site design, and storm water treatment in accordance with the NPDES permit. The goal of LID is to reduce runoff by minimizing disturbed areas and impervious coverage and then infiltrating, storing, detaining, evapotranspiring and/or bio-retaining stormwater runoff close to its source. Practices used to adhere to these LID principals includes measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bio-retention units, bio-swales, and planter/tree boxes.

Construction General Storm Water Permit. The General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009 DWQ) was adopted, in order to avoid and minimize water quality impacts attributable to construction activity. The Construction General Storm Water Permit became effective on July 1, 2010 and expires on September 2, 2014; it applies to all projects where construction activity disturbs one or more acres of soil. Construction activities subject to this permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation.

Under the Construction General Storm Water Permit a Storm Water Pollution Prevention Plan (SWPPP), is developed and implemented. The SWPPP specifies BMPs designed to prevent storm water pollutants from moving offsite into receiving waters. The permit includes a risk-based permitting approach, dependent upon the level of the project's sediment risk and the sensitivity of the receiving water. Receiving waters are considered to have a high risk if they are a 303(d) listed impaired water body for sediment or have beneficial uses for fish spawning, cold freshwater habitat, and fish migration. The receiving water risk for Los Gatos Creek is classified as low because the creek does not have all three existing beneficial uses for fish spawning, cold freshwater habitat, and fish migration. Sediment risk is determined by the expected rainfall intensity during the construction period, soil erodibility, and slope of the construction site. Sites with a low receiving water risk are considered a Level 1 risk site if the sediment risk is also low and a Level 2 risk site if the sediment risk is medium or high (Santa Clara Basin Watershed Management Initiative 2001, Table 7.9; ESA PWA 2013; McKay and Soms 2013).

A typical SWPPP includes the following types of BMPs:

- Housekeeping (storage of construction materials, waste management, vehicle storage and maintenance, landscape materials, pollutant control);
- Non-storm water management; erosion control; sediment control; and run-on/run-off control;
- Excavation dewatering discharge procedures, including ways to impound the water, as necessary, to settle out solids before discharging;
- Maintenance of non-storm water discharges to levels of hazardous substances within acceptable levels, unless a separate NPDES permit has been issued for those discharges; and
- Construction site monitoring program.

California Green Building Standards Code. Mandatory measures under this code include preparation of a SWPPP for non-residential developments over one acre, and control of storm water run-off for residential developments over one acre (both required at a lower acreage threshold than the NPDES permit). Interior and landscape water efficiencies are required for all development.

Town of Los Gatos

The following General Plan goals and policies relating to hydrology and water quality are applicable to the proposed project.

Policy ENV 5.1 Applicants shall demonstrate that new development will not contaminate surface water and/or groundwater.

Policy ENV-5.3 Cooperate with the Santa Clara Valley Water District and other agencies to protect watersheds and riparian habitats from degradation.

Policy ENV-5.4 Preserve existing creeks and avoid disturbances to these areas.

Policy ENV-5.6 Encourage alternative materials and designs to limit driveways, parking areas and parking lots in all zones except the C-2 zone. Examples include, but are not limited to, pervious paving material, and “ribbon strip” driveways, which have pavement in tire areas and grass or gravel in the middle.

Policy ENV-5.7 Parking lots should be designed to drain into landscaped areas.

Policy ENV-9.1 As part of CEQA review for development projects, require analysis of the single and cumulative impacts on water drainage (runoff) and contamination (water quality) in all areas but particularly in or adjacent to hillsides, riparian corridors, and important undeveloped watersheds.

Policy ENV-9.2 Promote non-point source pollution control programs to reduce and control the discharge of pollutants into the storm drain system.

Policy SAF-4.6 Require major new development and redevelopment to provide mitigation to ensure that the cumulative rate of peak stormwater run-off is maintained at pre-development levels.

Town Municipal Code

Chapter 12 of the Town of Los Gatos municipal code specifies that the Town Engineer can require a grading permit for any grading that could result in a discharge into or connection to a water course. Grading permits must include an erosion and sediment control plan, and the grading plan must comply with Town standards.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would have any of the effects listed below. The Town utilizes the list of effects as its standards of significance for CEQA analyses. If any of the standards of significance are not applicable to the proposed project or the project would have no related impact, this is so noted in the analysis section below, and no further evaluation regarding the effect is provided.

- Violate any water quality standards or waste discharge requirements;
- 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., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted);

- 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;
- 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 run-off in a manner which would result in flooding on- or off-site;
- Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- 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; or
- Cause inundation by seiche, tsunami, or mudflow.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

100-Year Flood Zone. The project site is not located within a 100-year flood zone. The project site is shown in the General Plan EIR as being within the 500-year flood zone. Thus, flooding, if it were to occur, would be infrequent and most likely minor. Therefore, this topic is not further discussed in this section.

Seiche, Tsunami, or Mudflow. The project site is not located adjacent to a large body of water, so seiches and tsunamis are not possible to cause inundation of the site. Hillside portions of the Town could be affected by mudflow. However, the project is essentially level and is surrounded by essentially level ground and is not located immediately adjacent to a hillside, thus mudflows impacting the site would not occur. Therefore, this topic is not further discussed in this section.

IMPACT: THE PROJECT WOULD INCREASE PUMPING OF GROUNDWATER SUPPLIES (LESS THAN SIGNIFICANT)

The project site currently receives water from the San Jose Water Company and would continue to do so with implementation of the proposed project. The Los Gatos service area of the San Jose Water Company obtains water from two surface water sources and groundwater: local surface water from the Santa Cruz Mountains, surface water provided by the Santa Clara Valley Water District, and Santa Clara Valley groundwater. The Santa Clara Valley Water District surface water is sourced from local run-off into its reservoirs, the State Water Project, and the Central Valley Project.

Historically, San Jose Water Company only supplied surface water to the Town of Los Gatos for its water supply. However, due to drought conditions occurring in recent years, San Jose Water Company has had to alter its water supply distribution system, and groundwater is now currently delivered within the overall water supply combination to the Town (personal communication, Bill Tuttle, San Jose Water Company, February 11, 2016).

The project site currently is supplied water by San Jose Water Company and the proposed new buildings on the site would continue to be supplied by the San Jose Water Company. Therefore, conceptually, the project is already supplied groundwater; if not directly, then in proportion to overall Town supply. Although, as discussed in Section 3.12, Utilities and Service Systems, the project's site water demand could increase with implementation of the proposed project, this would represent a minimal proportion of total Town water supply and would represent a negligible increase in the site's demand from the overall Town water supply, and thus a negligible increase in Town demand for groundwater supply. Therefore, potential project-level impacts to groundwater supply would be less than significant.

For additional information on water infrastructure and distribution, San Jose Water Company operations, and water demand from the proposed project, refer to Section 3.13, Utilities and Service Systems. For additional analysis on potential cumulative impacts on groundwater supply, refer to Section 4, Cumulative Impacts.

IMPACT: THE PROJECT WOULD NOT ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE (LESS THAN SIGNIFICANT)

All existing improvements on the project would be demolished and the site would undergo excavation and grading during construction activities. Excavated soil would be temporarily stockpiled prior to re-distribution within the project site or hauled off site. If preventative steps are not taken, each of these construction activities provides the potential for soil erosion during storms, and related sedimentation in downstream storm drains or Los Gatos Creek.

Construction activities would require the discharge of groundwater produced during excavation dewatering, and the use of hazardous materials that could degrade water quality.

Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land-filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared for larger projects. Development of the project site would be required to obtain a grading permit and prepare an erosion and sedimentation control plan.

Because the disturbance area would exceed one acre, a SWPPP would be required in conformance with the NPDES Construction General Storm Water Permit. Furthermore, the applicant would be required to submit an erosion and sediment control plan to the Town Engineer or the Town's Stormwater Treatment Consultant for review and approval prior to the issuance of a grading permit for the site. Interim erosion control measures can include methods such as silt fences, fiber rolls, erosion control blankets, seeding, filter berms, check dams, and retention basins. These measures would apply to the construction phase of the proposed project and would reduce potential impacts.

With implementation of these requirements, the proposed project would not result in significant erosion, sedimentation, or flooding impacts from on-site or off-site grading and excavation activities. The proposed project does not include changes to the existing drainage patterns in areas surrounding the project site. Therefore, impacts would be less than significant.

IMPACT: THE PROJECT WOULD GENERATE POTENTIALLY POLLUTED STORMWATER RUNOFF THAT COULD DEGRADE WATER QUALITY (LESS THAN SIGNIFICANT)

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with hydrology and water quality. However, concentrated urban development has the potential to result in the release of non-point source pollutants that can degrade the quality of downstream waters.

The proposed project would result in modifications to the existing drainage patterns of the site in order to comply with storm water requirements. Currently, the majority of the site's drainage is directed to the 24-inch storm drain pipe at the western boundary of the site; however, some runoff is directed to street curb drains along Alberto Way, which is not a permitted practice based on existing regulations.

The project applicant has prepared a preliminary storm water control plan for the proposed project. This preliminary plan will require final design approval prior to the issuance of building permits by the Town for the project site.

The use of bioretention features in the form of ten flow-through planters and three biotreatment ponds incorporated into the site's design is proposed to accommodate storm water. The site's drainage would be modified to re-route all discharge to the rear of the site via flow-through planters or pumped to biotreatment ponds on the eastern perimeter of the site. All runoff would be routed through a new on-site 18-inch storm drain pipe and discharge to the existing 24-inch storm drain pipe at the western boundary of the site.

Furthermore, the applicant would be required to prepare and implement a SWPPP and an erosion and sedimentation plan. These plans would reduce potential polluted storm water runoff from occurring during the construction phase of the proposed project.

These measures and others in conjunction with Low Impact Development measures required by Provision C.3.c of the municipal storm water permit, would result in a reduction pollutant loads in storm water run-off. Therefore, impacts would be less than significant.

IMPACT: THE PROJECT WOULD NOT SIGNIFICANTLY DEGRADE WATER QUALITY (LESS THAN SIGNIFICANT)

The San Francisco Bay RWQCB regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan* (California Regional Water Quality Control Board 2011). The *San Francisco Bay Region Basin Plan* uses a watershed management approach focused on the particular needs of each watershed. The project site is within the Guadalupe River watershed of the Santa Clara Basin. The Watershed Management Initiative vision for the Santa Clara Basin is presented in the *Watershed Action Plan*, which also presents objectives for realizing the watershed vision. The General Plan includes policies supportive of regional water quality programs, and promoting specific types of project designs to protect surface water quality.

The project site is not adjacent to a riparian corridor, so the objectives and strategies aimed at protecting the water quality of off-site drainage are the most relevant to the proposed project. A key objective is the incorporation and use of retention/detention/treatment to reduce off-site discharge of water pollutants (Watershed Management Initiative 2003b, pages 2-1 to 2-10). Based on plans submitted for the project, such as the landscaping and storm water management plans, the proposed project includes features that address the watershed vision, specifically promotion of drought-tolerant plantings, natural drainage systems, and pre-treatment of storm water.

The water quality effects of project designs and construction will be regulated by the NPDES permit requirements. The proposed project includes general features consistent with the *San Francisco Bay Region Basin Plan* and *Watershed Action Plan*. Therefore, impacts would be less than significant.

IMPACT: THE PROJECT SITE WOULD BE AT RISK FROM DAM INUNDATION (LESS THAN SIGNIFICANT)

The project is located within an area considered by the General Plan EIR as being within an area susceptible to inundation from dam failure, specifically in the event of failure of the Lenihan Dam. The Safety Element of the General Plan includes several goals, policies and actions that address potential dam inundation within the Town, including Goal SAF-6 and associated policies and actions which strive to reduce injuries, damage to property, economic and social displacement, and loss of life from emergencies by creating and updating the Town's *Emergency Management Plan* and making it available to Town residents. Furthermore, all dams in California must be periodically inspected for safety to ensure that potential risks from dam failure during a seismic event are minimized. The Lenihan Dam is routinely inspected, monitored, and studied by the Department of Water Resource's Division of Safety of Dams to verify its integrity and safety. Therefore, potential impacts would be less than significant.

3.9 NOISE

This section addresses potential noise impacts of the proposed project. The following technical report was prepared for the proposed project and is referenced in this section:

- *401-409 Alberto Way Noise and Vibration Assessment* (Illingworth & Rodkin, Inc. 2016).

The *401-409 Alberto Way Noise and Vibration Assessment* (noise report) is included as Appendix G. Comments were received during the NOP process regarding potential construction noise impacts associated with the proposed project.

Environmental Setting

The major noise source in the vicinity of the project site is traffic on State Route 17 and Los Gatos - Saratoga Road. There are no significant stationary noise sources near the project site. Noise sources associated with existing uses within the project site are traffic to and from residences, lodging, and businesses. The project site is generally level and currently developed with office buildings and a surface parking lot. There is a significant tree buffer, consisting of new growth and mature trees, along the on-ramp and along Los Gatos Saratoga Road which acts as a noise buffer.

A noise monitoring survey was performed at the site beginning on Tuesday, February 2, 2016 and concluding on Wednesday, February 3, 2016. The monitoring survey included two long-term noise measurements and three short-term measurements. The noise environment at the site

and in the surrounding areas is primarily the result of local and distant traffic. The daily trend in noise levels at measurement locations LT-1 and LT-2 are shown in the noise report.

Long-term noise measurement location LT-1 was about 25 feet west of Alberto Way, just north of the site. The primary noise source at this location was vehicles on Alberto Way. Hourly average noise levels at this location ranged from 52 to 61 dBA L_{eq} during the day and were as low as 44 dBA L_{eq} at night. The day-night average noise level was 59 dBA L_{dn} .

Noise measurement location LT-2 was about 90 feet east of the Los Gatos - Saratoga Road on ramp to State Route 17. The primary noise source at this location was vehicles driving on the ramp. Hourly average noise levels at this location ranged from 58 to 62 dBA L_{eq} during the day and were as low as 49 dBA L_{eq} at night. The day-night average noise level was 63 dBA L_{dn} .

The three short-term measurements were made on Wednesday, February 3, 2016 in concurrent intervals to the long-term measurements. These measurements were attended by a noise technician who documented maximum noise levels as they occurred at each measurement location. [Table 10 Summary of Short-Term Noise Measurement Results](#), summarizes the short-term measurement results from February 3, 2016.

Table 10 Summary of Short-Term Noise Measurement Results

Location (Time)	Measured Daytime Noise Levels, dBA					Loudest Hour, L_{eq} , dBA*	L_{dn} , dBA*	Primary Noise Sources
	L_{eq}	L_1	L_{10}	L_{50}	L_{90}			
ST-1: ~100 feet from center of westbound Los Gatos Saratoga Road 11:00 a.m. to 11:10 a.m.	65	72	67	63	58	67	67	Traffic on Los Gatos Saratoga Road
ST-2: 25 feet east of Alberto Road 11:20 a.m. to 11:30 a.m.	48	60	50	43	42	50	48	Traffic on Alberto Way
ST-3: 25 feet west of Alberto Road 11:40 a.m. to 11:50 a.m.	48	57	51	44	42	50	48	Traffic on Alberto Way

Source: Illingworth & Rodkin 2016

Notes: *Calculated based on comparison between short-term and long-term noise measurement results.

Regulatory Setting

State

The *State of California Office of Planning and Research Noise Element Guidelines* include recommended interior and exterior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The *Noise Element Guidelines* describe the compatibility of various land uses with a range of environmental noise levels in Community Noise Level Equivalents (CNEL) and Day-Night Noise Levels (Dnl), and are the basis for most local noise regulation standards.

The California Building Code, part of the California Code of Regulations, includes acoustic guidelines for non-residential (Part 11) projects.

Non-Residential. Section 5.507.4 of the California Green Building Standards Code includes prescriptive and performance based sound insulation requirements for nonresidential projects exposed to an exterior noise level of L_{eq-1hr} 65 dB or higher, as follows:

- Prescriptive-based Approach – Wall and roof-ceiling assemblies making up the building envelope must have a composite sound insulation rating of Sound Transmission Class (STC) 50 or higher, with minimum STC 40 exterior windows.
- Performance-based Approach – The building shell must reduce average hourly noise levels to L_{eq-1hr} 50 dB or lower indoors.
- Exception – Buildings with few or no occupants or where occupants are not likely to be affected by exterior noise, such as factories, stadiums, storage, enclosed parking, and utility buildings are exempt from these requirements. Exemptions, shall be as determined by the enforcement authority.

In addition, airborne sound insulation of wall and floor-ceiling assemblies separating tenant spaces and public spaces shall have STC of at least 40.

Town of Los Gatos

The following General Plan policies relating to noise are applicable to the proposed project.

Policy LU-11.2 The Town shall encourage uses that serve Town residents. These include, but are not limited to, open space, playfields, office, retail, and other commercial uses. Residential uses may be permitted as part of mixed-use development and only with acceptable mitigation of adverse noise, air quality, and other environmental hazards.

Policy TRA-1.3 Evaluate the effects of all circulation and other transportation improvements on air pollution, noise, and use of energy prior to issuing any zoning approval.

Policy ENV-12.2 Require consideration of alternatives to individual auto use whenever the environmental review document concludes that the traffic generated by a development project would result in adverse impacts from air and noise pollution.

Policy NOI-1.1 The Town, as part of the Environmental Review process, shall require applicants to submit an acoustical analysis of projects. All input related to noise levels shall use the adopted standard of measurement shown in Table NOI-2. Noise impacts of new development shall be evaluated in terms of any increase of the existing ambient noise levels and the potential for adverse noise and groundborne vibrations impacts on nearby or adjacent properties. The evaluation shall consider short-term construction noise and on-going operational noise. [see [Table 11, Applicable Outdoor Noise Limits](#), below]

Table 11 Applicable Outdoor Noise Limits

Land Use	Max. L_{eq} 24 Value	Comparable Noise Source	Response
Commercial and Industrial	70 dBA	Freeway traffic (50 feet)	Telephone use difficult

Source: Town of Los Gatos 2010 (a), Table NOI-2

Policy NOI-1.3 Employ the L_{dn} scale for the evaluation of outdoor noise for residential land uses and the L_{eq} scale for evaluation of outdoor noise for non-residential uses, as shown in Table NOI-2. Pursue the outdoor noise limits shown in Table NOI-2 as representing the long range community aspirations and work toward their accomplishment, even though some may be presently unattainable. [see [Table 11, Applicable Outdoor Noise Limits](#)]

Policy NOI-2.1 Evaluate the potential for existing ambient and/or intrusive noise to adversely affect new development.

Policy NOI-2.2 Require all noise-sensitive developments adjacent to or within an area where noise levels exceed community aspirations to include a noise study and recommendation for reducing noise impact to an acceptable level.

Policy NOI-5.1 Protect residential areas from noise by requiring appropriate site and building design, sound walls, and landscaping and by the use of noise attenuating construction techniques and materials.

The General Plan Noise Element (Town of Los Gatos 2010 a, Figure NOI-1 and text) presents noise level locations and land use compatibility guidelines for environmental noise in the community. [Table 11, Applicable Outdoor Noise Limits](#), presents outdoor noise standards for land uses applicable to the proposed project, which is adapted from General Plan Table NOI-2.

The Town Noise Ordinance (Chapter 16 of the Town Code) limits 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 and limits noise increases from stationary sources to six dBA on residential-zoned properties and eight dBA on commercial and industrial-zoned properties, above the above-listed noise levels specified for the project site on the ordinance's Noise Zone Map, outlined in [Table 12, Project Site Specified Noise Levels](#), below.

Table 12 Project Site Specified Noise Levels

	Commercial and Industrial-zoned property noise levels (dBA)
6:00 a.m. to 1:00 p.m.	55
1:00 p.m. to 10:00 p.m.	56
10:00 p.m. to 6:00 a.m.	48

Source: Town of Los Gatos 2014, Noise Zone Map

Los Gatos Town Code Section 16.20.035 limits construction noise generation is limited by requiring construction to meet either of the following: (1) no individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet from the piece of equipment; or (2) the noise level at any point beyond the property line cannot exceed 85 dBA.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

3.0 ENVIRONMENTAL EFFECTS

- result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies;
- result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels;
- result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- 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, expose people residing or working in the project area to excessive noise levels; or
- for a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels;

CEQA does not define what noise or vibration level increase would be considered significant. Typically, in high noise environments a project is considered to have a significant impact if the project would increase noise levels by more than three decibels (the minimum increase generally perceptible to most people), and cause ambient noise levels to exceed the guidelines outlined in the General Plan. Where existing noise levels are well below the General plan guidelines, a somewhat higher increase (i.e., five decibels) may be tolerated before the impact is considered significant.

General Plan Action NOI-7.3 states that environmental review documents that identify noise factors shall relate the noise data to the Town's Noise Ordinance to give the Planning Commission and Town Council a standard for comparison. The Town's noise ordinance establishes timeframes and decibel levels for the regulation of noise, presented above in the Policy and Regulation section. Consistent with the General Plan EIR, a project is considered to have a significant effect if it increases an existing ambient noise level below 60 dBA by five dBA or more, an existing ambient noise level of 60 to 65 dBA by three dBA or more, or an existing ambient noise level of greater than 65 dBA by 1.5 dBA or more.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Aircraft Noise. The project site is not within two miles of an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip (Google Inc. 2016). The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Thus, this topic is not further discussed.

IMPACT: EXTERIOR AND INTERIOR NOISE LEVELS WOULD NOT EXCEED STANDARDS (LESS THAN SIGNIFICANT)

A significant noise and land use compatibility impact exists if the project would expose persons working at the proposed office buildings to noise levels that would exceed applicable noise standards presented in the General Plan or California Green Building Standards Code. The long-range community goal for office uses is 70 dBA L_{eq} or less. For non-residential land uses, the California Green Building Standards Code requires interior noise levels to be maintained at 50 dBA L_{eq} (1-hr) or less during hours of operation. The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with noise (Final EIR page 2-8).

Exterior Noise Levels. Noise sensitive outdoor office use areas would be considered compatible in noise environments with hourly noise levels of 70 dBA L_{eq} or less. Noise sensitive outdoor areas include a patio with seating, a fire pit, media for outdoor entertainment and meetings, and a communal dining table. The outdoor noise sensitive areas are proposed as close as about 100 feet from the center of Los Gatos - Saratoga Road and 70 feet from the center of the Los Gatos - Saratoga Road onramp to State Route 17. At these locations, exterior noise levels are anticipated to be 70 dBA L_{eq} or less and would be considered compatible. Noise levels would be lower at locations in the interior of the site or in shielded areas. Depending on the height and specifications, additional noise reduction would also be provided by the wall proposed at the rear of the property, adjacent to the Los Gatos - Saratoga Road onramp to State Route 17. This is a less-than-significant impact.

Interior Noise Levels. For office developments, the noise and land use compatibility guidelines are designed to screen projects and provide guidance in determining when special building sound insulation treatments may be necessary in order to adequately control the intrusion of environmental noise. The noise level goal for average noise levels inside offices varies depending upon the type of office space. Typically, traffic noise levels should be reduced to an hourly average noise level between 35 and 45 dBA L_{eq} . The California Green Building Standards Code requires interior noise levels to be maintained at 50 dBA L_{eq} (1-hr) or less during hours of operation.

Building A is set back about 75 feet from the center of the Los Gatos - Saratoga Road onramp to State Route 17, resulting in an exterior future noise exposure of about 66 dBA L_{eq} at the façade fronting the on-ramp. Building B is set back about 80 feet from the center of Los Gatos - Saratoga Road and about 100 feet from the Los Gatos - Saratoga Road onramp to State Route 17, resulting in future exterior façade exposures of 71 dBA L_{eq} and 67 dBA L_{eq} , respectfully.

Standard office construction normally provides 30 dBA of noise reduction in interior spaces. Predicted interior noise levels at offices would be 41 dBA L_{eq} or less assuming standard office construction methods. These interior noise levels would be compatible with the proposed use and would meet the 50 dBA L_{eq} (1-hr) noise limit established in California Green Building Standards Code Section 5.507.4.2. Therefore, the impact would be considered less-than-significant.

IMPACT: THE PROJECT WOULD NOT GENERATE GROUND-BOURNE VIBRATION IN EXCESS OF STANDARDS (LESS THAN SIGNIFICANT)

A significant impact would be identified if the construction of the project would generate groundborne vibration levels at adjacent structures exceeding 0.3 in/sec PPV because these levels would have the potential to result in “architectural” damage to normal buildings. The nearest existing structures to project construction areas include multi-family residences located as close as 35 feet from the shared property line to the north, and commercial and residential structures located between 65 and 85 feet east of the site, across Alberto Way.

Detailed construction information is not available at this time. Construction activities are anticipated to include demolition of existing structures, site grading and excavation, underground garage construction, new building construction, and paving. It is assumed that pile driving would not be needed for project construction. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. [Table 13, Vibration Source Levels for Construction Equipment](#) presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet (Federal Transit Administration 2006).

Operation of construction equipment can cause ground vibrations that diminish in strength with distance from the source. Buildings founded on the soil in the vicinity of a construction site may be affected by these vibrations, with varying results ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels. Typically ground vibration does not reach a level where it damages structures unless the structure is extremely fragile.

Table 13 Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Approximate Lv at 25 ft. (VdB)
Pile Driver (Impact)	upper range	1.158	112
	typical	0.644	104
Pile Driver (Sonic)	upper range	0.734	105
	typical	0.170	93
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006.

Impact or vibratory pile driving is not anticipated as part of project construction activities. Based on the levels shown in [Table 13, Vibration Source Levels for Construction Equipment](#), vibration could exceed 0.3 in/sec PPV when located within about 20 feet of existing structures. Vibration levels produced by heavy equipment (vibratory rollers, clam shovel drops) during construction are calculated to be 0.15 in/sec PPV or less at a distance of 35 feet. At a distance of 65 feet, vibration levels during periods of heavy construction are calculated to be 0.07 in/sec PPV or less. Vibration levels would be lower at structures located further from the construction and as construction moves away from the outer property lines of the site. Vibration levels during heavy construction may occasionally be perceptible at the closest multi-family residences to the north when construction is located near the northern property line of the site. However, vibration levels would not approach the 0.3 in/sec PPV threshold for architectural damage at any adjacent structures. This is a less-than-significant impact.

IMPACT: THE PROJECT WOULD RESULT IN AN INCREASE IN AMBIENT NOISE (LESS THAN SIGNIFICANT)

The Los Gatos Municipal Code limits operational noise to six dBA above the noise levels specified in the Town of Los Gatos Noise Zone Map at adjacent residential land uses. A substantial increase would occur if: a) the noise level increase is five dBA L_{dn} or greater, with a future noise level of 55 dBA L_{dn} or less (the long-range community goal for residential land uses), or b) the noise level increase is three dBA L_{dn} or greater, with a future noise level of greater than 55 dBA L_{dn} .

Project traffic and operations would generate noise. Noise sensitive uses adjoin the site to the north and east, are located south of Los Gatos-Saratoga Road, and are located west of the site across State Route 17. A significant impact would be identified if traffic or operations generated by the project would generate noise levels in excess of the noise limits specified in the General Plan and Municipal Code or substantially increase noise levels at sensitive receivers in the vicinity.

Noise Increases Due to Project Traffic. Traffic volumes were prepared for the project by Hexagon Transportation Consultants, Inc. for five intersections in the vicinity of the project. Traffic volumes under the Existing Plus Project Traffic Volumes scenario were compared to the Existing Traffic Volumes scenario to calculate the relative increase in traffic noise attributable to the proposed project. Based on this comparison, traffic noise levels are calculated to increase by less than one dBA along North Santa Cruz Avenue, Los Gatos-Saratoga Road, University Avenue, Los Gatos Boulevard, Caldwell Avenue, and Kennedy Road. Noise levels are anticipated to increase by three dBA along Alberto Way between Los Gatos Saratoga Road and the project driveway.

Noise sensitive multi-family residential land uses are located along this segment of Alberto Way, just east of the project site. Common outdoor use areas for the multi-family residences are located in courtyard areas and well shielded by the residential buildings from traffic noise. The residential buildings are located as close as about 60 feet from the center of Alberto Way. Based on the noise monitoring survey, vehicles on Alberto Way currently generate an average day-night noise level of about 52 dBA L_{dn} at a distance of 100 feet from the center of the portion of the road between Los Gatos-Saratoga Road and the proposed project driveway. Using a projected traffic noise increase of three dBA, along this roadway segment, future noise levels at the setback of residences would be 55 dBA L_{dn} under existing plus project conditions. Because noise levels would be 55 dBA L_{dn} or less, the five dBA increase threshold would apply. Traffic noise levels on the surrounding roadways would not be substantially increased as a result of the project, and the impact would be less-than-significant.

Noise Increases Due to Project Operations. The project site is located in an orange zone on the Town of Los Gatos Noise Zone Map, which indicates an ambient noise level of 48 dBA between

the hours of 10:00 p.m. and 6:00 a.m., 55 dBA between the hours of 6:00 a.m. and 1:00 p.m., and 59 dBA between the hours of 1:00 p.m. and 10:00 p.m. New operational noise sources, including mechanical equipment, parking, and on-site vehicle circulation, are limited to a noise level of six dBA or less above these specified ambient levels. The project is not anticipated to include nighttime uses. As a result, the more conservative daytime ambient level of 55 dBA is used for this analysis; resulting in a project operational noise limit of 61 dBA Leq.

The office project proposes heating, ventilation, and air conditioning (HVAC) units to be located on the roofs of both Buildings A and B. Mechanical system specifications are not available at this time. Typically office mechanical equipment would be anticipated to generate noise levels in the range of 50 to 60 dBA at a distance of 50 feet from the equipment, depending on the equipment selected.

The Building A rooftop equipment would be located as close as about 175 feet from the nearest residences in Las Casitas to the north and about 200 feet from residences to the east. The Building B rooftop equipment would be located as close as about 300 feet from the residences to the north and 200 feet from residences to the east. Noise levels from mechanical equipment typically attenuate at a rate of six dBA per doubling of distance. Significant acoustical shielding would also be provided by the surrounding mansard roof structures which extend above the roof deck on all sides.

Not taking into account the shielding provided by the office rooftop structures, rooftop equipment would be anticipated to generate a noise level in the range of 38 to 48 dBA at a distance of 200 feet. Shielding from the building rooftop structures is anticipated to provide an additional 10 to 20 dBA of noise reduction. As a result, mechanical equipment noise levels are not anticipated to be audible above the ambient noise environment at adjacent noise sensitive locations and would be well below the 61 dBA Leq threshold. This is a less-than-significant impact.

The site currently includes at-grade parking located on the northern and east-central portions of the site. The project proposes to locate the majority of on-site parking in a below grade parking facility. Five standard parking spaces, one accessible parking space, and one van accessible parking space would be provided at grade. Noise from slow moving vehicles circulating the site and at-grade parking activities would generate maximum noise levels that are similar to levels generated during existing operations in the existing parking area and below noise levels generated by faster moving vehicles on Alberto Way. Additionally, with the majority of parking moved into a below grade facility, the overall exposure of residences to parking noises would be reduced. The existing six-foot high masonry wall, to remain, located along the northern property line of the site would continue to provide additional attenuation from these noises. This is a less-than-significant impact.

IMPACT: THE PROJECT WOULD RESULT IN TEMPORARY AMBIENT NOISE INCREASES (LESS THAN SIGNIFICANT)

A significant temporary noise impact would be identified if construction activities would exceed the construction noise thresholds specified in the Town's Municipal Code or temporarily increase ambient noise levels at sensitive receptors. The Town of Los Gatos limits construction activities to between the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 p.m. weekends and holidays. In addition, the Town specifies that construction must meet at least one of the following noise limitations:

- No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to 25 feet from the device as possible.
- The noise level at any point outside of the property plane shall not exceed 85 dBA.

A significant temporary increase in noise would occur if hourly average noise levels intermittently exceed 60 dBA Leq, and the ambient by at least five dBA Leq, for a period exceeding one year at adjacent residential land uses.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction noise levels would vary by phase and vary within phases based on the amount of equipment in operation and location where the equipment is operating. Table 14, Typical Ranges of Construction Levels at 50 Feet dBA Leq, shows the average noise level range at 50 feet by construction phase and Table 15, Construction Equipment 50-foot Noise Emission Limits, shows the maximum noise level range for different construction equipment. These levels are consistent with construction noise levels calculated for the project in the Federal Highway Administration (FHWA) Roadway Construction Noise Model, including the anticipated equipment that would be used for each phase of the project. Most demolition and construction noise is in the range of 80 to 90 dBA at a distance of 50 feet from the source.

The project is anticipated to be constructed over a period of about 14 months from the spring of 2017 through the summer of 2018 and would include the following construction phases:

- Site Grading: three months
- Underground Garage Construction: four months
- Core & Shell Building Construction: six months
- Site Work: one month

Table 14 Typical Ranges of Construction Noise Levels at 50 Feet, dBA L_{eq}

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

Notes: I - All pertinent equipment present at site; II - Minimum required equipment present at site.

Source: U.S. EPA, Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

While detailed information on construction equipment is not available at this time, pile driving is not anticipated as a method of construction. As indicated in Table X1, Typical Ranges of Construction Levels at 50 Feet dBA L_{eq}, office building construction activities would be anticipated to generate noise levels in the range of 75 to 89 dBA L_{eq} at a distance of 50 feet. Construction noise levels typically drop off at a rate of about six dBA per doubling of distance between the noise source and receptor.

The nearest noise sensitive uses to project construction include multi-family residential buildings located as close as 35 feet from the shared property line to the north, and residential structures located about 85 feet east of the site, across Alberto Way. At a distance of 35 feet, typical construction noise levels would be anticipated to be in the range of 78 to 92 dBA L_{eq}. At a distance of 85 feet, typical construction noise levels would be anticipated to be in the range of 70 to 84 dBA L_{eq}. Construction conducted in compliance with the Municipal Code would be limited to 85 dBA at a distance of 25 feet, resulting in a noise level of 82 dBA at 35 feet and 74

dBA at 85 feet. Construction noise levels would be lower as construction is moved into shielded areas or indoors. The existing six-foot high masonry wall, located along the northern property line of the site, would provide a noise reduction of about five dBA from ground level construction noise sources to adjacent residences. The residential pool area for the multi-family homes located across Alberto Way and the lawn area for the adjacent residences are well-shielded from project construction by surrounding structures. Noise levels in these outdoor use areas would not typically exceed 60 dBA L_{eq} during construction. Noise levels at the more distant residential uses across Alberto Way would be less than significant, given compliance with Municipal Code regulations.

Table 15 Construction Equipment 50-foot Noise Emission Limits

Equipment Category	L_{max} Level (dBA) ^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous

Equipment Category	L_{max} Level (dBA) ^{1,2}	Impact/Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes: Measured at 50 feet from the construction equipment, with a “slow” (1 sec.) time constant. Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation. Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.

Source: Illingworth & Rodkin 2016

Existing daytime traffic noise levels at adjacent residences are in the range of 52 to 62 dBA L_{eq} . Noise levels would exceed 60 dBA L_{eq} and exceed the ambient noise environment by more than five dBA L_{eq} at adjacent residential buildings during periods of heavy construction, such as demolition and site work/excavation. Noise levels are not anticipated to exceed the ambient noise environment by more than five dBA L_{eq} when construction is moved indoors or when receptors are shielded from construction activities by intervening structures. Noise levels in the outdoor use areas for the adjacent residential areas would not typically exceed 60 dBA L_{eq} .

Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas. Although construction is anticipated to last for greater than one year, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction would not occur during nighttime hours, when occupants of the residential buildings would be expected to be most sensitive to noise. As a result, this would be considered a less-than-significant impact, assuming that construction activities are conducted in accordance with the implementation of the following construction best management practices:

- Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays.
- Pursuant to the Municipal Code, construction activities meet at least one of the following noise limitations:
 - No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to 25 feet from the device as possible.
 - The noise level at any point outside of the property plane shall not exceed 85 dBA.
 - All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
 - Unnecessary idling of internal combustion engines should be strictly prohibited.
 - Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
 - Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.

With the incorporation of these standard measures, the noise impact resulting from project construction would be considered less-than-significant.

3.10 PUBLIC SERVICES

This section addresses the potential effects of the proposed project on schools, police services, fire services, and other governmental services and facilities. No technical reports were prepared relating to public services and no comments were received in response to the NOP with regard to public services.

Environmental Setting

Schools

The project site is served by two school districts including the Los Gatos Union Elementary School District and the Los Gatos-Saratoga Joint Union High School District. Each of the districts and the locations of schools in the vicinity of the project site are described below. The closest public elementary school to the project site is the Louis Van Meter Elementary School, located north-east of Los Gatos Boulevard about one-half mile from the project site. The nearest middle school is Raymond T. Fisher Middle School, located three quarters of a mile north-east of the project site. The nearest high school is Los Gatos High School, located half a mile south-west of the project site.

Los Gatos Union Elementary School District. The Los Gatos Union School District operates four elementary schools and one middle school. The project site is within the attendance area of Louise Van Meter Elementary School.

The entire Los Gatos Union School District attends Raymond J. Fisher Middle School, located just off Blossom Hill Road, about three quarters of a mile north-east of the project site. The school had 1,073 6th through 8th grade students in 62 classrooms during the 2011-12 school year. (Los Gatos Union School District 2012; Los Gatos Union School District 2016).

For the 2013- 2014 school year, the Los Gatos Union School District had an enrollment of 3,261 students, approximately in line with projections in the General Plan EIR (Town of Los Gatos 2010, page 3-21). (Los Gatos Union School District 2012, pages 25 to 30).

Los Gatos-Saratoga Joint Union High School District. The Los Gatos-Saratoga Joint Union School District operates two high schools: Los Gatos High School and Saratoga High School. Four elementary school districts feed into the two high schools. The project site is within the attendance area of Los Gatos High School, which is located near downtown Los Gatos on East Main Street, about half a mile south-west of the project site. Total district enrollment was 3,240, nearly identical to projections in the General Plan EIR (page 3-21). Los Gatos High School had an enrollment of 1,821 students for the 2011-2012 school year (Los Gatos-Saratoga Joint Union High School District 2016).

Fire and Emergency Medical Services

The Santa Clara County Fire Department provides fire protection services and emergency medical response to the Town of Los Gatos. The Santa Clara County Fire Department serves a 128 square mile territory encompassing Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga, and adjacent unincorporated areas. The Department is divided into service divisions including: Administrative Services, Fire Prevention Division, Operations Division, Training Division, Support Services Division and the newly formed Emergency Management and Community Education Services Division. Currently, there are 279 career personnel, including 66 full time career firefighters who are augmented by 20 volunteer firefighters. These personnel serve the territory from 15 fire stations, which house 19 pieces of apparatus and three command vehicles. The nearest fire stations are located on University Avenue, about half a mile west of the project site, and on Shannon Road, about one mile east of the project site (Santa Clara County Fire Department 2014; Google Inc. 2016). In 2014, the fire department arrived in less than eight minutes ninety percent of the time to all urban and metropolitan areas for emergency medical service calls and structure fire calls (Santa Clara County Fire Department Annual Report 2014).

Police Services

Police protection within the Town is provided by the Los Gatos Monte Sereno Police Department, which provides law enforcement services to both cities. The police department operates from two locations: patrol and detective services are located in an office on Los Gatos Boulevard near Blossom Hill Road, about half a mile from the project site, and all other police services are located at the Town Hall, about one mile from the project site. The building on Los Gatos Boulevard was opened in 2009 to resolve crowding problems. The police department has an authorized staff of 39 sworn officers, 20 civilian employees, and approximately 150 active citizen volunteers who contribute to the strong police/community partnership. (Los Gatos Monte Sereno Police Department 2016).

Calls to the police department are categorized as Priority One, Priority Two, and Priority Three. Priority One calls command immediate assignment and any available police unit is dispatched. The average response time for Priority One calls is about four minutes and 13 seconds (Santa Clara County Local Agency Formation Commission 2015). The average response time for Priority Two calls is about six and one-half minutes. Priority Three calls are not urgent and are responded to in an average of about 19 minutes, or as soon as personnel are available (Town of Los Gatos 2015).

Facility needs are evaluated each year as part of the budget preparation cycle. Requests for non-emergency type of repairs or minor building modifications are submitted to the Town budget

review committee. The committee will determine what requests can be filled based on needs and available funding. Equipment needs are also evaluated as part of the budget cycle. If approved, equipment can either be purchased out of the current year budget or identified as a purchase for the next year. Any associated replacement and maintenance costs will be added to the ongoing budget (Town of Los Gatos 2015).

The Town operates an emergency operations center at the Town Hall location, with several back-up sites in the event the Town Hall site is not functional or otherwise unavailable. The emergency operations plan identifies several back-up locations (Town of Los Gatos 2010 (b), page 21). Since 2006, the Los Gatos/Monte Sereno Police Department and City of Campbell Police Department have operated a shared SWAT and crisis negotiation team (Santa Clara County Local Agency Formation Commission 2007, pages 7-10 to 7-15; Los Gatos Monte Sereno Police Department 2016).

Other Services

The Town has a 40,000 square foot public library at the civic center which provides library services for the Town. The Los Gatos Public Library belongs to the Silicon Valley Library System, a cooperative and resource-sharing organization for area libraries. The library also cooperates with the Museum of Los Gatos in the area of local history (Santa Clara County Local Agency Formation Commission 2007, page 7-14). The Town completed the *Civic Center Master Plan* in 2007. The *Civic Center Master Plan* analyzed the functional and physical space needs of the Town's services and identified existing short-comings for several programs and departments. A new library was constructed and additional police department space provided in response to those needs (Friends of Los Gatos Public Library 2016; Los Gatos Monte Sereno Police Department 2016).

Regulatory Setting

State (Schools)

Senate Bill 50 was adopted in 1998. School districts may collect fees established by the California legislature to offset the costs associated with increasing school capacity as a result of development. School districts may undertake a school impact fee needs analysis to justify a fee that is higher than the standard state fee. Payment of the fee by developers serves as the total mitigation of the potential impact of a development on school facilities pursuant to CEQA.

Town of Los Gatos (Parks, Fire, Police and Other Services)

One of the General Plan's vision statement consensus points relates to public services:

Provide a well-run, efficient municipal government that is fiscally healthy, with high levels of public safety, recreational, art and cultural amenities and that is supportive of high quality education.

The following General Plan policies relating to public services are applicable to the proposed project.

Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

Policy LU-4.3 Only approve projects for which public costs can be justified by the overall benefit to the community.

Policy LU-4.4 Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

Policy SAF-7.3 New development shall be required to incorporate adequate emergency water flow, fire resistant design and materials and evacuation routes.

Policy SAF-7.4 New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

Policy SAF-8.1 Build and require roadways that are adequate in terms of width, radius and grade to accommodate Santa Clara County Fire Department fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

Policy SAF-8.3 New development shall satisfy fire flow and hydrant requirements and other fire-related design requirements as established by the Town and recommended by the Santa Clara County Fire Department.

Policy SAF-10.1 Emphasize the use of physical site planning as an effective means of preventing crime. Open spaces, landscaping, parking lots, parks, play areas and other public spaces shall be designed with maximum possible visual and aural exposure to community residents.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

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

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Parks or Recreational Facilities. The project area is served by a large number of existing park and recreational facilities, within several different jurisdictions and districts. Thus, this topic is not discussed further. Please refer to Section 3.13, Effects Found Not Significant for more detailed information on Parks and Recreation.

Consistent with Plan Adopted for Environmental Purposes. The proposed project does not conflict with General Plan public services policies adopted for the purpose of avoiding or mitigating an environmental effect. There are existing physical infrastructure and social services that serve the project site and the proposed project does not significantly impact urban services that would require construction or alteration of existing facilities. Thus, this topic is not discussed further.

Other Public Facilities. The General Plan EIR concluded that build-out of the General Plan would require expansion of the existing library. A new library has been constructed and will serve the proposed project and other development within the Town. Further, commercial projects do not typically impact libraries. Thus, this topic is not discussed further.

IMPACT: THE PROJECT WOULD RESULT IN A LESS THAN SIGNIFICANT IMPACT TO AREA SCHOOLS (LESS THAN SIGNIFICANT)

The existing office buildings on the project site and surrounding area are served by the Los Gatos Union Elementary School District and the Los Gatos-Saratoga Joint Union High School District. Development of the proposed project would result in an increase of the total square footage of buildings on the project site by 60,965 square feet, which would allow for new employees and may produce a small number of new students if these employees are not existing Town residents. Because the schools serving the project site are at capacity, even a small increase in students could require new or altered school facilities. However, the *Los Gatos Union School District's Master Plan* has already considered future growth of up to 200 students and has planned to obtain new classrooms to accommodate the increase. Further, the developer of the proposed project will be required to pay development impact fees to the school districts which will serve to pay a portion of the costs of the school district providing services to any new students potentially generated by the project. Therefore, new or expanded school facilities would not be needed as a result of the proposed project and impacts would be less than significant.

IMPACT: THE PROJECT WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS TO AREA FIRE DEPARTMENT FACILITIES (LESS THAN SIGNIFICANT)

The existing buildings on the project site and surrounding area are served by the Santa Clara County Fire Department. While development of the proposed project would result in an increase of the total square footage of buildings on the project site by 60,965 square feet, the development type and density is consistent with those outlined in the General Plan. Further, two fire stations are within approximately one mile of the project site and the Santa Clara County Fire department has a response time of eight minutes or less to all metropolitan and urban areas, including the project site. The square footage increase would not require new or altered fire department facilities. The General Plan EIR concluded that build-out of the General Plan, would not require construction of new fire protection facilities, and therefore, would not result in an environmental impact. Therefore, because there is not a need for new or expanded fire department facilities, potential impacts would be less than significant.

IMPACT: THE PROJECT WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS TO AREA POLICE DEPARTMENT FACILITIES (LESS THAN SIGNIFICANT)

The existing buildings on the project site and surrounding area are served by the Los Gatos Monte Sereno Police Department. While development of the proposed project would result in an

increase of the total square footage of buildings on the project site by 60,965 square feet, which would result in an increase in employees, which may slightly increase the demand for police services, the increased demand would not be such that would require new or altered police department facilities. The General Plan EIR concluded that build-out of the General Plan would require additional personnel, and that there were minor issues related to accommodating the additional personnel, including lack of secure parking and inadequate space within the Town Hall police facility. However, the General Plan EIR concluded that these issues could be resolved with less-than-significant environmental effects. The Town's police services office space was expanded in recent years, it can be reasonably expected that any minor increased demand brought about by the proposed project would be accommodated by existing police facilities. Therefore, because there is not a need for new or expanded police department facilities, potential impacts would be less than significant.

3.11 TRANSPORTATION AND TRAFFIC

This section addresses potential impacts of the proposed project on transportation and traffic. Information in this section is derived from a variety of sources including:

- *401 to 409 Alberto Way Final Transportation Impact Analysis* (Hexagon Transportation Consultants, Inc. 2016)

The project's transportation impact analysis, prepared by Hexagon Transportation Consultants, is included as Appendix H. The project's transportation impact analysis underwent a peer review process with the Town's transportation consultant. All recommendations and concerns by the Town's transportation consultant were addressed in a final version of the project's transportation impact analysis.

Numerous comments regarding traffic and circulation issues were received during the NOP process. The Santa Clara Valley Transportation Authority submitted specific comments on the content of the project's transportation impact analysis and recommended the following improvements be included in the proposed project: widening of the sidewalks adjacent to the project site and providing a buffer strip between pedestrians and automobiles with landscaping elements; squaring off the corner of Alberto Way and Los Gatos-Saratoga Road; providing safety features at the intersection of Alberto Way and Los Gatos-Saratoga Road such as a high-visibility crosswalk; displaying bicycle parking spaces on site plans; and continued coordination between the Town and Caltrans on various improvements in the vicinity of the project site.

Additionally, numerous comments were received from area residents concerned about safety of pedestrians with an increase in traffic on Alberto Way, safety concerns associated with vehicles entering and existing from the project site, general concerns about increased traffic on Alberto

Way, and concerns that the project site would not have adequate parking available for employees and visitors to the site and that parking spillover would occur on Alberto Way. The letters sent in response to the NOP and comment cards received at the project's NOP hearing are included in Appendix A.

Environmental Setting

Highways and Streets

Regional access to the project site is provided by State Route 17. Local access to the project site is provided via Los Gatos-Saratoga Road, North Santa Cruz Avenue, University Avenue, Los Gatos Boulevard, and Caldwell Avenue.

The project's transportation impacts analysis studied five intersections. [Table 16, Study Intersections Existing Levels of Service](#), presents the current AM and PM peak period delays and levels of service at these intersections. The locations of streets and intersections are shown in [Figure 10, Traffic Study Locations](#). Each street and highway is briefly described below.

Table 16 Study Intersections Existing Levels of Service

Study Number	Intersection	Peak Hour	Count Date	Avg. Delay (sec)	LOS
1	N. Santa Cruz Ave & Los Gatos Saratoga Road	AM	1/21/2015	47.3	D
		PM	9/25/2014	37.2	D
2	University Ave & Los Gatos Saratoga Road	AM	1/21/2015	34.5	C
		PM	9/25/2014	30.8	C
3	Alberto Way & Los Gatos Saratoga Road	AM	5/12/2015	11.2	B
		PM	5/12/2015	12.4	B
4	Los Gatos Blvd & Los Gatos Saratoga Road	AM	5/12/2015	22.8	C
		PM	5/12/2015	24.3	C
5	Los Gatos Blvd & Caldwell Ave/Kennedy Road	AM	5/12/2015	37.2	D
		PM	5/12/2015	24.4	C

Source: Hexagon Transportation Consultants 2016



Not to scale

Project Site Location

Study Intersection

Source: Hexagon Transportation Consultants, Inc. 2016



Figure 10
Traffic Study Locations

401-409 Alberto Way DEIR

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State Route 17. State Route 17 is a four-lane freeway in the vicinity of the project site. It extends south to Santa Cruz and north to I-280 in San Jose, at which point it makes a transition into I-880, which extends to Oakland. Access to the project site is provided via State Route 17's interchange with Los Gatos-Saratoga Road (State Route 9 to the west of State Route 17). The State Route 17 northbound on-ramp from westbound Los Gatos-Saratoga Road forms the western boundary of the project site.

Los Gatos Saratoga Road (State Route 9 west of State Route 17). Los Gatos-Saratoga Road is a four lane arterial roadway adjacent to the project site. It extends from Los Gatos Boulevard in a northwesterly direction, under several names, to the town of Saratoga. Los Gatos-Saratoga Road forms the southern boundary of the project site.

North Santa Cruz Avenue. North Santa Cruz Avenue is a two-lane roadway that runs in a north-south direction and serves as the primary commercial street in downtown Los Gatos. Santa Cruz Avenue extends from State Route 17 in the south to Blossom Hill Road, where it transitions to Winchester Boulevard, which continues north as a four-lane arterial through Los Gatos, Campbell, and San Jose to its terminus in Santa Clara. Within the Los Gatos central business district, North Santa Cruz Avenue has two lanes and on-street parking.

University Avenue. University Avenue is a two-lane roadway that runs parallel to North Santa Cruz Avenue. It extends from Main Street to Lark Avenue.

Alberto Way. Alberto Way is a two-lane roadway that runs parallel to State Route 17. It extends from Los Gatos-Saratoga Road northward approximately 2,000 feet to a dead-end. Alberto Way forms the eastern boundary of the project site, and provides direct access to the project site.

Los Gatos Boulevard. Los Gatos Boulevard is a four to six-lane north-south arterial that extends from State Route 85 south to Main Street. North of State Route 85 and south of Loma Alta Avenue, Los Gatos Boulevard changes names to Bascom Avenue and Main Street, respectively. Los Gatos Boulevard has four lanes between State Route 85 and Lark Avenue, then widens to six lanes between Lark Avenue and Blossom Hill Road. Within the project vicinity, the roadway is two-lanes wide.

Caldwell Avenue/Kennedy Road. Caldwell Avenue/Kennedy Road is a two-lane residential roadway that begins at Los Gatos Boulevard and runs west to Bella-Vista Avenue. Kennedy Road begins at Los Gatos Boulevard and runs east through the hills to Shannon Road. Kennedy Road is a two-lane residential street. Caldwell Avenue and Kennedy Road form a somewhat offset intersection with Los Gatos Boulevard that is signalized.

Observed Existing Traffic Conditions

Traffic conditions were observed in the field to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to level of service, and (2) to identify any locations where the level of service analysis does not accurately reflect actual existing traffic conditions.

Los Gatos-Saratoga Road at North Santa Cruz Avenue and University Avenue. At the Town's request, the project proponent's traffic engineer performed field observations at the intersections on Los Gatos-Saratoga Road at North Santa Cruz Avenue and at University Avenue on a regular weekday during the AM and PM peak hours once before the summer break in May, and once after the summer break in November. In general, congestion in the AM peak hour was observed in the westbound direction on Los Gatos-Saratoga Road from the State Route 17 ramps and west beyond North Santa Cruz Avenue. The congestion is mainly caused by the two lanes into one lane merging point on westbound Los Gatos-Saratoga Road west of North Santa Cruz Avenue. Vehicles typically require two signal cycles to clear the North Santa Cruz Avenue and University Avenue intersections. The eastbound left-turn vehicles on Los Gatos-Saratoga Road turning onto North Santa Cruz Avenue also required two signal cycles to clear. Because of queuing issues on westbound Los Gatos-Saratoga Road, congestion is also observed on North Santa Cruz Avenue and University Avenue in both directions. Queues on these side streets extend to the upstream intersections and require more than two signal cycles to clear. Northbound left-turn vehicles out of North Santa Cruz Avenue and University Avenue were also observed blocking the intersection to avoid waiting an additional cycle.

During the PM peak hour, congestion was observed in the eastbound direction on Los Gatos-Saratoga Road from west of Ridgecrest Avenue to University Avenue. Vehicles typically require more than two signal cycles to clear the North Santa Cruz Avenue and University Avenue intersections. The westbound left-turn vehicles on Los Gatos-Saratoga Road turning onto University Avenue required two signal cycles to clear. Because of the queuing issue on Los Gatos-Saratoga Road, there were instances when the southbound left-turn movements on University Avenue and on North Santa Cruz Avenue getting onto eastbound Los Gatos-Saratoga Road also experienced lengthy delays. Other movements on University Avenue and on North Santa Cruz Avenue were able to clear the intersection within one signal cycle.

Alberto Way and Los Gatos-Saratoga Road. During the AM peak period, heavy traffic volume was observed only on the eastbound leg of Los Gatos-Saratoga Road. There was spillback from the downstream intersection on Los Gatos-Saratoga Road at Los Gatos Boulevard. As a result, the inner eastbound through lane on Los Gatos-Saratoga Road queued to the State Route 17 southbound on-ramp, and the outer eastbound through lane on Los Gatos-Saratoga Road queued onto the State Route 17 northbound off-ramp. Because of the spillback issue from Los

Gatos Boulevard, the eastbound through movement on Los Gatos-Saratoga Road required several signal cycles to clear the queue.

During the PM peak period, the westbound through movement on Los Gatos-Saratoga Road received moderate queues that extended toward the location of the Bella Vista Avenue overpass, but all cleared within one signal cycle. No other operational issues were observed.

Los Gatos Boulevard and Los Gatos-Saratoga Road. During the AM peak period, heavy traffic volume was observed on the eastbound leg of Los Gatos-Saratoga Road. The eastbound left-turn lane on Los Gatos-Saratoga Road feeds onto northbound Los Gatos Boulevard, but because of spillback issues at the downstream intersection at Caldwell Avenue, the eastbound left-turn lane on Los Gatos-Saratoga Road requires three cycles to clear. The right-turn lane on Los Gatos-Saratoga Road queued only to the location of the Bella Vista Avenue overpass, and cleared within one signal cycle. No significant issues were observed on other movements.

During the PM peak period, heavy traffic volumes were observed on the southbound through movement on Los Gatos Boulevard and eastbound left-turn movement on Los Gatos-Saratoga Road. Both movements required two signal cycles to clear. No other operational issues were observed.

Los Gatos Boulevard and Caldwell Avenue/Kennedy Road. During the AM peak period, a crossing guard was present on the west and south crosswalks. There were heavy pedestrian (school children) movements on the west and south crosswalks. The northbound through movement on Los Gatos Boulevard constantly queues towards Los Gatos-Saratoga Road, and causes significant delays on the eastbound movement on Los Gatos-Saratoga Road. The southbound through movement on Los Gatos Boulevard constantly queued towards Nino Avenue, but all vehicles clear within one signal cycle. The westbound left-turn movement on Kennedy Road consistently queued and required two to three cycles to clear. Right turns on red are prohibited for the northbound, eastbound, and westbound movements, but few vehicles obeyed the signs. There were no significant issues observed during the PM peak period.

The project's transportation impact analysis recognized that during both the AM and PM peak period, several study intersections had specific movements that required multiple cycles to clear. However, vehicles on other movements at these intersections did not experience delays longer than one signal cycle. The level of service definition and methodology represents an average of all movements at an intersection. Thus, if one movement is congested, but the other movements do not experience lengthy delays, the average level of service can be acceptable.

Existing Traffic Conditions for Alberto Way

Alberto Way is an approximately 34-foot wide road that dead-ends to the north. There are five on-street parking spaces along the project frontage and another three spaces across the street from the project site in front of the Best Western hotel.

Traffic counts were conducted at the intersection of Alberto Way and Los Gatos-Saratoga Road in May 2015. Alberto Way carried 65 inbound trips and 79 outbound trips during the AM peak hour, and 83 inbound trips and 103 outbound trips during the PM peak hour. The existing buildings on the project site generated 29 inbound and 13 outbound trips during the AM peak hour, and 34 inbound and 47 outbound trips during the PM peak hour, which represents approximately 30 percent of all traffic during the AM peak hour, and 45 percent of all traffic during the PM peak hour on Alberto Way. Existing peak hour traffic volume on Alberto Way is relatively low, with an average of one to two vehicles on the road per minute. After the initial 500 feet of the road, where all traffic associated with the project site have turned off the road, peak hour traffic volume on Alberto Way is reduced to approximately one vehicle per minute.

Existing Freeway Ramp Capacity Analysis

This analysis consisted of a volume-to-capacity ratio evaluation of four freeway ramps at the interchange of State Route 17 and Los Gatos-Saratoga Road. The ramp capacities were obtained from the Highway Capacity Manual 2000, which considers both the free-flow speed and the number of lanes on the study ramps. During both the AM and PM peak hours, all ramps are not metered. The peak-hour freeway ramp volumes were obtained from personal communication with Caltrans staff (Jordan Chan) on September 17, 2015. [Table 17, Existing Freeway Ramp Analysis – SR 17 & Los Gatos-Saratoga Road](#), shows the peak hour ramp volumes.

The ramp analysis concluded that all freeway ramps currently have sufficient capacity to serve the existing traffic volumes. All study ramps have a volume-to-capacity ratio that is well below 1.0, which means that the existing traffic demand is far lower than the ramp capacity.

Transit Service

Existing transit service to the project site vicinity is provided by the Santa Clara Valley Transportation Authority. Santa Clara Valley Transportation Authority provides bus service near the project area via Routes 48 and 49. Existing transit services are shown on [Figure 11, Existing Transit Service](#).

Local Route 48 operates on North Santa Cruz Avenue, University Avenue, and Los Gatos-Saratoga Road in the study area. It runs from the Los Gatos Civic Center to the Winchester Transit Center in Campbell with 30-minute headways in the AM and PM peak hours. Route 48 operates between 6:30 AM and 8:30 PM. The closest Route 48 bus stop to the project site is located on Los Gatos-Saratoga Road west of University Avenue, approximately ½ mile west of the project site.

Local Route 49 operates on Los Gatos Boulevard in the study area. It runs from the Los Gatos Civic Center to the Winchester Transit Center in Campbell with 30-minute headways in the AM

and PM peak hours. Route 49 operates between 6:30 AM and 8:40 PM. The closest bus stop is near Caldwell Avenue, about one-quarter mile from the project site.

Table 17 Existing Freeway Ramp Analysis – SR 17 & Los Gatos-Saratoga Road

Interchange	Ramp	Type	Peak Hour	Capacity	Volume	Volume to Capacity
SR 17 & Los Gatos Saratoga Road	NB on-ramp from WB Los Gatos Saratoga Rd	Diagonal	AM	2000	1153	0.58
			PM	2000	1017	0.51
	SB on-ramp from WB Los Gatos Saratoga Road	Loop	AM	1800	104	0.06
			PM	1800	379	0.21
	NB off-ramp to EB Los Gatos Saratoga Rd	Diagonal	AM	2000	379	0.19
			PM	2000	125	0.06
	SB off-ramp to EB Los Gatos Saratoga Rd	Loop	AM	1800	1103	0.61
			PM	1800	758	0.42

Source: Hexagon Transportation Consultants 2016

The Winchester Transit Center, the northern terminus of Route 48 and 49, is a station for Santa Clara Valley Transportation Authority's light rail transit service. The light rail transit service line that terminates at the Winchester Transit Center provides service to downtown Mountain View, via downtown San Jose, Santa Clara, and Sunnyvale. The Winchester Transit Center is located approximately 3.8 miles northeast of the project site.

Bicycle and Pedestrian Facilities

A Class I bicycle trail, the Los Gatos Creek Trail, is located near the project site, running in a north-south direction just west of State Route 17. A Class II bikeway (defined as a striped bike lane on the street) is present on Los Gatos-Saratoga Road, extending westward from just east of the University Avenue intersection. A Class II bikeway is present on eastbound Los Gatos-

Saratoga Road between the Bella Vista Avenue overpass and Los Gatos Boulevard. Bike lanes are also present on Los Gatos Boulevard within the project vicinity. Although none of the residential streets near the project site are designated as bike routes, due to their low traffic volumes, many of them are conducive to bicycle usage. Existing bicycle facilities are shown on [Figure 12, Existing Bicycle Facilities](#).

Pedestrian facilities consist mostly of sidewalks along both the commercial and residential streets in the vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at all of the signalized intersections in the study area, except on Los Gatos-Saratoga Road at the intersections with Alberto Way and with Los Gatos Boulevard. Crosswalks with pedestrian signal heads and push buttons are present only on the north and east legs of the Alberto Way and Los Gatos-Saratoga Road intersection, and on the west and south legs of the Los Gatos Boulevard and Los Gatos-Saratoga Road intersection. Sidewalks are on both sides of all roadways within the project vicinity, except Los Gatos-Saratoga Road does not have a sidewalk on the south side of the street between University Avenue and Los Gatos Boulevard.

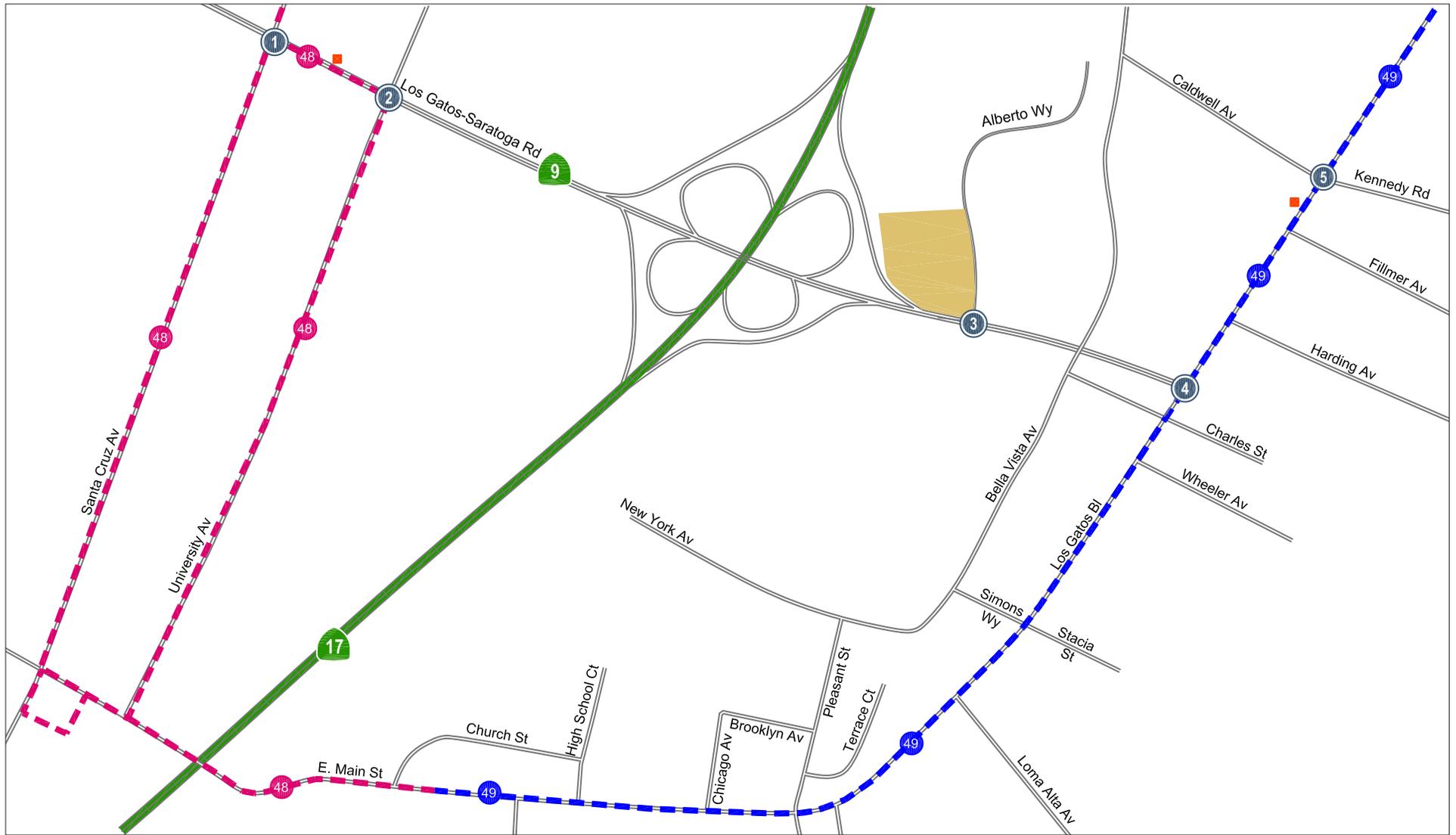
Regulatory Setting

California Green Building Standards Code

The California Green Building Standards Code includes requirements for bicycle parking and designated parking for low-emitting, fuel efficient, carpool, and vanpool vehicles.

Association of Bay Area Governments / Metropolitan Transportation Commission

Plan Bay Area-Strategy for a Sustainable Region (Association of Bay Area Governments and Metropolitan Transportation Commissions 2013 c) (hereinafter “Plan Bay Area”) was adopted in July 2013 and sets forth a strategy for development of the Bay Area’s transportation infrastructure. Plan Bay Area fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008, which requires a sustainable communities strategy as a part of the regional transportation plan. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Two performance targets are mandated by SB 375: reduce its per-capita CO² emissions from cars and light-duty trucks by 15 percent by 2040; and provide adequate housing by requiring the region to house 100 percent of its projected population growth by income level. Plan Bay Area integrates land use strategies by establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2040.



 Not to scale

 Project Site Location
 Study Intersection

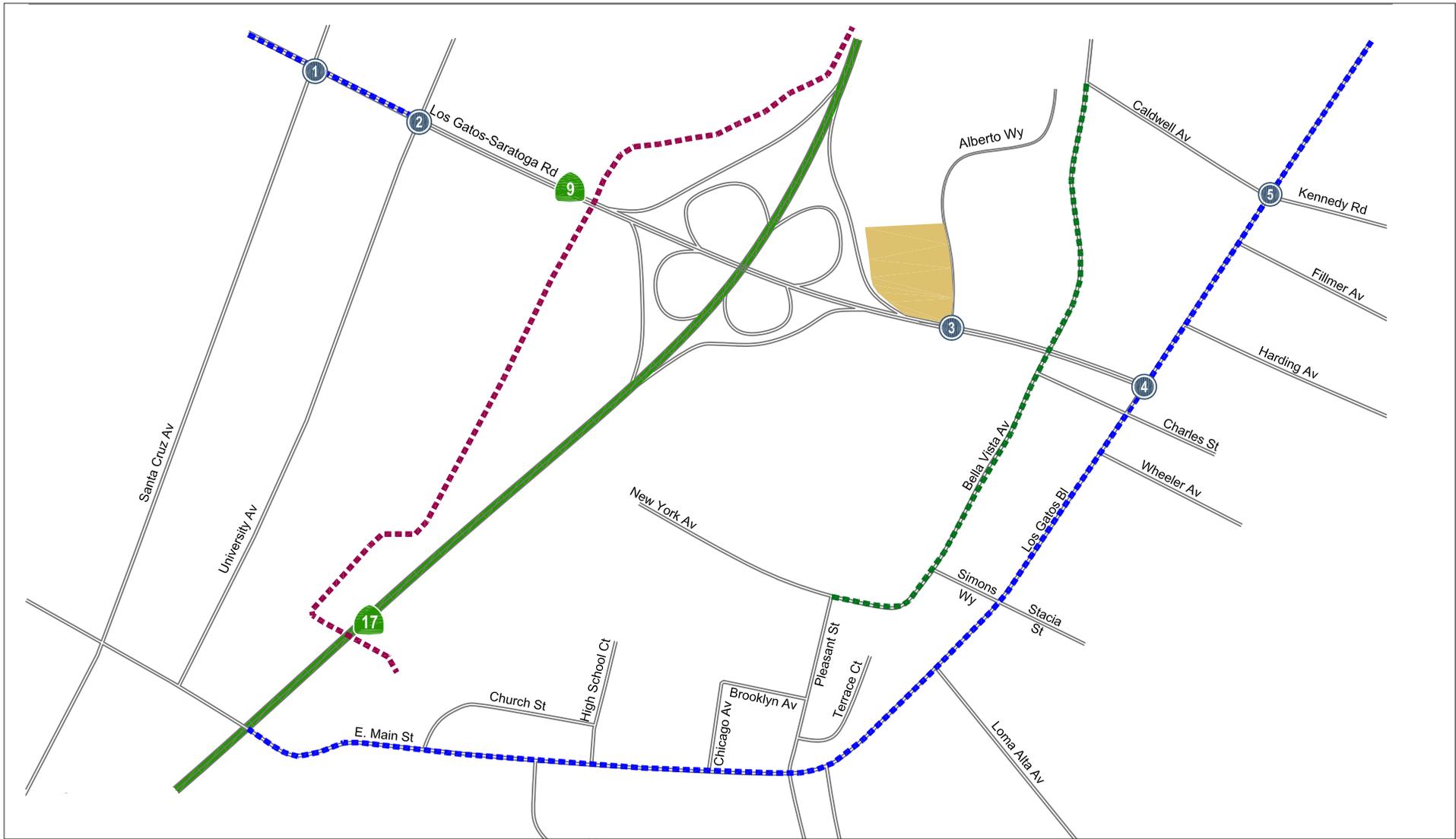
 Local Bus Route 48
 Local Bus Route 49
 Transit Stops

Source: Hexagon Transportation Consultants, Inc. 2016



Figure 11
Existing Transit Service
 401-409 Alberto Way DEIR

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 Not to scale

 Project Site Location

 Study Intersection

 Class I - Bike Paths

 Class II - Bike Lanes

 Class III - Bike Routes

Source: Hexagon Transportation Consultants, Inc. 2016



Figure 12
Existing Bicycle Facilities

401-409 Alberto Way DEIR

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Within Los Gatos, there are two priority development areas: the Vasona light rail extension corridor and the area south of Vasona Lake County Park. Plan Bay Area intends to reach the region's goal of reducing greenhouse gas emissions by seven percent. Plan Bay Area also addresses conservation of open space lands. Plan Bay Area also includes eight locally-adopted performance targets that seek to reduce premature deaths from air pollution, reduce injuries and fatalities from collisions, increase the amount of time people walk or cycle for transportation, and protect open space. Other targets address equity concerns, economic vitality, and transportation system effectiveness.

Valley Transportation Authority

Valley Transportation Plan 2040 (Santa Clara Valley Transportation Authority 2009a) presents a transportation improvement development plan, with prioritization of spending for a variety of transportation projects. The following projects are listed near the project site (Santa Clara Valley Transportation Authority 2009a):

- Los Gatos Boulevard widening between Lark Avenue and Samaritan Drive;
- State Route 85 conversion of carpool lanes to express (toll) lanes; and
- Vasona light rail extension and station.

The Santa Clara Valley Transportation Authority Board of Directors adopted the Transit Sustainability Policy in 2007. The *Transit Service Design Guidelines* implement the Transit Sustainability Policy, defining the characteristics of various levels of transit service, from local shuttles to regional express busses, to light rail. The Transit Sustainability Policy states:

It is the policy of the Santa Clara Valley Transportation Authority (VTA) to have an efficient transit system that is responsive to market needs, seeks the highest and best use of funds, obtains maximum benefit for each dollar spent, increases transit usage per capita, and enhances Santa Clara Valley's environment and quality of life. Accordingly, all potential transit projects and services will undergo a study prior to funding approvals to understand the full range of alternatives available for providing service, the costs and benefits, and the effects proposed services will have on system ridership and operations.

The primary standard by which the adequacy of transit service is evaluated is average boarding per revenue-hour, which indicates how well service is utilized given the hours of service, whether the transit capacity offered is appropriate, and how well capital and operating resources are used.

Santa Clara Valley Transportation Authority has an adopted goal of 95 percent on-time performance for both bus and light rail service (Santa Clara Valley Transportation Authority 2008b, pages 37 and 46).

The *Santa Clara Countywide Bicycle Plan* (Santa Clara Valley Transportation Authority 2008a) establishes a network of regional bikeways, and includes policies for Santa Clara Valley Transportation Authority's encouragement of bicycle facility development. The *Bicycle Technical Guidelines* (Santa Clara Valley Transportation Authority 2012) provide design guidance for construction of roads, parking, and other facilities either specifically for bicycles or shared by bicycles. A Class II Bike Lane is located with Los Gatos Road, approximately 0.18 miles east of the site and a Class III Bike Route is located along Bella Vista Avenue, approximately 0.10 miles east of the site.

Bay Area Air Quality Management District

Because transportation is a major source of air pollutants, many of the control measures included in the *2010 Clean Air Plan* involve reducing air pollutant emissions from motor vehicles. Transportation related *2010 Clean Air Plan* control measures include TCM C-1 Support Voluntary Employer-Based Trip Reduction Program, TCM C-2 Safe Routes to School, TCM C-3 Promote Rideshare Services and Incentives TCM D-1 Bicycle Access, TCM D-2 Pedestrian Access, and TCM E-2 Parking and Pricing Management Strategies. Descriptions of the *2010 Clean Air Plan* control measures are presented in Section 3.2, Air Quality.

Town of Los Gatos

The following General Plan goals and policies relating to transportation and traffic are applicable to the proposed project.

Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

Policy TRA-1.1 Development shall not exceed transportation capacity.

Policy TRA-1.5 Make effective use of the traffic-carrying ability of Los Gatos's arterials and collectors while considering the needs of pedestrians, bicyclists, and adjacent residents.

Policy TRA-2.2 Incorporate plans for all users (motor vehicles, transit vehicles, bicyclists, and pedestrians) when constructing or modifying a roadway.

Policy TRA-2.6 Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.

Policy TRA-2.8 Develop “complete streets” within the Town that include landscaping and shared space for bicycles, cars, pedestrians, and transit.

Policy TRA-3.1 All development proposals shall be reviewed to identify and mitigate project traffic impacts pursuant to the Town’s traffic impact policy.

Policy TRA-3.2 Review development proposals to ensure that the circulation system and on-site or public parking can accommodate an increase in traffic or parking demand generated by the proposed development, subject to the considerations and findings required by the Town’s Traffic Impact Policy.

Policy TRA-3.3 All new developments shall be evaluated to determine compliance with the Town’s level of service policy for intersections.

Policy TRA-3.4 New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.

Policy TRA-3.5 If project traffic will cause any intersection to drop more than one level if the intersection is at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall mitigate the traffic so that the level of service will remain at an acceptable level.

Policy TRA-3.6 Pedestrian and bicycle safety shall not be compromised to improve or maintain the level of service of an intersection.

Policy TRA-3.7 All traffic reports shall include analyses of nearby uses with unusual or unique traffic generation factors or peak hours (e.g. preschools, faith communities, private clubs, quasi-public uses).

Policy TRA-3.8 New development shall be required to upgrade public improvements on project frontages to meet current Town standards.

Policy TRA-3.9 Developers shall contribute to the cost of the future installation of traffic signals or future traffic signal modifications as a condition of approval.

Policy TRA-3.10 Avoid major increases in street capacity unless necessary to remedy severe traffic congestion or critical neighborhood traffic problems and all other options, such as demand management and alternative modes, have been exhausted. Where capacity is increased, improvements shall balance the needs of motor vehicles with those of pedestrians and bicyclists.

Policy TRA-3.11 Roadway improvements and dedications shall be required for any development proposal with an associated traffic impact.

Policy TRA-3.12 The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.

Policy TRA-3.13 All major development proposals shall be required to include a detailed, verifiable transportation demand management (TDM) program for consideration by the Town during the review of the development application.

Policy TRA-5.4 Limit new development that increases commercial traffic flow through residential neighborhoods.

Policy TRA-5.5 Consider traffic calming devices such as lane narrowing, widening medians, or heavy landscaping to discourage cross-town commute and short-cut traffic.

Policy TRA-8.5 Encourage the use of the transit system by requiring developers to provide bus shelters and on-going maintenance as part of their developments, when appropriate.

Policy TRA-9.5 Alternative transportation means shall be required whenever the traffic generated by a development would result in a significant increase in air pollution, traffic congestion, or noise.

Policy TRA-9.6 Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community (e.g. bicycle lockers/racks, showers, dedicated vanpool or car-pool parking areas, dedicated shuttle services, innovative bus shelter designs).

Policy TRA-10.7 Provide median refuges, bike-friendly signals, and signs at key minor street crossings.

Policy TRA-13.2 Provide an adequate number of parking spaces in all new development.

Policy TRA-13.3 Require adequate parking in commercial areas so as not to impact or affect adjacent residential properties.

Policy ENV-12.2 Require consideration of alternatives to individual auto use whenever the environmental review document concludes that the traffic generated by a development project would result in adverse impacts from air and noise pollution.

Policy SAF-7.4 New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

Policy SAF-8.1 Build and require roadways that are adequate in terms of width, radius and grade to accommodate Santa Clara County Fire Department fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

The *Los Gatos Sustainability Plan* includes the following applicable transportation-related policies:

TR-1 Support for Pedestrians, Bicyclists, and Transit. [abridged]
Promote walking, bicycling, and transit through the following:

c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips. The program may include: conducting school walking audits, improving nearby pedestrian and bicycle facilities, implementing nearby traffic-calming measures, implementing school bus, vanpool, and carpools to school, implementing walking buses to schools, coordinating school schedules to not overlap with peak commute times, conducting traffic studies for specific schools for more efficient drop-off and pick-up activity at schools (e.g. staggered schedules, changing on-street parking to loading zones, and more), and increasing speed enforcement around schools.

d. Design and implement affordable traffic-calming measures on specific streets to dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.

TR-4 Bicycle Facilities and Programs. Provide for new bicycle facilities and programs through the following:

- a. Install new bicycle facilities throughout the existing Town street network to close bicycle network gaps, as identified in General Plan.
- b. Require bicycle parking facilities and on-site showers in major nonresidential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.

TR-6 Vehicle Circulation, Parking, and Idling Reduction Programs. Support trip reduction and the use of electric vehicles through the following:

- a. Implement a voluntary Employer Commute Trip Reduction Program for new and existing development. This would be a multi-strategy program that encompasses a combination of individual measures, such as ride-share programs, discounted transit programs, end-of-trip facilities (e.g. showers and lockers), encouraging telecommuting, and preferential parking permit programs. As part of this program, encourage employers to allow commuters to pay for transit with pre-tax dollars.
- b. Encourage new non-residential development to include designated or preferred parking for vanpools, carpools, and electric vehicles.

Los Gatos Traffic Impact Fee Program. The Town requires that projects generating additional traffic construct improvements to mitigate direct project traffic impacts, and to pay in-lieu fees to mitigate cumulative traffic impacts. Municipal Code Article VII of Chapter 15, Motor Vehicles and Traffic (the Traffic Impact Mitigation Fee Ordinance) creates the framework for a traffic impact fee. Town Council Resolution 1994-55 and the Traffic Impact Policy define specific fee amounts and procedures for calculating the fees. Traffic impact fees are assessed on new developments and expansions of uses, and collected in a trust fund to pay for transportation related capital improvements. The traffic impact fee ensures that each new development or expansion of use pays its fair share of the transportation improvements needed to accommodate the cumulative traffic impacts.

Construction Traffic Control Plans. The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel

delay in the event of overlapping construction traffic from other projects occurring in the vicinity, including projects from neighboring jurisdictions.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- 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 (see below under Methodology);
- 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;
- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- result in inadequate emergency access;
- 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;
- conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities; or
- conflict with any General Plan policy adopted for the purpose of avoiding or mitigating an environmental effect.

Additionally, the project's Transportation Impact Analysis (Hexagon Transportation Consultants, 2016), applied significance impact criteria. For analysis of the proposed project, significance criteria for impacts on intersections were based on the Town of Los Gatos level of service (LOS) standard. LOS D is an acceptable level of traffic operation at signalized intersections in The Town of Los Gatos.

A project is said to create a significant adverse impact on traffic conditions at an intersection if, for either peak hour, either of the following conditions occurs:

- The addition of project traffic causes an intersection operating at LOS A, B, or C under no-project conditions to degrade more than one letter grade under with-project conditions, or

- The level of service at an intersection is LOS D or worse under no-project conditions and the addition of project traffic causes a degradation of level of service to LOS E or F.

A project shall mitigate any intersection project impact so that the level of service will remain at an acceptable level (LOS D).

The *VTA congestion management plan* (CMP) standard for an acceptable level of service is LOS E or better. The CMP definition of a significant impact states that a project is said to create a significant adverse impact on traffic conditions at a CMP-designated signalized intersection if for either peak hour:

- The level of service at the intersection degrades from an acceptable LOS E or better under background conditions to an unacceptable LOS F under project conditions, or
- The level of service at the intersection is an unacceptable LOS F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio to increase by one percent (.01) or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical volume-to-capacity ratio value by .01 or more.

A significant impact by Congestion Management Plan standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

Analysis, Impacts and Mitigation

Project Trip Generation

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections. These procedures are described below.

Trip Generation. Daily and peak-hour trip generation estimates for the proposed project are based on trip rates published in the *ITE Trip Generation Manual, 9th Edition* for a general office building. The proposed new buildings are expected to generate 181 trips (159 in and 22 out) during the AM peak hour and 183 trips (31 in and 152 out) during the PM peak hour (Hexagon Transportation Consultants, 2016).

The existing buildings on the site are partially occupied and are generating traffic. Therefore, the traffic generated by the project will not be entirely new trips. The current trip generation is 42 trips during the AM peak hour and 81 trips during the PM peak hour. The difference between the project trips and the existing trips were added to the road network under both background plus project and existing plus project conditions. This equates to 139 net new trips during the AM peak hour and 102 net new trips during the PM peak hour. The trip generation estimates are shown on [Table 18, Trip Generation Summary](#).

Table 18 Trip Generation Summary

					AM Peak Hour			PM Peak Hour				
Land Use	Size	Unit	Daily Rate	Daily Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Project												
Office ¹	93.5	ksf	11.03	1,031	1.94	159	22	181	1.96	31	152	183
Existing Site Driveway Counts ²												
Office	30.0	ksf	11.03	(331)		(29)	(13)	(42)		(34)	(47)	(81)
Net New Trips				700		130	9	139		(3)	105	102

Note: All rates are from: Institute of Transportation Engineers, Trip Generation, 9th Edition.

¹. Land Use Code 710: General Office Building (average rates for daily trips, fitted curve equation for peak hour trips, expressed in trips per 1,000s.f.)

². Existing site driveway counts are based on driveway counts conducted on May 5, 2015 during both the AM (7-9AM) and PM (4-6PM) peak hours of commute traffic. Daily trips are estimated for existing office use using the daily trip generation rate for General Office Building (average rates, expressed in trips per 1,000 sf).

Source: Hexagon Transportation Consultants 2016

The buildings at the project site are currently partially occupied. The buildings have been fully occupied in the past. Therefore, project trip generation could also credit the trips generated by the project site assuming full occupancy. Using the ITE trip rates, the existing buildings on the project site at the entitled full occupancy are estimated to generate 47 trips (41 in and 6 out) during the AM peak hour and 45 trips (8 in and 37 out) during the PM peak hour. The net

increase in project trips would be 134 trips during the AM peak hour and 138 trips during the PM peak hour. Trip generation assuming full occupancy is shown on [Table 19, Trip Generation Assuming Full Occupancy](#). These estimates are shown for informational purposes only. The traffic study is based on crediting the existing driveway counts.

Table 19 Trip Generation Assuming Full Occupancy

					AM Peak Hour				PM Peak Hour			
Land Use	Size	Unit	Daily Rate	Daily Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Project												
Office ¹	93.5	ksf	11.03	1,031	1.94	159	22	181	1.96	31	152	183
Existing Entitlement ²												
Office	30.0	ksf	11.03	(331)	1.56	(41)	(6)	(47)	1.49	(8)	(37)	(45)
Net New Trips				700		118	16	134		23	115	138

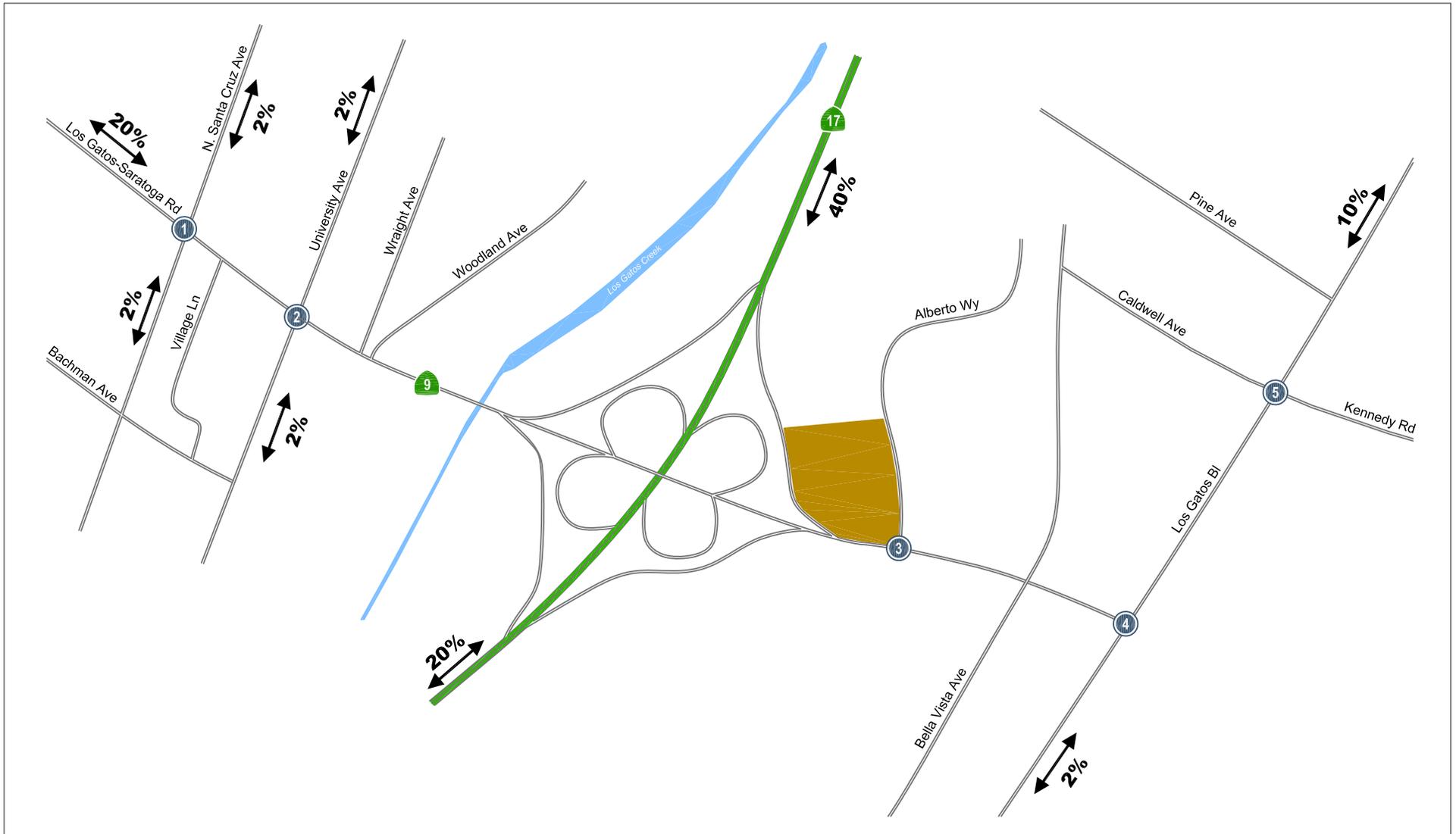
Source: Hexagon Transportation Consultants 2016

Note: All rates are from: Institute of Transportation Engineers, Trip Generation, 9th Edition.

¹. Land Use Code 710: General Office Building (average rates for daily trips, fitted curve equation for peak hour trips, expressed in trips per 1,000s.f.)

². Trips associated with the existing entitlement at the project site are estimated using the trip generation rates for General Office Building (average rates).

Trip Distribution and Assignment. The trip distribution pattern for the proposed project was estimated based on existing travel patterns on the surrounding roadway system, and the locations of complementary land uses. The project trip distribution pattern is shown on [Figure 13, Trip Distribution Pattern](#). The project trips were assigned to the roadway network based on the directions of approach and departure, the roadway network connections, and the location of project driveways. [Figure 14, Net Project Trip Assignments](#), presents the net project trips at each study intersection.



Not to scale

Project Site Location

Study Intersection

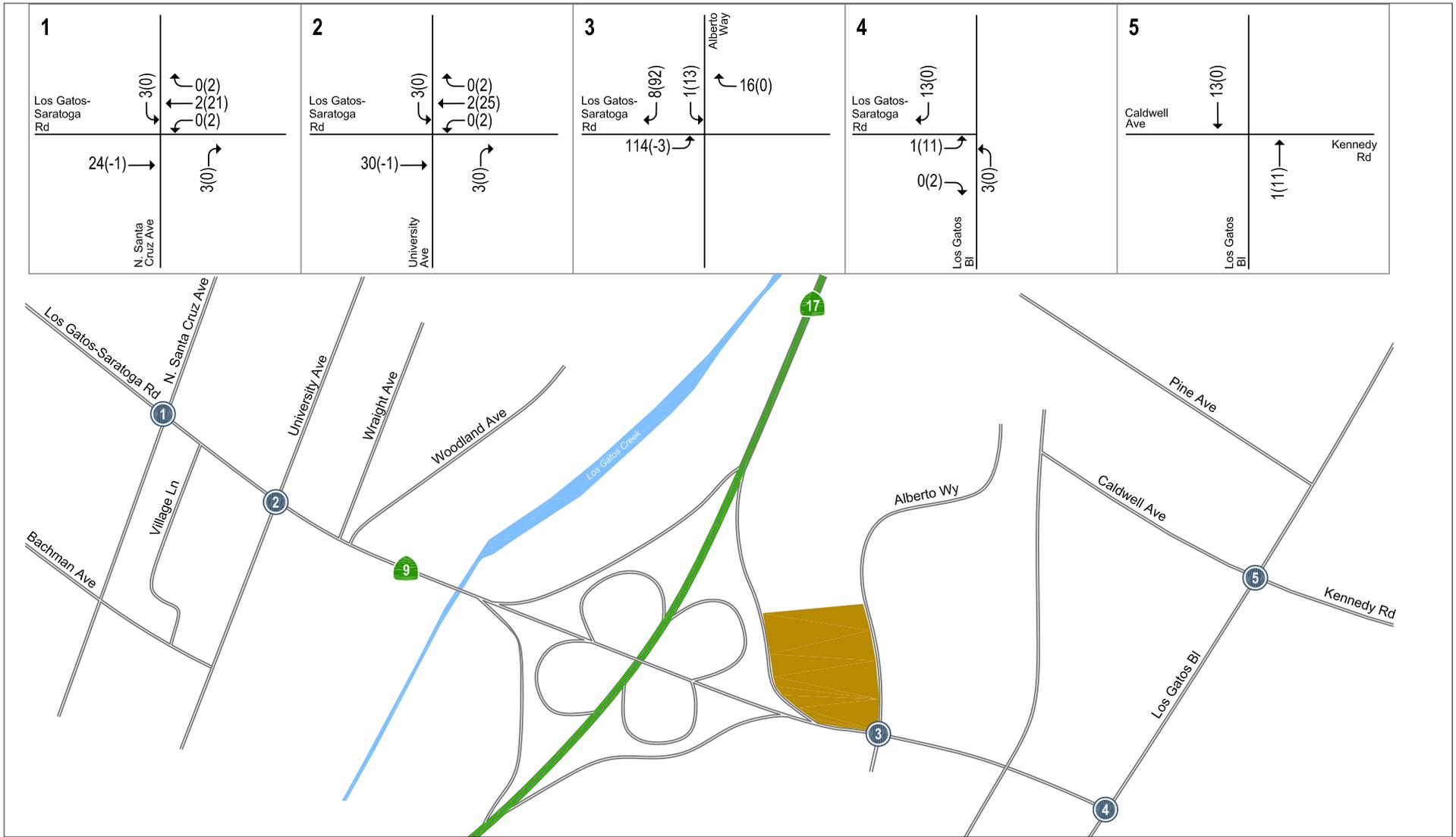
Source: Hexagon Transportation Consultants, Inc. 2016



Figure 13
 Trip Distribution Pattern

401-409 Alberto Way DEIR

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Not to scale

Project Site Location

Study Intersection

XX(X) AM(PM) Peak-Hour Trips

Source: Hexagon Transportation Consultants, Inc. 2016



Figure 14
Net Project Trip Assignments

401-409 Alberto Way DEIR

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Intersection Traffic Volumes

Project impacts were evaluated by the project's transportation impact assessment relative to both (1) background traffic volumes and (2) existing traffic volumes. For the Background Plus Project scenario, the net new trips generated by the project were added to the background traffic volumes to derive the background plus project traffic volumes. [Figure 15, Background Plus Project Traffic Volumes](#), shows the intersection turning-movement volumes under background plus project conditions. For the existing plus project scenario, the net new trips generated by the project were added to the existing traffic volumes to derive the existing plus project traffic volumes. [Figure 16, Existing Plus Project Traffic Volumes](#), shows the intersection turning-movement volumes under existing plus project conditions.

Transportation Network

The transportation impact assessment assumes that the transportation network under project conditions would be the same as under existing and background conditions, except at the

intersection of Alberto Way and Los Gatos-Saratoga Road, where the project proposes restriping Alberto Way to include a dedicated right-turn lane and a shared left-through lane. Parking spaces on Alberto Way along the Best Western Inn frontage would be removed under the proposed restriping of Alberto Way. Detached sidewalks with a landscape buffer would be provided on Alberto Way along the project frontage, as well as on the north side of Los Gatos-Saratoga Road between Alberto Way and State Route 17. The project also proposes off-site improvements to the eastbound left-turn lane on Los Gatos-Saratoga Road at Alberto Way, upgrading the signal at this intersection, as well as interconnecting this signal to the signal on Los Gatos-Saratoga Road at Los Gatos Boulevard. The proposed intersection off-site improvements at Alberto Way and Los Gatos-Saratoga Road are shown on [Figure 8, Conceptual Proposed Off-Site Improvements](#), presented in Section 2, Project Description.

Environmental Topics Elimination from Further Consideration

Change in Air Traffic Patterns. The project site is not within an Airport Land Use Plan, is not located within two miles of a public airport, and is not located near a private landing strip (Google Inc. 2016). The nearest airport is the San Jose International Airport, approximately ten miles to the north. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport, located approximately 35 miles northwest of the project site, generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos (Norman Mineta San Jose International Airport 2016). An increase in office space could incrementally increase

business air travel, but would not result in a change in air traffic patterns. Therefore, this topic is not further addressed in this section.

IMPACT: THE PROJECT WOULD CONTRIBUTE TO TRAFFIC WHICH MAY CONFLICT WITH APPLICABLE PLANS AND POLICIES REGARDING PERFORMANCE OF THE CIRCULATION SYSTEM AT A PROJECT LEVEL (LESS THAN SIGNIFICANT WITH MITIGATION)

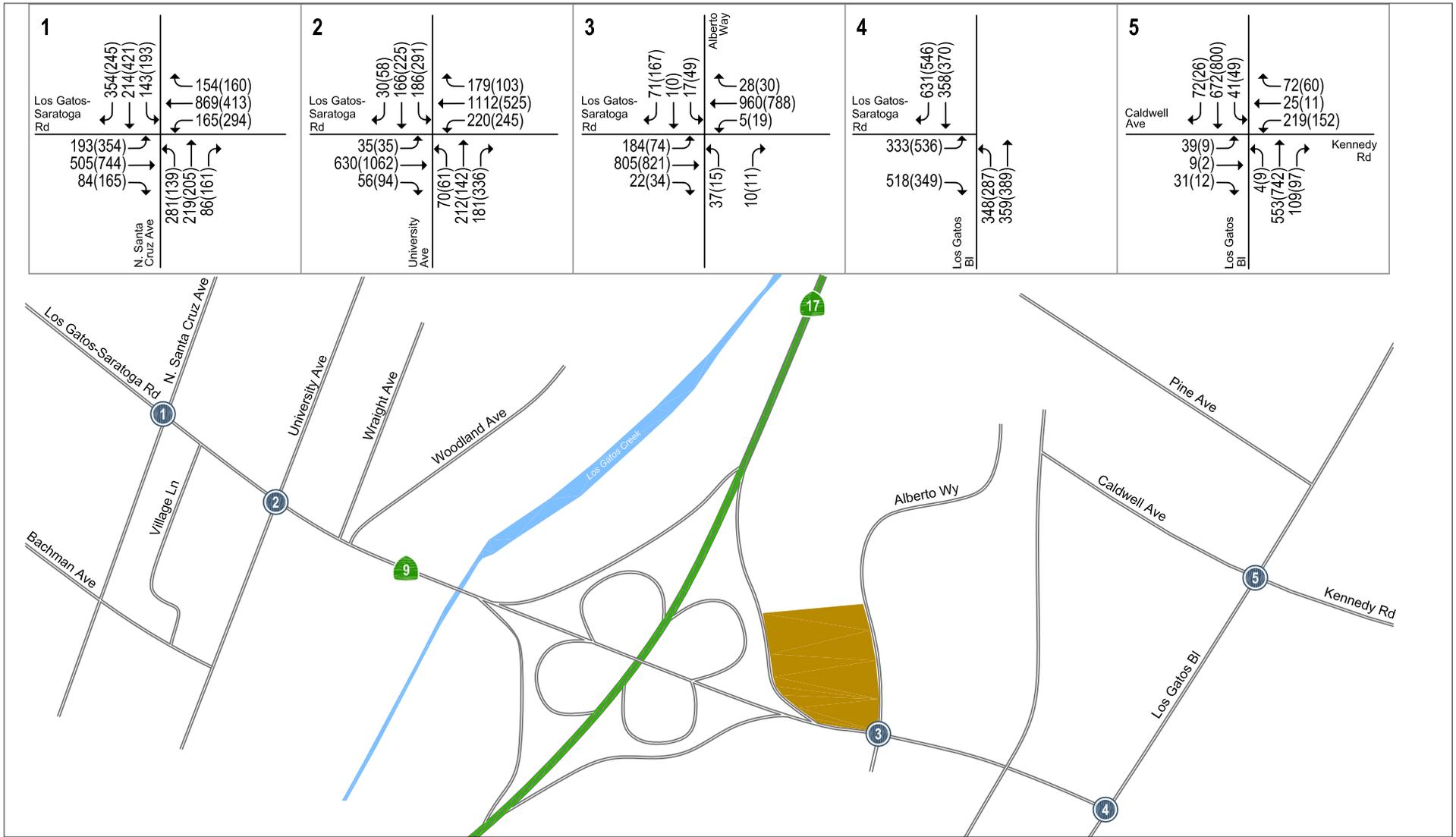
Intersections. The results of the intersection level of service analysis under existing plus project conditions are summarized in [Table 20, Existing Plus Project Intersection Levels of Service Summary](#). The results of the analysis show that all study intersections would continue to operate at acceptable levels (LOS D or better) during both the AM and PM peak hours under existing plus project conditions.

Table 20 Existing Plus Project Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Existing + Project			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C
1	N. Santa Cruz Ave & Los Gatos Saratoga Road*	AM	47.3	D	47.2	D	0.0	0.001
		PM	37.2	D	37.3	D	0.0	0.001
2	University Ave & Los Gatos-Saratoga Road*	AM	34.5	C	34.6	C	0.1	0.001
		PM	30.8	C	30.7	C	0.1	0.001
3	Alberto Way & Los Gatos-Saratoga Road	AM	11.2	B	14.5	B	5.4	0.071
		PM	12.4	B	15.5	B	3.2	0.038
4	Los Gatos Blvd & Los Gatos-Saratoga Road	AM	22.8	C	22.9	C	0.1	0.002
		PM	24.3	C	24.4	C	0.1	0.007
5	Los Gatos Blvd & Caldwell Ave/Kennedy Road	AM	37.2	D	37.9	D	0.1	0.008
		PM	24.4	C	24.6	C	0.3	0.007

Source: Hexagon Transportation Consultants, Inc. 2016

Note: *Denotes CMP intersection.



Not to scale

Project Site Location

Study Intersection

XX(XY) AM(PM) Peak-Hour Traffic Volumes

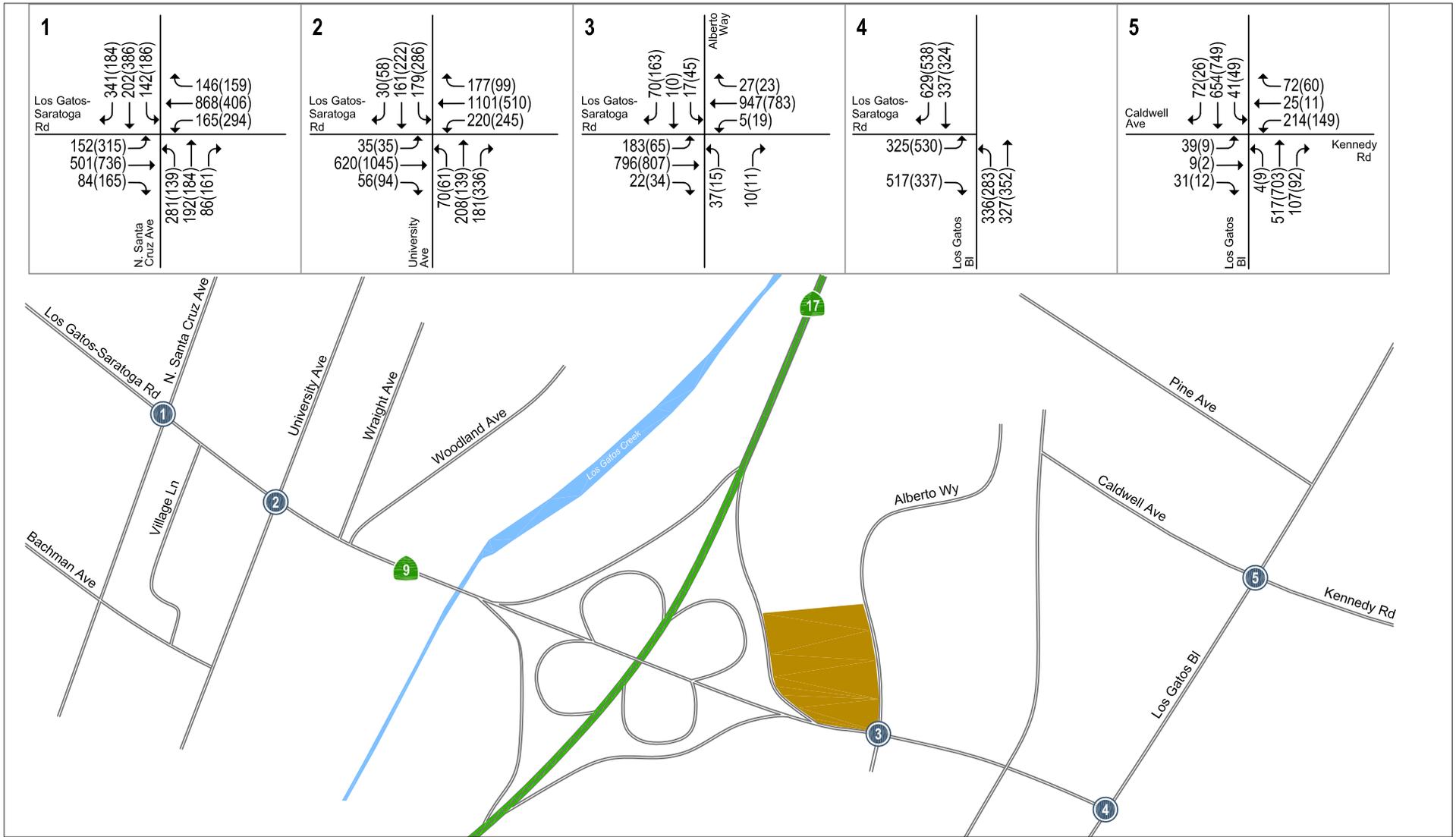
Source: Hexagon Transportation Consultants, Inc. 2016

E M C

Figure 15
Background Plus Project Traffic Volumes

401-409 Alberto Way DEIR

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Not to scale

-  Project Site Location
-  Study Intersection
- XX(XX) AM(PM) Peak-Hour Traffic Volumes

Source: Hexagon Transportation Consultants, Inc. 2016

Figure 16
Existing Plus Project Traffic Volumes

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At the intersection of Alberto Way and Los Gatos-Saratoga Road, the level of service presented in the table assumes the proposed improvement to restripe Alberto Way to include a dedicated right-turn lane and a shared left-through lane. This off-site improvement was proposed by the project applicant. Without the proposed improvement on Alberto Way, this intersection would continue to operate at LOS B during both the AM and PM peak hours with minimal changes to critical delay and critical volume-to-capacity ratio value. However, in order to ensure that potential impacts remain less than significant, Mitigation Measure T-1 would be required.

Mitigation Measure

T-1 Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to implement improvements for the restriping of Alberto Way to include a dedicated right-turn lane and a shared left-through lane. Costs for these improvements will be determined by the Town's traffic consultant.

Freeway Ramps. Freeway ramp volumes under existing plus project conditions were estimated by the project's transportation impact analysis by adding project trips to the existing volumes obtained from Caltrans. [Table 21, Existing Plus Project Freeway Ramp Analysis – SR 17 & Los Gatos-Saratoga Road](#), shows the peak hour ramp volumes under existing plus project conditions.

The ramp analysis under existing plus project conditions shows that the selected ramps would continue to have sufficient capacity to serve the projected traffic volumes under existing plus project conditions. Therefore, the project impact on freeway ramps would be less than significant and no mitigation is required.

IMPACT: THE PROJECT COULD POTENTIALLY INCREASE HAZARDS DUE TO DESIGN FEATURES FOR BICYCLES, PEDESTRIANS, AND TRANSIT (LESS THAN SIGNIFICANT)

The project site is not connected to any existing bike facility within the immediate project vicinity. Nearby bicycle facilities within the project vicinity include bike lanes on both sides of Los Gatos Boulevard, on eastbound Los Gatos-Saratoga Road between the Bella Vista Avenue overpass and Los Gatos Boulevard, and on both sides of Los Gatos-Saratoga Road west of Wraight Avenue. The Los Gatos Creek Trail runs parallel to State Route 17 on the west side, but provides no access to the project site.

The General Plan proposed a list of bicycle facility improvements within the Town of Los Gatos. Since the publication of the General Plan, all proposed improvements relative to

enhancing bicycle connectivity of the project site have been completed. The *Highway 9 Safety Improvement Project* has identified a connecting ramp from the Los Gatos Creek Trail to Los Gatos-Saratoga Road at University Avenue as part of their Phase II projects. Funding remains to be secured for the proposed connecting ramp (Hexagon 2016).

Table 21 Existing Plus Project Freeway Ramp Analysis – SR 17 & Los Gatos-Saratoga Road

Inter-change	Ramp	Type	Peak Hour	Capacity ¹	Existing Conditions		Existing + Project Conditions		
					Volume ²	V/C	Project Trips	Volume	V/C
SR 17 & Los Gatos Saratoga Road	NB on-ramp from WB Los Gatos Saratoga Rd.	Diagonal	AM	2000	1153	0.58	4	1157	0.58
			PM	2000	1017	0.51	42	1059	0.53
	SB on-ramp from WB Los Gatos Saratoga Rd.	Loop	AM	1800	104	0.06	2	106	0.06
			PM	1800	379	0.21	21	400	0.22
	NB off-ramp to EB Los Gatos Saratoga Rd.	Diagonal	AM	2000	379	0.19	26	405	0.2
			PM	2000	125	0.06	0	125	0.06
	SB off-ramp to EB Los Gatos Saratoga Rd.	Loop	AM	1800	1103	0.61	52	1155	0.64
			PM	1800	758	0.42	0	758	0.42

Source: Hexagon Transportation Consultants, Inc. 2016

Note: ¹. Ramp capacities were obtained from the Highway Capacity Manual, 2000, and considered the free-flow speed, and the number of lanes on the map.

². Existing peak hour volumes were obtained from personal communication with Caltrans staff Jordan Chan on September 17, 2015.

Access to the project site via Los Gatos Boulevard would require bicyclists to share the road with vehicles for 800 feet on Los Gatos-Saratoga Road, which is anticipated to be adequate for experienced cyclists. However, the lack of bicycle facilities leading to the site means that inexperienced cyclists would not be encouraged to ride to the project. The Town's planned Complete Streets project on Los Gatos-Saratoga Road (Highway 9) could improve conditions

for cyclists. The proposed project would be anticipated to contribute to the Town's Complete Street project via the Town's traffic impact fee.

At the intersection of Alberto Way and Los Gatos-Saratoga Road, the project voluntarily proposes to restripe the southbound leg of Alberto Way to include a right-turn lane and a shared left-through lane. The stop-bar for the shared left-through lane would be set back for a bike box. The proposed bike box would increase bicyclist visibility for drivers and enhance bicyclist safety crossing the intersection. The conceptual drawings for the proposed off-site improvements are shown on [Figure 8, Conceptual Proposed Off-Site Improvements](#), in Chapter 2, Project Description.

Pedestrian activity could occur between the site and downtown Los Gatos, located approximately one-half mile west, and the closest bus stops, located about one-half mile to the west and one-quarter mile to the east. While considered adequate, the pedestrian facilities could be improved (Hexagon 2016). There are no sidewalks or crosswalks on the south side of Los Gatos-Saratoga Road through the State Route 17 interchange, only on the north side. The project would be required to pay the Town's transportation impact fee, which could be used to upgrade the pedestrian facilities in the area.

As shown on [Figure 8, Conceptual Proposed Off-Site Improvements](#), presented in Section 2, Project Description, the project applicant voluntarily proposes to provide detached sidewalks with a landscape buffer on Alberto Way along the project site frontage, as well as on the north side of Los Gatos-Saratoga Road between Alberto Way and the State Route 17 northbound on-ramp. Detached sidewalks with a landscape buffer would provide a wider buffer area between pedestrians and on-street vehicles.

There is no transit service on Los Gatos-Saratoga Road in front of the site. The closest service is about one-quarter mile east on Los Gatos Boulevard or one-half mile west at North Santa Cruz Avenue. Sidewalks are present to facilitate pedestrian movements between the project site and these transit stops.

Although not required to reduce a significant impact to a less-than-significant level, Mitigation Measure T-2 below is recommended.

Mitigation Measure

T-2 Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to provide a bike box on Alberto Way at the intersection with Los Gatos-Saratoga Road, as well as the detached sidewalks with a landscape buffer on Alberto Way along the project site frontage, and on the north side of Los Gatos-Saratoga Road between Alberto Way and the State Route 17 northbound on-ramp.

IMPACT: THE PROJECT COULD POTENTIALLY INCREASE HAZARDS DUE TO DESIGN FEATURES BASED ON SITE ACCESS AND SIGHT DISTANCE (LESS THAN SIGNIFICANT WITH MITIGATION)

Site Access. Site access was evaluated by the project traffic impact analysis to determine the adequacy of the site driveways with regard to corner sight distance and traffic volumes. The proposed project would have one full-access driveway and one exit-only driveway on Alberto Way. The northern full-access driveway would provide access to a seven-space surface parking lot as well as the two-level below-grade parking garage. The seven-space surface parking lot would have a one-way semicircular drive aisle, connecting to the southern exit-only driveway. Queuing analysis as part of the project's transportation impact assessment has indicated that neither driveway would be blocked by the southbound queue at the intersection of Alberto Way and Los Gatos-Saratoga Road. Therefore, access to the project driveways would be adequate under all analyzed scenarios and there would be less than significant impacts.

Corner Sight Distance. The project access points should be free and clear of any obstructions to optimize sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on adjacent roadways. Landscaping and parking should not conflict with a driver's ability to locate a gap in traffic and see oncoming pedestrians and bicyclists. Adequate corner sight distance (sight distance triangles) should be provided at all site access points in accordance with the Town's standards. Sight distance triangles should be measured approximately 15 feet back from the traveled way.

Sight distance requirements vary depending on the roadway speeds. The speed limit on Alberto Way is 25 miles per hour. The Caltrans recommended stopping sight distance for this roadway is 150 feet.

Alberto Way is slightly curved at the two driveway locations, but the curves do not block a driver's view 150 feet down the road. No tall landscaping or signs exist near the proposed driveways that would obstruct a driver's view. On-street parking is currently permitted between the two driveways. The parked vehicles block a driver's view at the south exit-only driveway, thereby obstructing visibility of southbound vehicles on Alberto Way, and block a driver's view of northbound vehicles at the north full-access driveway. This is a potentially significant impact; however, is reduced to a less-than-significant level with incorporation of Mitigation Measure T-3.

Mitigation Measure

T-3 Off-site improvement plans shall show that parking on southbound Alberto Way between the two project driveways shall be prohibited to ensure sight distance is not obscured.

IMPACT: THE PROJECT COULD POTENTIALLY INCREASE HAZARDS DUE TO DESIGN FEATURES BASED ON SITE CIRCULATION AND PARKING (LESS THAN SIGNIFICANT)

On-Site Circulation. All driveway and drive-aisle widths proposed for the site are at least 24 feet wide, and comply with the minimum requirements established in the Town of Los Gatos Code of Ordinances Section 29.10.155. All parking stalls within the parking garage are 18 feet in length (16 feet plus two-foot overhang) and 8 feet 6 inches in width, which meet the town's requirements. Therefore, no additional mitigation is required to reduce potential impacts.

Emergency Vehicles, Truck Access. The project site plan shows that the trash pick-up area is at the northern driveway just before the ramps. Garbage trucks would exit using the south exit-only driveway via the semi-circular surface drive-aisle. All driveways and drive-aisles are at least 24 feet wide, which are adequate for emergency vehicle access and circulation. Additionally, as a project condition of approval, the applicant will be required to prepare and submit for approval a Traffic Control Plan to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. Furthermore, the applicant will be required to demonstrate compliance with Town Policy SAF-7.4, requiring that the project will not impede the ability of service providers to provide adequate emergency response to the project site area. No additional mitigation is required to reduce potential impacts.

Parking. For office use at the project site, the Town of Los Gatos Municipal Code Section 29.10.145 requires parking to be provided at the rate of one parking space per 250 square feet of gross floor area. The project proposes two office buildings totaling 92,800 square feet, which by code would be required to provide 372 parking spaces. The project site plan provides 395 parking spaces. Therefore, the parking provision as shown on the project site plans would meet the Town standards.

Per the California Building Code Table 11B-6, eight accessible spaces are required for parking garages with 301 to 400 parking spaces. Of the required accessible parking spaces, one van accessible space is required. As shown on the project site plan, the project would provide eight accessible parking spaces, of which two are accessed via the southern driveway, and the remaining six are located in the upper level of the below-grade garage near the elevators.

The restriping of Alberto Way, as identified in Mitigation Measure T-1, would eliminate on-street parking spaces on Alberto Way along the adjacent Best Western frontage. Prohibiting parking on Alberto Way along the project building frontage for sight distance issues, Mitigation Measure T-3, would also eliminate on-street parking spaces. There is approximately 70 feet of on-street parking along the Best Western frontage, and approximately 130 feet of on-street

parking along the project frontage. Combined, the proposed project would eliminate approximately eight vehicle-spaces of on-street parking on Alberto Way.

The project's transportation impact assessment determined that the five parking spaces along the project frontage could be accommodated by the project parking garage and that the removed parking spaces along the adjacent Best Western frontage are assumed to be accommodated by this hotel's own parking facility. Therefore, this is considered a less than significant impact, and no mitigation is required.

3.12 UTILITIES AND SERVICE SYSTEMS

This section provides analysis of potential impacts to utilities and service systems by the proposed project. No project-specific technical reports were prepared and there were no comments received in response to the NOP regarding utilities and service systems.

Environmental Setting

Wastewater

The West Valley Sanitation District provides wastewater collection and disposal services for Campbell, Los Gatos, Monte Sereno, and portions of Saratoga and nearby unincorporated County areas. The West Valley Sanitation District service area encompasses approximately 36 square miles. The wastewater collection system is comprised of approximately 415 miles of sewer main and 210 miles of sewer laterals. The West Valley Sanitation District's system within the Town of Los Gatos consists of gravity mains ranging from 6 inches to 27 inches in diameter (West Valley Sanitation District 2015; West Valley Sanitation District 2016).

The collection system flows north, through City of San Jose trunk sewers, and ultimately to the San Jose/Santa Clara Water Pollution Control Plant in Alviso. The treatment plant serves a 300-square-mile area encompassing San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno. Most of the treated water is discharged as fresh water through Artesian Slough and into San Francisco Bay. About 10 percent of wastewater entering the plant is recycled, and distributed through South Bay Water recycling pipelines for landscaping, agricultural irrigation, and industrial needs in the region (Carollo 2012).

The plant has a treatment capacity of 167 million gallons of wastewater per day (mgd) utilizing advanced tertiary treatment (Carollo 2008). Despite a steady increase in population served by the treatment plant, influent wastewater flows at the treatment plant have decreased since the late 1990s due to the loss of industry and increased water conservation. Flows in 2000 were 131 mgd and flows in 2010 were less than 110 mgd.

The West Valley Sanitation District has 8,977 connections for single-family residential uses, 3,537 connections for multi-family uses, and 1,022 connections for commercial/industrial uses for a total of 13,536 connections within the Town of Los Gatos. The West Valley Sanitation District has a contractual share of the treatment plant capacity of 12.052 mgd. In fiscal year 2009-2010, the West Valley Sanitation District collected and conveyed 10.417 mgd (West Valley Sanitation District 2015; Carollo 2012).

The master plan for the treatment plant sets a capacity of 450 mgd. Based on long-term plans, the treatment plant's recycling capabilities would be increased, with much of the recycled water used in groundwater recharge ponds (Carollo 2012).

Water Supply

Groundwater and Water Management. Water supplies in Santa Clara County are managed by the Santa Clara Valley Water District (SCVWD). Groundwater represents the largest water source, ranging from approximately 40 to 50 percent of total water use. Treated local and imported surface water represents the second largest share, from 30 to 38 percent of total water use. The SCVWD also banks excess import supplies in wet years as a reserve supply for dry years. San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water, approximately five percent, and other non-District local surface water, approximately 4-5 percent (Santa Clara Valley Water District 2011, page 2-9). Refer to Section 3-8, Hydrology and Water Quality for more detailed information on water supplies.

Local Water Delivery. The San Jose Water Company is the purveyor that delivers water to the project site. SJWC delivered about 141,450 acre-feet of potable water in 2008 and 141,900 acre-feet of potable water in 2009. Water sources for San Jose Water Company in 2009 were: 70,300 acre-feet from treated Santa Clara Valley Water District supplies; 60,500 acre-feet from groundwater; and 11,100 acre-feet from other surface water sources; plus 1,300 acre-feet of recycled water. In 2010, the SJWC delivered 122,800 acre-feet of water, which is considered unusually low (Santa Clara Valley Water District 2011, page 2-10; San Jose Water Company 2011, pages 7, 13). [Table 22, San Jose Water Company Water Sources](#), provides a summary of water supply sources used within the SJWC service area. Within Los Gatos, the delivered water comes primarily from a local surface waters with supplemental water from Santa Clara Valley Water District treated water supply and groundwater (Carollo 2009, page 9; personal communication with Bill Tuttle, San Jose Water Company 2016).

SJWC's groundwater is withdrawn from the Santa Clara Plain sub-basin. The SCVWD estimates the long-term operational storage capacity of the Santa Clara Plain to be 350,000 acre-feet. In any given year the amount of groundwater that can be withdrawn depends on current groundwater conditions and hydrology. Average natural recharge in the Santa Clara Plain is

about 35,100 acre-feet per year, and dry or multiple dry year recharge is from 26,900 to 27,400 are-feet per year. About 80 percent of recharge occurs through Santa Clara Valley Water District artificial stream and pond infiltration (Santa Clara Valley Water District 2001). Based on this percentage, about 140,000 acre-feet of artificial recharge could occur in a normal year. Total groundwater pumping within the Santa Clara Plain ranged from 82,600 to 115,400 acre-feet between 2000 and 2009; average pumping was about 102,000 acre-feet. Groundwater elevations have been within the SCVWD's targets based on operational storage capacity (Santa Clara Valley Water District 2001; San Jose Water Company 2011).

Table 22 San Jose Water Company Water Sources

Source	2009 Volume (Acre-feet) ^{1, 2}	Percent of Supply ²
Groundwater (Santa Clara Plain)	60,500	42.3
Local Surface Water (Santa Cruz Mountains)	11,000	7.7
Santa Clara Valley Water District Surface Water ²	21,800	15.2
Water Imported from State Water Project ²	20,400	14.3
Water Imported from Central Valley Project ²	28,100	19.6
Recycled Water	1,300	1.0
Total Supply (Potable and Recycled)	143,100	

Source: Santa Clara Valley Water District 2011, San Jose Water Company 2011

Note:

1. All numbers rounded to nearest 100 acre-feet. Percentages do not add to 100 due to rounding.
2. Volumes and percentages vary year to year. This data is based on 2009 water use.
3. These quantities are estimated based on overall percentage for Santa Clara Valley Water District sources for treated water in 2009: local reservoir, 31 percent; State Water Project, 29 percent; and Central Valley Project, 40 percent. Total treated water delivery to San Jose Water Company in 2009 was 70,300 acre-feet.

SJWC's treated water comes from surface water run-off into local reservoirs, the State Water Project, and the Central Valley Project. Normal year imported water deliveries are 64,000 acre-feet from the State Water Project (64 percent of contract) and 108,120 acre-feet from the Central Valley Project (71 percent of contract). During single or multiple dry years import deliveries range from 11,000 to 31,830 acre-feet from the State Water Project, and from 69,180 to 80,270 acre-feet from the Central Valley Project. Information on the specific breakdown of treated water sources delivered to San Jose Water Company is not known, but is likely parallel to that of the SCVWD's overall treated water sources. San Jose Water Company's local surface water is drawn from upper Los Gatos Creek and Saratoga Creek, from which San Jose Water Company has both historic and licensed rights. Los Gatos Creek withdrawals can be up to about 11,200 acre-feet per year (Santa Clara Valley Water District 2011, pages 2-10, 3-5; San Jose Water

Company 2011, pages 11, 12). Recycled water is not delivered within the Town of Los Gatos (Santa Clara Valley Water District 2011, page 7-2).

Project Site Water Use Estimate. SJWC water demand factors for businesses are 0.11 acre feet per year per 1,000 square feet (personal communication Bill Tuttle, February 2016). The existing buildings on the site comprise 31,000 square feet, which equals an estimated annual demand of 3.4 acre feet.

Water Supply Infrastructure. Water supply infrastructure serving Santa Clara County includes dams and reservoirs, import and conveyance pipelines, treatment plants, pump stations, recharge ponds, wells, as well as local delivery lines. Most of the major water infrastructure in Santa Clara County is operated by the SCVWD. The following infrastructure serves the project site and vicinity:

Dams and Reservoirs. The SCVWD operates 10 dams and reservoirs in the Santa Cruz Mountains and Mount Hamilton foothills. The closest reservoirs to the project site are Vasona Reservoir and Lexington Reservoir, although water from most of the reservoirs can be moved within the County. The SCVWD also operates small diversion dams. SJWC operates Lake Elsmán and Williams Reservoir, located near the summit of the Santa Cruz Mountains. SJWC has three other raw water reservoirs, and 98 storage tanks and reservoirs, including the Seven Mile Reservoir, just south of Lark Avenue (Santa Clara Valley Water District 2011; Santa Clara County Local Agency Formation Commission, 2011).

Import and Conveyance Pipelines. The SCVWD obtains import water for the region through the San Felipe pipeline from the Central Valley Project, and through the South Bay Aqueduct from the State Water Project. SJWC uses a system inter-tie at Quito Road to obtain treated water for the Los Gatos service area.

Treatment Plants. The SCVWD operates three water treatment plants, with the water for the Los Gatos area treated at its Rinconada Plant, approximately two miles south of the project site. SJWC treats its Los Gatos Creek surface water at the Montevina Plant located along State Route 17 at the Lexington Reservoir, approximately two and a half miles south of the project site. SJWC recently upgraded the treatment plant and connecting pipelines.

Pump Stations. The SCVWD operates three pump stations, at San Luis Reservoir, the base of Anderson Dam, and at Vasona Reservoir, south of the project site. SJWC uses 247 pump stations to distribute water within its service area.

Recharge Ponds. The SCVWD operates 393 acres of recharge ponds and 91 miles of controlled in-stream recharge.

Wells and Local Delivery Lines. SJWC operates 111 wells. The San Jose Water Company has over 2,450 miles of distribution pipes.

Future Water Supply Development. According to the SCVWD, with the existing infrastructure and supply sources, water supplies exceed demands until 2035. Beginning in 2035, there is an estimated shortfall of about 2,000 acre-feet per year between supplies and demands (Santa Clara Valley Water District 2012, page 7). The SCVWD's *2012 Water Supply and Infrastructure Master Plan* outlines the strategies for ensuring water supplies meet demands. The objective of the strategy is to meet 100 percent of water demand during normal years and 90 percent of demand during dry years. The *2012 Water Supply and Infrastructure Master Plan* focuses on three strategies: 1. secure baseline supplies and infrastructure; 2. optimize the use of existing supplies and infrastructure; and 3. increase recycling and water conservation to meet future increases in demands.

Baseline water supplies are expected to increase from the current average of about 398,000 acre-feet per year to an average of 421,000 acre-feet per year in 2035, with the increase due to removal of operating restrictions on existing reservoirs, increased non-potable water recycling, and increased baseline conservation savings. Several existing reservoirs are held to about half capacity due to concerns about the seismic stability of the dams. These dams are expected to be re-constructed and in full service prior to 2035. Existing supplies can be optimized through increased recharge, a new pipeline from Lexington Reservoir to increase flexibility in the use of that supply, and sales or exchanges of banked water. Several in-district diversion dam projects and a pipeline replacement project are in the Capital Improvement Program, and expected to add about 13,800 acre-feet of water to the County's supply. Increased water recycling includes the use of advanced treated recycled water for groundwater recharge (indirect potable use) and promotion of grey water systems. The San Jose Santa Clara Water Pollution Control Plant is projected to increase production of recycled water from 8,650 acre-feet in 2009 to 22,700 acre-feet by 2030 (Santa Clara Valley Water District 2011, pages 3-20 to 3-23, 7-10; Santa Clara Valley Water District 2012, pages 4, 17 to 20). SJWC has plans to replace existing wells with higher capacity wells for an increase in pumping capacity from about 50,000 to about 60,000 acre feet per year (San Jose Water Company 2011, page 28).

The SCVWD has determined that some efforts it has explored are not feasible and is no longer considering them. Expansion of reservoirs (aside from removing current operating restrictions on several reservoirs) was rejected, because additional storage space alone does not adequately address supplies during a sustained drought. Direct potable reuse (advanced treatment water sent directly to a water treatment plant for mixing in domestic supplies) is not allowed under California law. The Bay Area Regional Desalination Project is a collaborative effort of five Bay Area water utilities, that would develop a 10 to 20 million gallon per day desalination plant in eastern Contra Costa County, and utilize mostly existing conveyance pipes to distribute the water. A permanent west side intertie to the Hetch Hetchy system offers significant operational benefits, but was not included in the *2012 Water Supply and Infrastructure Master Plan* because it

does not advance long-term reliability of the water supply (Santa Clara Valley Water District 2012, pages 24 to 26; Bay Area Regional Desalination Project 2016).

Storm Drainage

Los Gatos is served by a man-made storm drainage system including pipe networks, ditches, and culverts. These systems discharge into the natural creeks that cross the Town. The project site is mostly level and is fully developed with existing buildings and paved parking areas. The majority of the project site drains to the rear of the site through an existing 24-inch storm drain pipe. However, portions of the site frontage area currently discharge to the curb along Alberto Way. Drainage from the site and surrounding area is directed to storm water conveyance facilities in Los Gatos-Saratoga Road. Refer to Section 3.9, Hydrology and Water Quality for additional discussion of drainage.

Per the Los Gatos Town Code (Section 24.60.035 and 24.60.045), fees are collected on new buildings, improvements (including but not limited to paving), and subdivisions. Fees are those established by the Town Council. Storm drainage improvements are financed through fees collected on new construction. The fees collected are deposited in an account, depending upon the drainage basin where the new construction occurs. This money can only be used in the basin where development occurs. In addition, developers must install drainage improvements to serve their development.

Solid Waste and Recycling

West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage is transported to the Guadalupe Landfill, located off Hicks Road about four miles southeast of the project site; less than 10 percent of waste is disposed of at other landfills within California. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted capacity of 16.5 million cubic yards. As of January 2011, the landfill has used approximately 5.4 million cubic yards (about 33 percent of its capacity) and is expected to reach its capacity in about 2048 (CalRecycle 2016). The Town of Los Gatos disposed of 19,896.5 tons of solid waste (exclusive of recycling) in 2011, of which, more than 18,000 tons was disposed of at Guadalupe Landfill (CalRecycle 2011 b). According to California Integrated Waste Management Board data, about one-third of the Town's solid waste comes from residences and about two-thirds from non-residential sources.

West Valley Collection & Recycling provides single stream (single mixed bin) recycling to residential and commercial customers. Recyclable materials are sorted at West Valley Collection & Recycling's Materials Recovery Facility north of downtown San Jose. The Guadalupe Landfill provides recycling facilities as well. West Valley Collection & Recycling collects compostable waste (clean scrap wood, yard trimmings, etc.) from residential customers for delivery to the Guadalupe Landfill, where it is processed into landscape products (California Regional Water Quality Control Board 2011, West Valley Collection & Recycling 2016).

Regulatory Setting

State

California Water Conservation and Recycling Requirements. California's Title 24 energy code includes restrictions on the amount of water consumed by various fixtures, including toilets and showerheads. The current version of Title 24 regulations further reduce fixture water use, with toilets now restricted to 1.28 gallons per flush and shower heads to 2.0 gallons per minute. The Water Recycling Act of 1991 established water recycling as a priority in California, and encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

State Water Conservation Targets. San Jose Water Company has an average per capita water use of 144 gallons per day (total water consumption divided by population), based on data from 1995 through 2004. The Water Conservation Bill of 2009 (SB X7-7) requires establishment of a water use reduction target, based on one of four calculation methods. Based on a 20 percent reduction from the current per capita water usage, San Jose Water Company could establish a target per capita water use of 115 gallons per day. This is below the 95 percent water conservation target for the Bay Area (targeted for 2020), which is 124 gallons per capita per day. Therefore, San Jose Water Company determined to set its 2020 target at 124 gallons per capita per day. San Jose Water Company's interim target has been established at 134 gallons per capita per day (San Jose Water Company 2011, pages 13-16). The Santa Clara Valley Water District's water shortage contingency plan calls for maximum water use cut-backs of 20 percent. The contingency plan relies on the overall Santa Clara Valley Water District strategies that are in place to secure a variety of water supplies and to conserve and bank water to stretch supplies in dry years and multiple dry years (Santa Clara Valley Water District 2011, pages 6-2 to 6-5).

Urban Water Management Planning Act. The Urban Water Management Planning Act (California Water Code Section 10631) requires every urban water supplier that provides water to 3,000 or more customers or provides over 3,000 acre-feet of water annually to prepare and adopt an urban water management plan (hereinafter "UWMP") for the purpose of "actively [pursuing] the efficient use of available supply." The UWMP is to be updated every five years.

The Urban Water Management Planning Act also requires urban water suppliers, as part of their long-range planning activities, to make every effort to ensure the appropriate level of reliability in their water service sufficient to meet the needs of their various categories of customers during normal, dry, and multiple dry water years.

Water Supply Assessments. SB 610 (Cal. Water Code, § 10910 et seq.) requires that CEQA review for larger projects include a water supply assessment. A water supply assessment is required for proposed residential projects with 500 or more units, proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space, or commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

The assessment must address whether existing water supplies will suffice to serve the project and other planned development over a 20-year period in average, dry, and multiple-dry year conditions, and must set forth a plan for finding any additional supplies necessary to serve the project. Cities and counties can approve projects notwithstanding identified water supply shortfalls provided that they address such shortfalls in their findings.

California Integrated Waste Management Act of 1989. The *Santa Clara County Integrated Waste Management Plan* outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of AB 939 and its diversion mandates.

In 2008, Senate Bill 1016 was passed, which builds on AB 939 compliance requirements by implementing a streamlined measure of jurisdictions' performance. SB 1016 accomplishes this by focusing on a disposal-based indicator rather than diversion rates. The per capita disposal rate utilizes two factors: a jurisdiction's residents/employees and its disposal amount as reported by disposal facilities. Thus, rather than mandating a 50 percent or more diversion of solid waste, SB 1016 requires a 50 percent or less disposal rate of solid waste per capita. Additional statutes pertaining to solid waste are found in California's Public Resources Code, Government Code, and Health and Safety Code, among others.

Commercial Recycling and 75 Percent Diversion Goal. Chapter 476, Statutes of 2011 (Chesebro, AB 341) sets forth the requirements of the statewide mandatory commercial recycling programs and establishes a goal of 75 percent waste stream diversion by 2020, an increase from the 50 percent target.

Town of Los Gatos

The following General Plan policies relating to utilities and service systems are applicable to the proposed project.

Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

Policy LU-4.3 Only approve projects for which public costs can be justified by the overall benefit to the community.

Policy LU-4.4 Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

Policy ENV-6.2 Require new construction to incorporate water-efficient landscaping following the Town's Water Efficiency Landscaping Ordinance.

Policy ENV-6.5 Require the use of water-saving devices in new developments and plumbing-related remodels, and develop incentives to encourage their installation in existing development.

Policy ENV-7.4 Encourage dual plumbing in large, new commercial and/or residential developments to enable future use of recycled water.

Policy ENV-9.2 Promote non-point source pollution control programs to reduce and control the discharge of pollutants into the storm drain system.

The *Los Gatos Sustainability Plan* includes the following applicable utility-related policies.

WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As

appropriate, partner with local water conservation companies on the development and implementation of this measure.

WW-3 Bay Friendly Landscaping. Require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org.

The Los Gatos water efficient landscaping requirements (Chapter 26, Article IV of the Town Code) require private development projects to calculate the maximum applied water for the irrigated landscaped areas of the project site. A landscape design plan proposing appropriate plantings (adaptable to the site climatic, geologic, and topographic conditions) and a water-conserving irrigation system must be provided to ensure that irrigation water use remain below the calculated amount. Native species and natural areas should be preserved. Use of recycled water is encouraged where available. Post-installation field inspection to certify compliance must be submitted to the Town.

Thresholds of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- have insufficient water supplies available to serve the project from existing entitlements and resources, or new or expanded entitlements are needed;
- require or result in the construction of new water, wastewater treatment, or storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects;
- be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs;
- comply with federal, state, and local statutes and regulations related to solid waste; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis, Impacts and Mitigation

Environmental Topics Eliminated from Further Consideration

Water/Wastewater Facilities. The proposed project would be served by adequate existing or planned water and wastewater treatment facilities. Refer to the discussion of water supplies and wastewater facilities above. No construction of new water or wastewater facilities or expansion of existing facilities would be required; thus, this topic is not further discussed in this section.

Storm Water Facilities. The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with storm drainage (General Plan Final EIR page 2-9), with implementation of applicable General Plan goals, policies, and actions. The proposed project will connect to the existing 24-inch storm drain at the rear of the project site and no off-site new storm water drainage facilities or expansion of existing facilities are required to serve the project; thus, there would be no need for new storm water facilities resulting from the proposed project. Additionally, the project applicant has prepared a preliminary storm water control plan for the proposed project. This preliminary plan will require final design approval prior to the issuance of building permits by the Town for the project site. Therefore, there would be no impacts related to storm water facilities and this topic is not further discussed in this section. For further discussion of storm water runoff, see section 3.8, Hydrology and Water Quality.

Solid Waste Regulations. The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2011 targets were 11.6 pounds per day per employee. The Town met these targets by limiting non-residential disposal to 7.1 pounds per person per day. The proposed project would have the same recycling and diversion opportunities, so disposal rates would be similar to the Town's existing rates. Therefore, the proposed project would be in compliance with solid waste regulations and there is no further discussion of this topic.

Plan Adopted for Environmental Purposes. The proposed project does not conflict with General Plan utilities and services systems policies adopted for the purpose of avoiding or mitigating an environmental effect. There is existing physical infrastructure and social services serving the project site area, the proposed project does not significantly impact urban services, its design includes water saving devices and water efficient landscaping, and the proposed project would comply with California Green Building Standards. Thus, this topic is not further discussed.

IMPACT: THE PROJECT WOUL NOT EXCEED WASTEWATER TREATMENT REQUIREMENTS (LESS THAN SIGNIFICANT)

The San Jose/Santa Clara Water Pollution Control Plant has a licensed capacity of 167 mgd and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. The proposed project's wastewater flow was estimated based on generation factors of 70 gallons per day per 1,000 square feet for commercial uses (RMC Water and Environment 2009). The existing 31,000 square feet of office buildings generate 2,170 gallons per day. At 91,965 square feet of office commercial space, operation of the proposed project would result in the generation of approximately 6,438 gallons of wastewater per day which is an increase of 4,268 gallons per day.

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with wastewater (Final EIR page 2-9), with implementation of applicable General Plan goals, policies, and actions. The proposed project's increase in wastewater generation would be less than 0.001 percent of the current flow at the treatment plant which would use a less-than-significant amount of the remaining capacity. The wastewater treatment plant would have adequate capacity to treat wastewater from the proposed project and thus would not result in any environmental impacts. Therefore, impacts would be less than significant.

IMPACT: THE PROJECT WOULD NOT HAVE INSUFFICIENT WATER AVAILABILTY (LESS THAN SIGNIFICANT)

The SCVWD and the San Jose Water Company evaluate future regional water demands based on gross per capita water use, as described earlier in the environmental setting. The per capita water use is inclusive of all other uses (business, industry, etc.) within the service area. The SCVWD and the SJWC urban water management plans both account for future development in accordance with local general plans within their respective service areas. The SCVWD *2010 Urban Water Management Plan* uses the population projections developed by the Association of Bay Area Governments in 2009. Based on these estimates, the County's population would grow by 45 percent through 2035. The estimated population for 2010 was 1,822,000; the Census Bureau data documents an actual 2010 population of 1,781,642, about 40,400 lower, indicating that population has grown at a lower rate than projected. The San Jose Water Company 2010 Urban Water Management Plan assumes a 0.4 percent annual growth rate within its service area, based on historic growth patterns it has observed. By comparison, the Association of Bay Area Governments' growth rate estimate for the service area is 1.4 percent, but as seen for the County, that projected growth rate is higher than growth documented by actual census data. All of the water projections within these urban water management plans are based on the population projections, so if a proposed project is within those projections, it is accounted for by the urban

water management plan (Santa Clara Valley Water District 2011, pages 2-1 to 2-1; San Jose Water Company 2011, page 7; United States Census Bureau 2013; Santa Clara County Local Agency Formation Commission 2011, page 411).

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with water supply (Final EIR page 2-9) with implementation of applicable General Plan goals, policies, and actions. The proposed project's water flow was estimated based on the water demand factor for office uses (.11 acre-feet annually per 1000 square feet). At 31,000 square feet, the existing office buildings use approximately 3,033 gallons of water per day. The proposed 91,965 square-foot project would use approximately 9,011 gallons per day; this would be an increase of approximately 5,978 gallons of water per day, raising the annual project site demand from 6.7 acres feet to 10.1 acre feet. This is .005 percent of the documented 2009 SJWC water supply 127,751,425 gallons per day (143,100 acre-feet per year). The proposed project would have demands within the range of what has already been accounted for in water supply planning, and can be adequately accommodated by the SCVWD and the SJWC. The minimal increase in water demand would have a less-than-significant impact to water supply.

IMPACT: THE PROJECT WOULD RESULT IN LESS THAN SIGNIFICANT SOLID WASTE GENERATION (LESS THAN SIGNIFICANT)

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with solid waste (General Plan Final EIR page 2-9), with implementation of applicable General Plan goals, policies, and actions. Based on a non-residential disposal rate of 7.1 pounds per employee per day, the 91,965 square feet of commercial buildings with an average of one worker per 766 square feet of floor area (121 persons), the proposed project would generate about 860 pounds of solid waste per day (California Regional Water Quality Control Board 2011; United States Energy Information Administration 2016). Further, the waste generated from the demolition of the existing buildings would require disposal at a landfill. The landfill has adequate landfill space through 2048, as identified above in this section's Environmental Setting discussion of solid waste, and adequate landfill space would be available for the proposed project. Therefore, this impact would be less than significant.

3.13 EFFECTS NOT FOUND TO BE SIGNIFICANT

CEQA Guidelines 15128 state that an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.

Environmental Topic

Agricultural/Forest Resources

The entirety of the project site is in use as an office complex. The project site is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation. There are no Williamson Act conservation easements on the project site and the project site is not zoned for agricultural forestland, or timberland use. Thus, the proposed project would not result in the conversion, loss of, or conflict with any agricultural, timberland production, or forestland uses (California Dept. of Conservation 2010).

Land Use & Planning

The project site is designated by the General Plan as Commercial and by the Los Gatos Zoning Code as Restricted Highway Commercial. Allowable uses within Commercial designated and Restricted Highway zoned areas include office buildings. The site is currently developed with office buildings and the proposed project would entail demolition of the existing buildings and development of new office facilities. The existing and proposed uses are consistent with the General Plan and Zoning Code standards for both use and development density. No exceptions to the development standards for the site are requested. As identified in this EIR, the proposed project would be within development and land use restrictions designated for the site by the Town. Therefore, the proposed project would have no impact on land use and planning. For further discussion of the project's consistency with Town land use and planning documents, see Sections 3-1 through 3-12, and Section 2, Project Description.

Mineral Resources

Mineral resources are not addressed in the General Plan EIR. Several limestone quarries operated south of Los Gatos in the late 1800s and early 1900s. The nearest active quarries are the Lexington Quarry, east of Lexington Reservoir, and the Lehigh Permanente and Stevens Creek quarries west of Cupertino. Santa Clara County quarries produce lime for cement production and construction aggregates (Santa Clara County Department of Planning & Development, Planning Office 2011, pages 6-1 to 6-3). There is no active mining within the project site or anywhere within the Town. Mineral resources in the vicinity of the project site are not considered significant.

Population/Housing

The proposed project does not include housing. Any new employees that may be generated by the proposed project would not exceed that already anticipated under build-out of the General

Plan. The proposed project would not induce population growth beyond that already projected in adopted plans.

The project site is designated for office commercial and has already been developed with office buildings. The proposed project is a demolition of existing site improvements and the construction of commercial buildings on the site. The proposed project would not result in impacts to population or housing.

Recreation

Parks and recreational programs serving or located near the project site are operated by the Town, the City of San Jose, the Los Gatos Saratoga Community and Recreation District, Santa Clara County Parks Department, Mid-Peninsula Open Space District, and the California Department of Parks and Recreation.

Town of Los Gatos Parks. The Town and Public Works Department operate 14 parks comprising about 90 acres. The nearest Town Parks to the project site are Worcester Park about half a mile south, and Bachman Park, about a mile north-west of the site. Worcester Park includes 11 acres of natural woodlands and trails. Bachman Park includes a playground, picnic tables, basketball court, and lawn area.

City of San Jose Parks. Houge Park, operated by the City of San Jose, is located about two and a half miles to the northeast. Houge Park has picnicking, a playground, and sports courts.

Los Gatos-Saratoga Community Education and Recreation. The Los Gatos-Saratoga Community Education and Recreation District was formed in 1956 by the Los Gatos-Saratoga Union High School District. The department was re-organized by the three local school districts as a separate joint powers agency to ensure the effective and efficient provision of community education and recreation services to the communities of Los Gatos, Saratoga, Monte Sereno, and unincorporated Santa Cruz Mountain communities. The service area boundaries are the same as the Los Gatos-Saratoga Union High School District. Programs are provided at 27 locations, including schools, parks, community centers, pre-schools, and churches. Services are funded by user fees and donations (Town of Los Gatos 2012).

Santa Clara County Parks. The County of Santa Clara owns nearly 48,000 acres of parkland (Santa Clara County Parks 2016). The nearest County parks to the project site are Vasona Lake County Park, the Los Gatos Creek Trail, Los Gatos Creek Park, Lexington Reservoir Park, Villa Montalvo, and Almaden Quicksilver Park. Vasona Lake County Park features fishing, boat rentals, picnic areas, a science center, and a miniature railway, and hosts lighted holiday displays in December. In addition to the creek-side trail that spans from Lexington Reservoir to near downtown San Jose, Los Gatos Creek Trail hosts picnic areas, fishing, and a dog park within the

City of Campbell that was co-funded by the Town of Los Gatos. Lexington Reservoir Park has picnic areas, trails, and fishing. Villa Montalvo has trails, formal gardens, and hosts concerts. Almaden Quicksilver has a visitor center, trails, picnic areas, and fishing (Santa Clara County Parks 2016). The *Draft Parkland Acquisition Plan* identifies areas considered to have high or moderate suitability for acquisition. The project site is not identified for potential acquisition (Santa Clara County Parks 2012, Figure 5-1).

The *Santa Clara County Countywide Trails Mater Plan Update* was adopted in 1995 and proposes a variety of trail types. The existing Los Gatos Creek Trail is approximately a mile west of the project site. The Los Gatos Creek Trail is a sub-regional trail between the Guadalupe/Santa Teresa trail near downtown San Jose and the Bay Area Ridge Trail at Lexington Reservoir south of Los Gatos. The Los Gatos Creek Trail is one of the most heavily-used trails for both recreation and transportation in Santa Clara County.

Sub-regional trails play a crucial role in by serving connected communities in one or more of the following ways:

- providing regional recreation and transportation benefits including links for accessing rail stations, bus routes, or park-and-ride facilities;
- providing for continuity between cities; generally crossing a city or passing through more than one city; and/or
- providing convenient, long-distance trail loop opportunities by directly linking two or more regional trails to create an urban trail network.

Mid Peninsula Open Space District. The Mid Peninsula Open Space District is a regional open space preservation district with about 55,000 acres of open space preserves within the Santa Cruz Mountain area of San Mateo, Santa Clara, and Santa Cruz counties. The Mid Peninsula Open Space District owns approximately 800 acres of land within the Town limits, close to half of the land area within the Town. Preserves located within the Town limits are El Sereno Open Space Preserve, Saint Joseph's Hill Open Space Preserve, and Sierra Azul Open Space Preserve. The open space preserves are minimally-developed, primarily with trailheads and trail systems. The district employs rangers to patrol the preserves (Santa Clara County Local Agency Formation Commission 2007, pages 7-5, 7-16, 17-1 to 17-12).

California Department of Parks and Recreation. The nearest State Parks are located in the Santa Cruz Mountains south of the project area: Castle Rock State Park and Big Basin Redwoods State Park, with trailheads or other facilities within about 15 to 25 miles of Los Gatos. Castle Rock has a trailhead parking area, trails, and trail campsites. Big Basin Redwoods State Park has trailhead parking areas, trails, visitor center, picnic areas, campgrounds, trail campsites, and tent cabins (California Department of Parks and Recreation 2016).

3.0 ENVIRONMENTAL EFFECTS

The General Plan EIR determined that build-out of the General Plan would not have significant impacts on existing park and recreational facilities or result in environmental impacts from the construction of additional park and recreational facilities. The potential small increase in the population associated with an increase in square footage of the office building was accounted for in the General Plan EIR. Thus, the proposed project will not require the development of new recreational facilities and will not impact existing facilities.

CUMULATIVE IMPACTS

4.1 CEQA REQUIREMENTS

CEQA Guidelines section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulative considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulative considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

4.2 CUMULATIVE DEVELOPMENT SCENARIO

As allowed by CEQA Guidelines section 15130 (b)(1)(B), the EIR includes a summary of projections contained in the General Plan to form the cumulative projects scenario; i.e. build-out of the General Plan. Unless noted otherwise, the geographic scope of the cumulative analysis is the General Plan's sphere of influence, which encompasses 6,216 acres within the Town limits and 5,260 acres outside the Town limits, for a total of 11,476 acres (Town of Los Gatos 2011, pages LU-6 to 7). The General Plan provides an estimate of about 1,600 new residential units, 419,000 square feet of new retail, 516,000 square feet of new office, and 8,000 square feet of new industrial uses through 2020 within the Town limits and sphere of influence.

A summary of the impacts discussed in the General Plan EIR is presented and is supplemented by new data regarding development projections and impacts, as appropriate. The cumulative traffic section also considers the effects of a list of pending projects near the project site, as presented in Section 3.11, Transportation and Traffic. For each topic area, an evaluation and determination as to whether the proposed project's impacts are cumulatively considerable is presented.

4.3 CUMULATIVE IMPACTS AND THE PROPOSED PROJECT'S CONTRIBUTION

Aesthetics

The General Plan EIR concluded that build-out of the General Plan would result in less-than-significant aesthetic impacts (Town of Los Gatos 2010c, page 2-6), with implementation of the General Plan goals, policies, and actions. Build-out of the General Plan, which includes development of within the project site would not result in cumulative aesthetics impacts due to design criteria and policies included in the General Plan and zoning standards. Aesthetic impacts identified for the proposed project would be mitigated to a less-than-significant level. Therefore, the proposed project would have a less-than-cumulatively considerable effect on aesthetics.

Air Quality

The General Plan EIR concluded that build-out of the Town of General Plan would be inconsistent with applicable clean air planning efforts of the air district, as projected vehicle miles traveled that could occur under the General Plan would increase at a greater rate than population growth. The General Plan includes extensive goals, policies, and actions that aim to reduce vehicle reliance and vehicle miles travelled within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional vehicle miles travelled beyond that anticipated in the then-current clean air plan. As a result, development in Los Gatos consistent with the General Plan would contribute to the on-going violations of ozone ambient air quality standards in the air basin (Town of Los Gatos 2010c, page 2-6). Therefore, there would be a cumulative impact on air quality; however, the proposed project would not result in a cumulatively considerable impact, as explained in the following paragraph.

In developing thresholds of significance for air pollutants, air district considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (Bay Area Air Quality Management District 2011, page 2-1). All of the proposed project's air quality impacts would be mitigated to a less-than-significant level with the implementation of measures proposed in the EIR. Therefore, the proposed project would not make a cumulatively considerable contribution to significant cumulative air quality impacts.

Biological Resources

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts to biological resources (Town of Los Gatos 2010c, page 2-6), with implementation of the applicable goals, policies, and actions in the General Plan. All of the proposed project's biological impacts would be mitigated to a less-than-significant level with the implementation of the mitigation measures proposed in the EIR. Therefore, the proposed project would not make a cumulatively considerable contribution to any significant impact on biological resources.

Cultural Resources

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with cultural resources (archaeological and historic resources) with implementation of General Plan goals, policies, and actions (Town of Los Gatos 2010c, page 2-6). Therefore, there would not be a cumulative impact on cultural resources.

Archaeological Resource Management conducted a site reconnaissance and prepared an archeological resources report, and concluded that there was no record or surface evidence of cultural resources on the project site. The potential that unknown buried cultural resources could be disturbed during construction is mitigated through the inclusion of mitigation measures requiring protocols consistent with policies in the General Plan.

Geology and Soils

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with geology, soils, or seismicity (Town of Los Gatos 2010c, page 2-6). The proposed project would not have significant geologic or soils impacts. Therefore, the proposed project would not result in a cumulatively considerable impact to geology or soils.

Greenhouse Gas Emissions

Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Hence, GHG emissions leading to global climate change are inherently a cumulative effect. The individual contribution of a project to GHG in the atmosphere can generally be quantified in terms of volume of greenhouse gas emissions that it generates as converted to CO₂e. However, the precise indirect effects of that contribution are difficult, if not

impossible, to identify due to the complexity of local, regional, and global atmospheric dynamics and the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur. Because the potential impacts of the proposed project are inherently considered in a cumulative context, the analysis in Section 3.6, Greenhouse Gas Emissions is a cumulative impact assessment.

The Town of Los Gatos 2020 General Plan Final EIR concluded that build-out of the Town of Los Gatos 2020 General Plan would make a significant unavoidable contribution to the cumulative impact of climate change (Town of Los Gatos 2010c, page 2-7). The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in annual GHG emissions by 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level of 30 percent.

However, an analysis of the proposed project's GHG emissions using the air district's plan threshold indicates that the proposed project's greenhouse gas emissions would be within an acceptable range. Therefore, there is not a cumulatively considerable impact on GHG emissions and climate change.

Hazards and Hazardous Materials

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hazardous materials and safety (Town of Los Gatos 2010c, page 2-8). Activities within the project site would be subject to state and local regulations controlling the transport and use of hazardous materials. There are no proposed uses for the proposed project that pose a heightened risk of exposure to or upset of hazardous materials. There would not be a cumulatively considerable effect on hazards or hazardous materials.

Hydrology & Water Quality

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hydrology and water quality (Town of Los Gatos 2010c, page 2-8). Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer.

Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and build-out of the General Plan, which includes commercial development designated for the project site, would not have a cumulatively-considerable impact

on groundwater levels. The project site currently is supplied water by San Jose Water Company and the proposed new buildings on the site would continue to be supplied by the San Jose Water Company. Therefore, conceptually, the project is already supplied groundwater; if not directly, then in proportion to overall Town supply. Although, as discussed in Section 3.12 Utilities and Service Systems, the project's site water demand would increase with implementation of the proposed project, this would represent a minimal proportion of total Town water supply and would represent a negligible increase in the site's demand from the overall Town water supply, and thus a negligible increase in Town demand for groundwater supply. Therefore, potential cumulative-level impacts to groundwater supply would be less than significant.

The project site has a less-than-significant risk of major flooding or dam failure inundation, and therefore there is not a significant cumulative flooding risk within the Town.

The San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the San Francisco Bay Region Basin Plan. The San Francisco Bay Region Basin Plan uses a watershed management approach focused on the particular needs of each watershed. The Town and the San Francisco Bay Regional Water Quality Control Board have programs in place to minimize the introduction of pollutants and sediment into water bodies. With the proposed project and other development within the Town constructed in accordance with Town of Los Gatos 2020 General Plan policies, Town erosion control and grading regulations, and San Francisco Bay Regional Water Quality Control Board regulations, there would not be any significant cumulative water quality impacts.

Noise

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with noise (Town of Los Gatos 2010c, page 2-8). Highways and arterial roads are adjacent on all sides of the project site and are significant noise sources for the project site and surrounding areas. The addition of cumulative traffic to these roadways would increase traffic volumes, but a significant percentage traffic increase is required to significantly affect cumulative noise levels. The proposed project would not represent a sufficiently large share of overall traffic levels to have a cumulatively considerable effect on background noise levels. Therefore, there would not be a cumulatively considerable impact on noise.

Public Services

The General Plan EIR concluded that build-out of the General Plan would not require construction of new fire protection facilities. No additional or expanded fire facilities would be

required to serve the proposed project. The General Plan EIR concluded that build-out of the General Plan would require additional police personnel, and that there were minor issues related to accommodating the additional personnel, including lack of secure parking and inadequate space within the Town Hall police facility, but the Town has since expanded the police facilities.

The police department would serve the proposed project within the Town's performance standards, from existing facilities. No new or expanded police facilities would be required. There would not be a cumulatively considerable impact on fire or police services.

The proposed project is a commercial development and would not impact school facilities. Therefore, there would not be a cumulatively considerable impact on school facilities.

Recreation

The proposed project is a commercial development and would not impact parks or recreational facilities. Therefore, there would not be a cumulative impact on parks and recreation.

Transportation & Traffic

Cumulative conditions reflect the traffic conditions that are projected to occur in the future if all of the development projects that have been proposed in the study area were constructed and occupied. Cumulative traffic volumes reflect traffic generated by the approved development projects.

Pending developments are those that have been proposed to local agencies but have not been approved. The pending project list was obtained from the Town of Los Gatos. Based on a review of traffic studies prepared for these projects, a recent TRAFFIX file provided by the Town of Los Gatos, the types and sizes of these developments, and their distances from the project site, the following pending developments are expected to add traffic to at least one of the study intersections during at least one of the peak hour periods:

- Dell Avenue Area Plan (Campbell): Add approximately three million square feet of office space
- Los Gatos High School: Construct improvements and expand by 200 students
- 15600 and 15650 Los Gatos Blvd: Demolish auto dealership and build commercial buildings
- 16212 Los Gatos Blvd: 11 home subdivision
- 15500 Los Gatos Blvd: Buick site redevelopment

4.0 CUMULATIVE IMPACTS

- 201-225 Los Gatos-Saratoga Road: proposed mixed commercial use
- Samaritan Medical Master Plan: Construct 475,250 square feet of medical office space
- 2425 Samaritan Drive: Hospital expansion
- Twin Oaks: 10-home subdivision
- 258 Union Ave: seven-home subdivision
- Housing Element Affordable Housing Overlay Zone (AHOZ): Five residential projects
- 15860 Winchester: Demolish four and construct 11 single-family homes

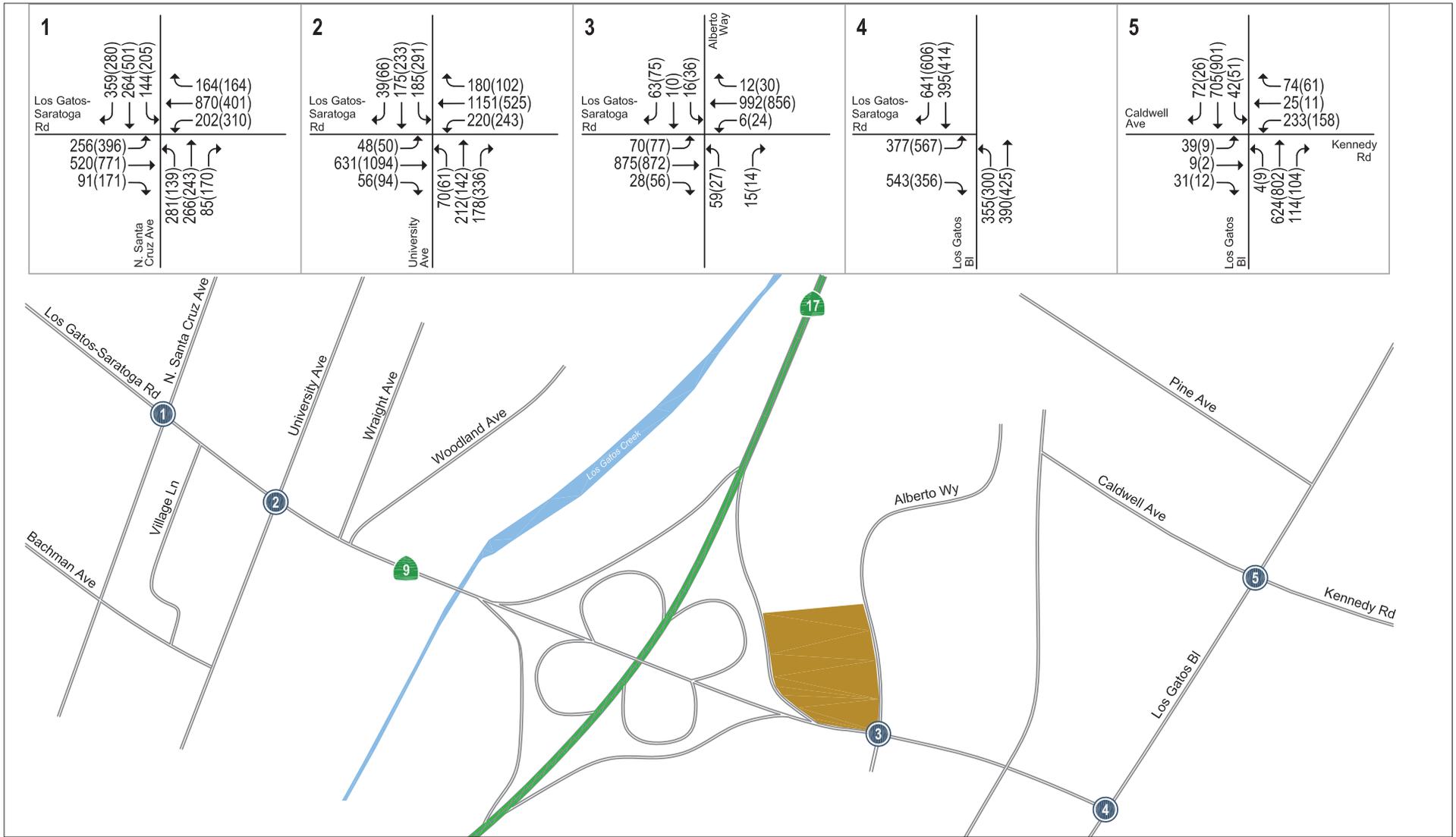
Cumulative peak hour traffic volumes were calculated by adding the background volumes of estimated traffic from the pending developments above. Vehicle trips for each of the pending projects were obtained from the TRAFFIX file provided by the Town of Los Gatos or from a project's traffic impact study. Cumulative traffic volumes are shown in [Figure 17, Cumulative Baseline Traffic Volumes](#).

The estimated trips were assigned to the study intersections according to the distributions and assignments identified in the Town's TRAFFIX file or the relevant traffic studies. Under cumulative conditions without the proposed project, the project's traffic impact analysis determined that all signalized study intersections are expected to operate at no more than LOS D during both the AM and PM peak hours.

The net new peak hour trips generated by the proposed project were added to the cumulative traffic volumes to obtain cumulative plus project traffic volumes, as displayed in [Figure 18, Cumulative Plus Project Traffic Volumes](#).

The results of the intersection level of service analysis under cumulative plus project conditions found that the study intersections would operate at an acceptable level of service (LOS D) during both the AM and PM peak hours of traffic. The proposed project would not have a cumulatively considerable effect on traffic conditions.

Even though the project would not have a significant impact on the study intersections, it would be required to pay a Traffic Impact Fee, as does all new development in the Town of Los Gatos. The Town's Traffic Impact Fee is unrelated to whether or not a project has any impacts under CEQA, and is required of all new development projects that generate additional trips on the Town's roadway network. The current fee is \$879 per new trip generated, as approved by the Town Council on March 24, 2014.



Source: Hexagon Transportation Consultants, Inc. 2016

Figure 17
Cumulative Baseline Traffic Volumes

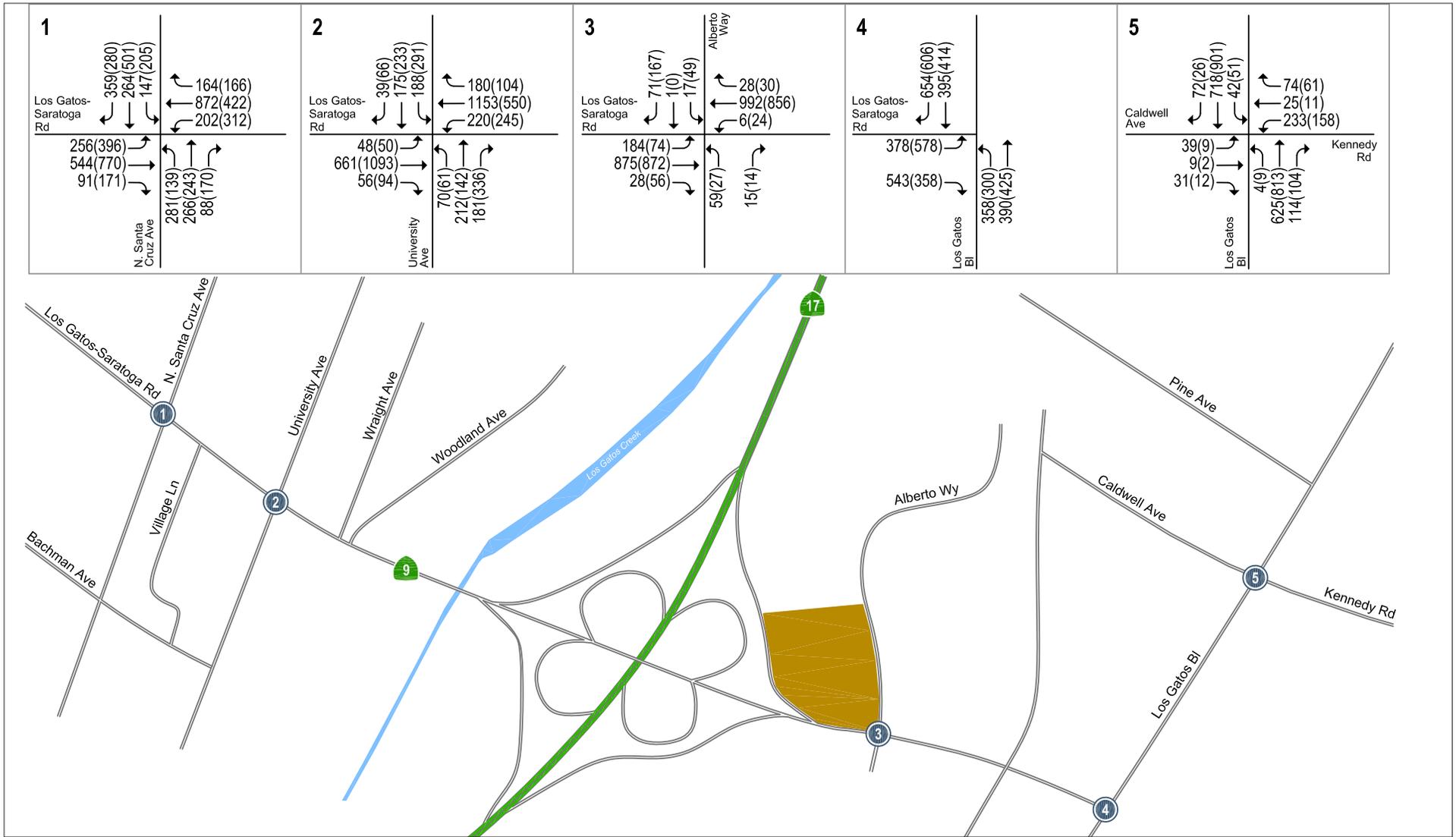
401-409 Alberto Way DEIR



Not to scale



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Not to scale

-  Project Site Location
-  Study Intersection
- XX(XX) AM(PM) Peak-Hour Traffic Voumes

Source: Hexagon Transportation Consultants, Inc. 2016

Figure 18
Cumulative Plus Project Traffic Volumes

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The project is expected to generate a net new 700 daily trips. The associated traffic impact fee, therefore, is \$615,300, in addition to the cost for proposed improvements of Mitigation Measure T-1. The purpose of the fee is to help fund transportation projects that are needed to accommodate vehicle trip growth. Among the projects that will be funded with traffic impact fees are three that are on State Route 9, near the project site:

- Intersection Improvements at State Route 9 and N. Santa Cruz Avenue;
- State Route 9 - Los Gatos Creek Trail connector – New path and bridge for bikes and pedestrians; and
- Complete Streets Improvements – State Route 9 from University Avenue to Los Gatos Blvd.

Although not required to reduce a significant impact to a less-than-significant level, Mitigation Measure T-1 would apply to the proposed project, as would the requirement to pay the Town's traffic impact fee as a project condition of approval. No additional mitigation is required.

Utilities

Water Service, Wastewater Service, Storm Drainage, Solid Waste

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with water supply, wastewater, storm drainage, or solid waste (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions. There would not be a cumulatively considerable impact on water service, wastewater service, storm drainage, or solid waste disposal.

Wasteful use of Fuel, Water, or Energy

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with excessive or wasteful water use or energy consumption with implementation of applicable General Plan goals, policies, and actions (Town of Los Gatos 2010b, pages 4.14-35 and 4.14-35). Additionally, the project includes a number of design features aimed at energy efficient building and water use. There would not be a cumulatively considerable impact relating to excessive or wasteful water use or energy consumption.

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5.0

OTHER CEQA CONSIDERATIONS

This section of the EIR discusses additional environmental implications of the proposed project as required by CEQA. The topics discussed in this section include growth-inducing impacts, significant unavoidable environmental effects, and energy demand.

5.1 GROWTH-INDUCING IMPACTS

CEQA Requirements

Public Resources Code Section 21100(b) (5) and CEQA Guidelines Section 15126.2(d) require a discussion in the EIR of the growth-inducing impacts of a proposed project. The EIR must discuss the ways in which the project may directly or indirectly foster economic or population growth or additional housing in the surrounding environment, remove obstacles to growth, tax existing community services facilities, or encourage or facilitate other activities that cause significant environmental effects, either individually or cumulatively. Direct growth-inducing impacts result when the development associated with a project directly induces population growth or the construction of other development within the same geographic area.

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities that can provide services to new development. In addition to direct growth-inducing impacts, an EIR must also discuss growth-inducing effects that will result indirectly from the project, by serving as catalysts for future unrelated development in an area. Development of public institutions and the introduction of employment opportunities within the same geographic area are examples of projects that may result in growth-inducing impacts.

An EIR's discussion of growth-inducing effects should not assume that growth is necessarily beneficial, detrimental, or of little significance to the environment. An EIR is required to discuss the ways in which the proposed project could foster growth.

Thresholds of Significance

CEQA Guidelines Appendix G indicates that a project may have significant growth-inducing impacts if the project would induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

Growth-Inducing Impact Analysis

The approval of the proposed project would not represent a new commitment of land for urban development. Urban development of the project site has been envisioned by the Town for a considerable time, and the project site has been developed with its current office use since the mid-1960s. The project site is designated by the General Plan for commercial development. Existing use of the site is commercial development and the proposed project would result in commercial development on the site. The proposed project would result in expanded commercial square footage on the site; however, the proposed square footage of development on the site by the project would be within Town zoning limits for the site. The existing site and surrounding vicinity are located within Town limits and are urbanized in nature with a combination of commercial and residential uses.

The proposed project would maximize development of the project site under the Town's zoning regulations. The proposed project's utility infrastructure is sized to accommodate the proposed project's build-out. The proposed project's infrastructure is not sized to accommodate additional growth outside of the project site. Construction and implementation of the proposed project would not remove physical obstacles to population growth. Therefore, the proposed project would not represent direct or in-direct growth-inducing impacts.

5.2 SIGNIFICANT UNAVOIDABLE IMPACTS

CEQA Requirements

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less than significant level through the implementation of mitigation measures. CEQA Guidelines section 15093 requires that a lead agency make findings of

overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

Impact Analysis

Based on the environmental analysis provided in Chapter 3.0 and 4.0 of this EIR, all potential impacts associated with the proposed project can be avoided or reduced to a level of insignificance through the imposition of mitigation measures. There would be no significant and unavoidable impacts.

5.3 ENERGY DEMAND

State CEQA Guidelines Appendix F describes the types of information and analyses related to energy conservation to be included in an EIR. Energy conservation is described in terms of decreased per capita energy consumption, decreased reliance on natural gas and oil, and increased reliance on renewable energy sources. To assure that energy implications are considered in project decisions, EIRs must include a discussion of the potentially significant energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

Energy production and usage results in environmental impacts including depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emission of pollutants during both production and consumption phases. Energy usage is typically quantified using the British Thermal Unit (BTU). The BTU is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, a 100 cubic feet (one therm) of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 BTUs, 100,000 BTUs, and 3,400 BTUs, respectively.

PG&E, one of the five largest utilities in the state, is the purveyor of electricity and natural gas in the Town. Through PG&E, the Town receives electricity from power generating facilities located at various locations within the state. The state's electric grid also has interties to other western states, so some electricity used within California is generated outside the state. Electrical energy is generated by a number of means, including thermal power plants using natural gas, coal, fuel oil, and/or used tires as fuel; wind turbines; hydroelectric facilities; biomass plants; and large- and small-scale solar installations. Natural gas used in California originates from basins in California, other western states, and Canada. According to the California Energy Commission's Energy Almanac (California Energy Commission 2014), California imports 90 percent of its natural gas from outside the state.

Population growth is a key driver for increasing residential and commercial energy demands and for water pumping and other energy-intensive services. The Town's population and energy demand will continue to grow. In order to minimize the need for additional electricity generation facilities, both the state and regional energy purveyors have focused investments on energy conservation and efficiency over the past decades. PG&E has been involved in developing renewable energy projects, such as photovoltaic solar power, as a way to meet increasing energy demands within the state's Renewable Portfolio Standard.

Regulatory Setting

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and transportation (e.g., vehicle fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. The Federal Energy Regulatory Commission reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines; it also licenses hydropower projects. Licensing of hydroelectric under the authority of Federal Energy Regulatory Commission includes input from state and federal energy, environmental protection, fish and wildlife, and water quality agencies.

National Energy Policy

The National Energy Policy, established in 2001 by the National Energy Policy Development Group, is designed to help the private sector and state and local governments promote

dependable, affordable, and environmentally sound production and distribution of energy for the future (National Energy Policy Development Group 2001). Key issues addressed by the energy policy are energy conservation, repair, and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

California Energy Commission

The California Energy Commission is California's primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Commerce's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division of the California Energy Commission provides coordination to ensure that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

California Public Utilities Commission

The California Public Utilities Commission is a state agency created by constitutional amendment to regulate privately owned telecommunications, electric, natural gas, water, railroad, rail transit, passenger transportation, and in-state moving companies. The California Public Utilities Commission is responsible for assuring California utility customers have safe, reliable utility services at reasonable rates while protecting utility customers from fraud. The California Public Utilities Commission regulates the planning and approval for the physical construction of electric generation, transmission, or distribution facilities; and local distribution pipelines of natural gas (California Public Utilities Commission Decision 95-08-038).

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The California 2008 Energy Action Plan Update establishes energy efficiency and demand response

(i.e., reduction of customer energy usage during peak periods) as the first-priority actions to address California's increasing energy demands. Additional priorities include the use of renewable sources of power and distributed generation (i.e., the use of relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy the increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The California 2008 Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change.

California Building Codes

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The standards were most recently updated in January 2013. Energy efficient buildings require less electricity, natural gas, and other fuels, the use of which creates GHG emissions.

The Green Building Standards Code (also known as CALGreen), which requires all new buildings in the state to be more energy efficient and environmentally responsible, took effect in January 2011 and were most recently updated in January 2013. These comprehensive regulations are intended to achieve major reductions in greenhouse gas emissions, energy consumption, and water use.

Energy Efficiency Act of 2006 (AB 2021)

This bill encourages all investor-owned and municipal utilities to aggressively invest in all achievable, cost-effective energy efficiency programs in their service territories. The results of this bill are expected to reduce forecasted electricity demand by 10 percent over 10 years from 2006 through 2016, offsetting the projected need to build 11 new major power plants.

Impact Analysis

In accordance with CEQA Guidelines Appendix F, this analysis considers impacts to be significant if implementation of a proposed project would directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy. The three primary sources of energy consumption from the proposed project would be fuel use in vehicles traveling to and from the project site, on-site uses of natural gas, and on-site uses of electricity in buildings and other ancillary uses such as lighting. Energy demand from these sources at buildout of the proposed project was modeled in CalEEMod. Unmitigated CalEEMod results are contained in Appendix E.

Transportation Fuel Use

Table 4.2, Trip Summary, of the unmitigated annual CalEEMod results shows that at buildout, vehicles traveling to and from the middle school would have an average daily trip rate of 323 trips to and from the project site. This total is a composite based on total weekday, Saturday, and Sunday vehicle trips. Based on the analysis of traffic generation conducted in the transportation impact assessment, annual weekday traffic volume (241 trips) would be higher than weekday trip volume estimated in CalEEMod (248 trips). Trip generation can be used as a general proxy for transportation fuel use. Regardless of the estimated trip generation rate considered, the trip generation rate for the proposed project would not represent a substantial increase in trip generation for the project area, as identified in Section 3.11, Traffic. Therefore, associated transportation fuel use would not be substantial.

Natural Gas Use

Energy usage is typically quantified using the British Thermal Unit (BTU). The BTU is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, 100 cubic feet (one therm) of natural gas, and a kilowatt hour of electricity are 123,000 BTUs, 100,000 BTUs, and 3,400 BTUs, respectively.

Table 5.2 Energy by Land Use – Natural Gas, in the CalEEMod results shows that at buildout, future uses within the site would demand approximately the equivalent of 1,584,240 BTU (15.8 therms) of energy from natural gas use per year from space heating and other internal building uses. One therm is equivalent to 100,000 BTU. According to Energy Consumption Data Management System information maintained by the California Energy Commission, in 2014, total natural gas consumption in Santa Clara County was approximately 402,000,000 therms (<http://www.ecdms.energy.ca.gov/gasbycounty.aspx>). The project consumption at buildout would represent less than 0.01 percent of total current County consumption.

Electricity

Table 5.3, Energy by Land Use - Electricity, in the CalEEMod results shows that at buildout, future uses within the site would demand approximately 2,845,888 kWh of electricity. According to Energy Consumption Data Management System information maintained by the California Energy Commission, in 2014, total electricity consumption in Santa Clara County was 166,700,000 kWh (<http://www.ecdms.energy.ca.gov/elecbycounty.aspx>). The project electricity consumption at buildout would represent approximately 0.02 percent of total current County consumption.

Project Energy Reduction

Reduction of Energy Use - Regulatory Requirements. As described in the Regulatory Setting above, a number of federal and particularly state regulatory programs are being implemented to improve the efficiency of transportation fuel, natural gas, and electricity use. New development at the project site must comply with the regulations, many of which are beyond the implementation control of future project developers. In the building energy use sector, implementation of CALGreen and Title 24 building standards will reduce natural gas and electricity consumption.

Applicant Proposed Measures and Mitigation Measures that Reduce Energy Consumption. The project applicant has proposed that several measures with energy reduction benefits be included in the proposed project. These are identified in Section 2, Project Description and include:

- Redevelop the site by removing the now obsolete, aging structures and replacing them with new, 2-story Class A steel office buildings utilizing energy efficient, recycled and sustainable building materials that meet the standards of Leadership in Energy and Environmental Design (LEED).
- The proposed project would be designed and constructed in conformance with Cal Green and the latest Title-24 Energy regulations. Additionally, the design would comply with LEED Silver standards for sustainability and energy conservation.

Conclusion

With required conformance to applicable energy conservation/efficiency regulations and standards and implementation of project specific project design measures that reduce energy consumption, the proposed project would not result directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy.

5.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) requires an EIR to include a detailed statement setting forth any significant effects on the environment that would be irreversible if a proposed project is implemented. Examples of irreversible environmental changes, as set forth in CEQA Guidelines Section 15126.2(c), include the following:

- The proposed project would involve a large commitment of nonrenewable resources such that removal or nonuse thereafter is unlikely;
- The primary and secondary impacts of a proposed project would generally commit future generations to similar uses (e.g., a highway providing access to a previously inaccessible area); or
- The proposed project involves uses in which irreversible damage could result from any potential environmental accidents associated with the proposed project.

Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Analysis

Future development consistent with the project's site plans would include the consumption of non-renewable building materials and energy resources during the construction phase, as well as the ongoing consumption of energy for lighting, air conditioning, space and water heating, and travel to and from the offices during the life of the project. However, the consumption of such resources is typical of this type of development and would not result in an irreversible commitment of natural resources for construction or operation.

The proposed project, as a commercial facility essentially replacing an existing commercial facility, does not involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

5.0 OTHER CEQA CONSIDERATIONS

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6.0 ALTERNATIVES

6.1 CEQA REQUIREMENTS

CEQA Guidelines section 15126.6(a) requires a description of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines section 15126.6 (e) stipulates that a no project alternative be evaluated along with its impacts.

CEQA Guidelines section 15126.6(d) requires the EIR to present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. CEQA Guidelines section 15126.6(e) requires the identification of an environmentally superior alternative. If the "No Project" alternative is the environmentally superior alternative, then the environmentally superior alternative amongst the remaining alternatives must be identified.

6.2 ALTERNATIVES CONSIDERED

The following alternatives to the project are considered:

- Alternative 1: No Project (Option 1: No new development “No Project/No New Development;” Option 2: New development limited to existing commercial square footage “No Project/Existing Square Footage”); and
- Alternative 2: Reduced Project.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project. Table 23, *Alternatives Square Footage Comparison* shows the demolition and new building floor area for each alternative and the proposed project.

Table 23 Alternatives Square Footage Comparison

Alternative	Demolition	Construction
No Project – No New Development	None	None
No Project – Existing Square Footage	31,000 square feet	31,000 square feet
Reduced Project	31,000 square feet	74,260 square feet
Proposed Project	31,000 square feet	92,800 square feet

Source: ArcTec Architectural Technologies 2016; EMC Planning Group 2016

Alternative 1: No Project

CEQA Guidelines section 15126.6 (e) requires the “No Project” alternative be evaluated along with its impacts. The “No Project” alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Alternative Description

The “No Project” alternative assumes there would be no increase in the existing commercial square footage of on the site. Either existing office buildings or newly constructed buildings on the site would operate based on the current square footage of existing commercial space on the site at 31,000 square feet. This alternative considers two options: no new development on the site, and new development limited to existing commercial square footage on the site.

The No Project/Existing Square Footage alternative option assumes that existing buildings on the site would be demolished. However, this alternative option also assumes that with a square footage reduction to existing commercial square footage on the site, the excavation and construction for an underground parking facility would not be feasible.

Alternative Effects

The environmental effects of the No Project alternative options with reference to the proposed project are summarized by topic area below.

Aesthetics. With no new development, the existing visual character of the site would remain unchanged. Less than significant aesthetic impacts of the proposed project would be avoided.

With new development on the site restricted to the existing commercial square footage on the site, the extent of visual character change the site may experience cannot be determined as new development would not necessarily be limited to the existing building footprints on the site, especially since the current development uses daylighted basements to reduce its overall footprint. Therefore, for this option of the alternative, it can be assumed there would be some change in visual character to the site and proposed new buildings on the site could be 35 feet in height per existing zoning for the site. Thus, there would be potential less-than-significant aesthetic impacts; however, less than the proposed project for this alternative option.

Air Quality. Existing commercial operations and maintenance of the site have associated air emissions. However, there would be no new construction or operational air quality impacts associated with the no new development option of the alternative. Air quality impacts associated with the proposed project would be avoided with this alternative option.

If new construction was proposed on the site with the same existing commercial square footage of buildings, demolition and construction activities would have similar, though somewhat reduced air quality impacts compared to the proposed project. Equally, operational air quality impacts would be similar in nature to those of the proposed project, albeit less, based on a reduced size of development compared to the proposed project.

Biological Resources. With no new development on the site, biological resources on the site would not be impacted. Less than significant biological resources impacts of the proposed project would be avoided with the no new development alternative option.

New construction on the site with the same existing commercial square footage of buildings would have similar potential impacts on biological resources as the proposed project.

Cultural Resources. Potential cultural resources buried on the site would not be impacted with no new development on the site. The potential, less-than-significant cultural impacts of the proposed project would be avoided with the no new development alternative option.

New construction on the site with the existing commercial square footage of buildings would have similar, though less extensive and less likely, potential impacts on cultural resources as the proposed project. Excavation and overall soil disturbance are likely to be reduced with this alternative because it does not include the excavation and construction of an underground parking facility.

Geology and Soils. There would be no geologic or soils related impacts with no new development on the site. Potential less than significant geologic or soils related impacts of the proposed project would be avoided with the no new development alternative option.

If new construction was proposed on the site with the same existing commercial square footage of buildings, demolition and construction activities would have similar types of potential geology and soils impacts as the proposed project, albeit to a lesser extent because of the smaller project size and lack of underground parking facility.

Greenhouse Gas Emissions. Existing commercial operations and maintenance of the site have associated greenhouse gas emissions. There would be no construction greenhouse gas emissions associated with the no new development option of the alternative.

New construction on the site with the existing commercial square footage of buildings would have similar types of greenhouse gas emissions as the proposed project, but to a lesser extent. Equally, operational greenhouse gas emissions would be similar to those of the proposed project, albeit less, based on a reduced size of development compared to the proposed project.

Hazards and Hazardous Materials. Existing commercial operations and maintenance of the site have associated potential hazards and hazardous materials impacts. There would be no construction hazards associated with the no new development option of the alternative.

Demolition and new construction on the site with the existing commercial square footage of buildings, would have similar hazards and hazardous materials impacts as the proposed project during the construction phase.

Hydrology and Water Quality. No new development on the site would result in no new potential impacts to hydrology and water quality. Potential less than significant impacts associate with the proposed project would be avoided with the no new development alternative option.

New construction on the site with the existing commercial square footage of buildings on the site would have similar, though less, potential impacts to hydrology and water quality as the proposed project. Operational impacts to hydrology and water quality could be reduced compared to those of the proposed project and existing conditions because of incorporation of state of the art water on-site storm water treatment and/or reduced size of development.

Noise. No new development on the site would result in no new noise impacts. There would not be any construction noise associated with the no new development option of the alternative.

Demolition on the site would have similar noise impacts as the proposed project. Construction would be less extensive, and noise from construction would be reduced compared to the proposed project. Operational noise generation from the site would be less due to reduced traffic.

Public Services. Public services are currently provided to the site. No new development on the site would result in no potential impacts to public services.

New construction with the existing commercial square footage of buildings would have reduced public services demands, but would, as with the proposed project, not require new or expanded public services facilities. There would be no impact for the alternative or the proposed project.

Traffic and Circulation. The site is currently used for commercial use and has associated vehicle trip generation rates associated with access and maintenance of the site. No new development on the site would result in no new potential impacts to traffic and circulation.

New construction on the site with the existing commercial square footage of buildings would have similar demolition phase traffic, but reduced construction and operational traffic compared to the proposed project.

Utilities. The site is currently provided utility services. No new development on the site would result in no new potential impacts.

New construction on the site with the existing commercial square footage of buildings would require similar utilities as those already serving the site, and somewhat less than required for the proposed project.

Comparison of No Project Alternative with Proposed Project Objectives

The following objectives, as prepared by the applicant, outline the underlying purpose of the proposed project. The objectives of the proposed project are to:

- Redevelop the site by removing the now obsolete, aging structures and replacing them with new, 2-story Class A steel office buildings utilizing energy efficient, recycled and sustainable building materials that meet the standards of Leadership in Energy and Environmental Design (LEED).
- Incorporate high-quality building architecture with design features that both blend with and compliment the aesthetics, scale, architecture and character of the surrounding land uses.

6.0 ALTERNATIVES

- Provide a building type that satisfies the needs, desires and market demand for high-tech office users in Class A office space (e.g. larger floor plates, operationally sustainable/functional buildings, energy efficient systems and onsite employee amenities).
- Provide for a redeveloped site that fully complies with all applicable Town General Plan Goals and Policies, as well as applicable standards and guidelines established by the Municipal Code.
- Create an interactive pedestrian oriented space that is attractive to future employees, tenants and visitors to the site.
- Retain and augment additional planting to the grove of trees along Los Gatos Saratoga Road and the freeway on-ramp.
- Through redevelopment of the site, create an opportunity for enhanced pedestrian and bicycle connectivity to the existing Town network.
- Utilize building setbacks, landscaping and architectural treatments (materials, colors and surfaces) to minimize impacts to the surrounding neighborhoods.
- Redevelop the site to create a net positive fiscal impact to the Town of Los Gatos and the Los Gatos School Districts.
- Provide a Transportation Demand Plan (TDM) plan to maximize alternative mode splits, reduce dependence on single-occupant vehicles and encourage the use of pedestrian/bicycle/ride-share programs.
- Provide incentives to employees that use public transit by providing the following: 1) subsidize the cost of transit passes (details to be provided when a tenant is secured); 2) make available designated carpool parking and garage area storage for up to 99 bicycles; and 3) provide shower and locker areas for pedestrians and cyclists.

The No Project/No Development on the site option of the alternative would not be consistent with the proposed project's objectives. The No Project/Existing Commercial Square Footage alternative could meet a portion of the objectives of the proposed project. Although this alternative option would not result in the commercial square footage proposed by the project for the site, conceptually, many of the project objectives could be at least partially met by this alternative option, though it may not be financially feasible with no increase in square footage.

Alternative 2: Reduced Project

Alternative Description

The “Reduced Project” alternative assumes the demolition of existing buildings and paved areas on the site and the redevelopment of the site with new commercial development, similar to proposed site development by the proposed project. However, this alternative considers a reduction of total development of commercial square footage by approximately one-third of the proposed project’s increased commercial square footage for the site. Therefore, instead of an increase of approximately 61,800 square feet of commercial square footage on the project site, increased commercial square footage on the site would be 43,260 square feet. The total commercial square footage for the site would then be 74,260 square feet, instead of 92,800 square feet as proposed by the project. This alternative assumes construction of underground parking (more likely one level) would remain feasible for the site design.

Aesthetics

New development on the site reduced by approximately one-third of the proposed project’s development would result in similar potential aesthetic impacts as the proposed project, albeit to a lesser degree based on a maximum commercial square footage of 74,260 square feet. Therefore, for this alternative, there would be some change in visual character to the site and proposed new buildings on the site could be 35 feet in height per existing zoning for the site. Thus, less than significant aesthetic impacts would be similar in nature but reduced compared to those of the proposed project.

Air Quality. New construction on the site with a reduced total commercial square footage would have similar types of demolition and construction air quality impacts as the proposed project. However, based on a reduced size of development compared to the proposed project, both construction and operational air quality impacts would be less than then proposed project.

Biological Resources. New construction on the site regardless of total commercial square footage, would have similar demolition and construction biological resources’ impacts as the proposed project.

Cultural Resources. New construction on the site with a reduced total commercial square footage would have similar demolition and construction cultural resources’ impacts as the proposed project. However, based on a reduced size of development, and likely less extensive excavation, potential impacts to cultural resources would be reduced compared to the proposed project.

Geology and Soils. New construction on the site with a reduced total commercial square footage would have similar geology and soils' impacts as the proposed project. However, based on a reduced size of development, and likely less extensive excavation, potential geology and soils impacts would be reduced compared to the proposed project.

Greenhouse Gas Emissions. New construction and operational activities on the site would have similar types of associated greenhouse gas emissions as the proposed project. However, based on a reduced size of development compared to the proposed project, greenhouse gas emissions would be reduced compared to the proposed project.

Hazards and Hazardous Materials. New development on the site with a reduced total commercial square footage would have similar types of potential hazards and hazardous materials impacts as the proposed project. However, based on a reduced size of development compared to the proposed project, potential hazards and hazardous materials' impacts would be reduced compared to the proposed project.

Hydrology and Water Quality. New development on the site with a reduced total commercial square footage would have similar types of potential impacts to hydrology and water quality as the proposed project. However, based on a reduced size of development compared to the proposed project, potential impacts to hydrology and water quality would be reduced compared to the proposed project.

Noise. New construction and operational activities on the site with a reduced total commercial square footage would have similar types of potential noise impacts as the proposed project. However, based on a reduced size of development compared to the proposed project, likely reduced excavation and other construction noise, and reduced traffic generation, noise impacts would be reduced compared to the proposed project for both construction and operational phases.

Public Services. New development on the site with a reduced total commercial square footage would also result in an increased demand for public services, but to a lesser extent than the proposed project. However, neither the alternative nor the proposed project would require new or expanded public services facilities.

Traffic and Circulation. New development on the site with a reduced total commercial square footage would have similar types of potential traffic and circulation impacts as the proposed project. However, based on a reduced size of development compared to the proposed project and a reduction in vehicle trips generated by both construction and operational phases, potential traffic and circulation impacts would be reduced compared to the proposed project.

Utilities. New development on the site with a reduced total commercial square footage would have similar types of potential impacts to utilities as the proposed project. However, based on a reduced size of development compared to the proposed project, potential impacts to utilities would be reduced compared to the proposed project.

Comparison of Reduced Project Alternative with Proposed Project Objectives

The following objectives, as prepared by the applicant, outline the underlying purpose of the proposed project. The objectives of the proposed project are to:

- Redevelop the site by removing the now obsolete, aging structures and replacing them with new, 2-story Class A steel office buildings utilizing energy efficient, recycled and sustainable building materials that meet the standards of Leadership in Energy and Environmental Design (LEED).
- Incorporate high-quality building architecture with design features that both blend with and compliment the aesthetics, scale, architecture and character of the surrounding land uses.
- Provide a building type that satisfies the needs, desires and market demand for high-tech office users in Class A office space (e.g. larger floor plates, operationally sustainable/functional buildings, energy efficient systems and onsite employee amenities).
- Provide for a redeveloped site that fully complies with all applicable Town General Plan Goals and Policies, as well as applicable standards and guidelines established by the Municipal Code.
- Create an interactive pedestrian oriented space that is attractive to future employees, tenants and visitors to the site.
- Retain and augment additional planting to the grove of trees along Los Gatos Saratoga Road and the freeway on-ramp.
- Through redevelopment of the site, create an opportunity for enhanced pedestrian and bicycle connectivity to the existing Town network.
- Utilize building setbacks, landscaping and architectural treatments (materials, colors and surfaces) to minimize impacts to the surrounding neighborhoods.
- Redevelop the site to create a net positive fiscal impact to the Town of Los Gatos and the Los Gatos School Districts.
- Provide a Transportation Demand Plan (TDM) plan to maximize alternative mode splits, reduce dependence on single-occupant vehicles and encourage the use of pedestrian/bicycle/ride-share programs.
- Provide incentives to employees that use public transit by providing the following:
 - 1) subsidize the cost of transit passes (details to be provided when a tenant is secured);

- 2) make available designated carpool parking and garage area storage for up to 99 bicycles;
- and 3) provide shower and locker areas for pedestrians and cyclists.

The Reduced Project alternative would be consistent with the proposed project's objectives. Conceivably, the Reduced Project alternative could meet the majority of the objectives of the proposed project. Although this alternative would not result in the commercial square footage proposed by the project proponent for the site, conceptually most, if not all, of the project objectives could be met by this alternative. Additionally, it is conceivable that this alternative could be considered feasibly compatible with proposed site plans and design as for the proposed project, as despite a total reduced square footage, the majority of site design components appear to be feasible at a reduced total square footage total for the site.

6.3 ALTERNATIVES CONSIDERED BUT REJECTED

An alternative site location alternative was considered but rejected for the proposed project. The reason for the rejection of this potential alternative was that the proposed project is site-specific and potential alternative locations for the proposed development were not submitted for consideration by the applicant to the Town, nor does there appear to be suitable sites available for proposed development similar to the proposed project in the vicinity of the project site.

6.4 COMPARISON OF ALTERNATIVES

The alternatives are summarized and compared in a matrix format in [Table 24, Project Alternatives Summary](#). Impacts are considered to be less (—), similar (=), or greater (+) when compared to impacts associated with the proposed project.

Environmentally Superior Alternative

As displayed below in [Table 24, Project Alternatives Summary](#), the No Project/No New Development alternative option would have the least amount of potential adverse environmental impacts compared to the No Project/Existing Square Footage alternative option, the Reduced Project alternative, and the proposed project. However, the No Project/No New Development alternative would meet none of the objectives of the proposed project. Additionally, when the No Project alternative is the environmentally superior alternative, CEQA Guidelines requires the identification of the next superior alternative.

The No Project/Existing Square Footage alternative would result in less potential environmental impacts than the proposed project. However, this alternative would not avoid any significant

impacts associated with the proposed project, as no significant unavoidable impacts have been identified for the proposed project. The No Project/Existing Square Footage alternative would conceivably meet a portion of the objectives of the proposed project.

Table 24 Project Alternatives Summary

Environmental Topic	No Project/No New Development on Site	No Project/Existing Square Footage	Reduced Project
Aesthetics	—	—	—/=
Air Quality	—	—	—/=
Biological Resources	—	—	—/=
Cultural Resources	—	—	—/=
Geology & Soils	—	—	—/=
Greenhouse Gas Emissions	—	—	—/=
Hazards and Hazardous Materials	—	—	—/=
Hydrology and Water Quality	—	—	—/=
Noise	—	—	—/=
Public Services	—	—	—/=
Transportation and Traffic	—	—	—/=
Utilities	—	—	—/=
Project Objectives	—	—/=	=

Source: EMC Planning Group 2016

Note: (—) less, (=) similar, (+) greater

The Reduced Project alternative would result in more potential environmental impacts than the No Project/Existing Square Footage alternative, based on an overall increase in total commercial square footage for the site, but fewer than the proposed project. Additionally, this alternative assumes the construction of underground parking would also be feasible, resulting in increased potential for adverse environmental impacts that are associated with excavation, but potentially reduced effects for aesthetics. This alternative would not avoid any significant

impacts associated with the proposed project, as no significant unavoidable impacts have been identified for the proposed project. The Reduced Project alternative would conceivably meet the majority of the objectives of the proposed project, more so than the No Project/Existing Square Footage alternative, as the increased total square footage on the site of 43,260 square feet would allow more flexibility in site design plans and allow the proposed project to retain a majority of its proposed design features.

Although no alternatives to the proposed project, nor the proposed project itself, would result in significant and unavoidable adverse environmental impacts, the environmentally superior alternative would be the No Project/No New Development alternative. However, this alternative would not meet the objectives of the proposed project. The No Project/Existing Square Footage alternative would have the next smallest potential for adverse environmental impacts; however, this alternative would only partially achieve the proposed project's objectives and would restrict site design. The Reduced Project alternative would have reduced levels of potential adverse environmental impacts compared to the proposed project based on a percentage reduction in size for maximum site development. The Reduced Project alternative also would conceivably be able to meet a majority of, if not all, proposed project objectives.

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