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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

15860-15894 WINCHESTER BOULEVARD OFFICE PROJECT

PREPARED FOR
Town of Los Gatos

November 2, 2016

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NOTICE

Town of Los Gatos Environmental Impact Review

Mitigated Negative Declaration

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

Project Title and Location: 15860-15894 Winchester Boulevard Office Project
15860-15894 Winchester Boulevard, Los Gatos, CA

Project Description

The project applicant is requesting approval to do the following on the 1.31 acre site (Assessor's Parcel Numbers 529-11-013, 529-11-038, 529-11-039, and 529-11-040):

- Merger of four properties located at the intersection of Winchester Boulevard and Shelburne Way.
- Demolition of three existing residences and six outbuildings.
- Construction of a new 30,070 two story office building with at grade and below grade parking.
- A one-level below ground parking structure would be constructed to provide required parking for the project. Excavation of the underground parking would require the removal of about 7,000 cubic yards of soil from the project site.
- Two, two-way driveways; one located on Winchester Boulevard and one on Shelburne Way
- Landscaping and storm water treatment.

The proposed project is for a new office building, including below grade and at grade parking, landscaping, and associated infrastructure. Access to the project site would be provided by two driveways located on Winchester Boulevard and Shelburne Way. Project plans include the installation of three on-site bioretention areas.

The project site currently contains three residences and six outbuildings and a total of 17,290 square-foot of impervious surface. The proposed project would include demolition of the existing buildings on the project site, removal and replacement of the existing impervious areas, the addition of new impervious surface, and the removal of 22 trees that are protected by the Town's Tree Protection Ordinance.

Determination

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures listed below have been added to the project, mitigating potential impacts to a less-than-significant level. An Environmental Impact Report will not be required.

Statement of Reasons to Support Finding

1. Aesthetics

Would the project:

- a. **Have a substantial adverse effect on a scenic vista? (*Less Than Significant Impact*)** The scenic vista toward the Santa Cruz Mountains is already partially obscured under existing conditions and the proposed buildings would only affect a brief view of the mountains from westbound Winchester Boulevard, the proposed project would have a less-than-significant impact on a scenic vista.
- b. **Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (*No Impact*)** There are no state designated scenic highways in the Town of Los Gatos. Thus, there is no potential for project impacts related to the damage of scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
- c. **Substantially degrade the existing visual character or quality of the site and its surroundings? (*Less Than Significant Impact*)** The proposed use is compatible with surrounding uses and the building, although modern in style, is designed consistent with the community character and a number of recent developments. The proposed landscape plan includes large setbacks and the planting of trees and shrubs that would beautify the project site and would soften views of the proposed building from surrounding streets. The proposed project was reviewed by the Town's Conceptual Development Advisory Committee and several aesthetic changes were made to project designs in response to that committee's comments. Thus, impacts to visual character of the site and its surroundings would be less than significant.
- d. **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (*Less Than Significant Impact*)** The new buildings would include exterior nighttime lighting for security purposes/pedestrian safety and glass

windows facing public streets. Nighttime lighting for the new buildings is proposed to be consistent with standard lighting within the Town and would not disrupt nighttime views. The general plan contains policies and goals for light and glare, implementation of which would reduce potential impacts from new development. Policy CD-3.2 states that street and structural lighting shall be required to achieve minimal visual impact by preventing glare, limiting light on neighboring properties, and avoiding light pollution of the night sky. Policy CD-17.3 requires design standards that include a review of project lighting to be considered for every project. To reduce the potential for disturbance due to nighttime lighting, the project would comply with Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare. The implementation of these programs, policies, and code requirements would reduce the light and glare related impacts from the proposed project to a less-than-significant level.

2. Agriculture Resources

Would the project:

- a. **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (*No Impact*)** See discussion below.
- b. **Conflict with existing zoning for agricultural use, or a Williamson Act contract? (*No Impact*)** See discussion below.
- c. **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (*No Impact*)** See discussion below.
- d. **Result in the loss of forest land or conversion of forest land to non-forest use? (*No Impact*)** See discussion below.
- e. **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (*No Impact*)** See discussion below.

Responses to items a-e. The project site is currently developed and the site and surrounding area are identified as “Urban and Built up Land” on the California Department of Conservation’s Santa Clara County Important Farmland Map 2012. There are no Williamson Act parcels on or in the vicinity of the project site. There is no forest or agricultural land in the vicinity of the project site. The surrounding properties are currently developed with commercial or residential uses. Therefore, the proposed project would not conflict with the provisions of the Williamson Act or agricultural zoning, and no impacts to agricultural, forest land, or lands zoned for commercial timber, would occur as a result of the project.

3. Air Quality

Would the project:

- a. **Conflict with or obstruct implementation of the applicable air quality plan? (*Less Than Significant With Mitigation Measures Incorporated*)** See discussion below.
- b. **Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (*Less Than Significant With Mitigation Measures Incorporated*)** See discussion below.
- c. **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (*Less Than Significant With Mitigation Measures Incorporated*)** See discussion below.

Responses to items a-c. The proposed project would result in air emissions during its construction phase and during its operational phase. Construction emissions would be generated by construction equipment used during the site preparation and infrastructure construction processes. Operational emissions would be generated primarily by vehicle trips of employees, delivery trucks, and visitors accessing the office businesses.

The Town is located within the San Francisco Bay Area Air Basin and the boundary of the Bay Area Air Quality Management District (Air District). The thresholds of significance in both the 1999 and 2011 versions of the Air District’s CEQA guidelines were consulted to determine if the proposed project would result in significant air quality impacts. Air District’s 2011 CEQA guidelines Table 3-1 establishes screening criteria for multiple types of

commercial projects. For general office building projects, the criteria air pollutant screening threshold project size is 346,000 square feet. With 30,070 proposed square feet of general office building use, the proposed project is substantially smaller than the project threshold and therefore, would have a less-than-significant impact on air quality.

Table 3-1 also contains screening criteria for construction impacts of new development projects. For general office uses, construction emissions are less than significant for projects that less than 277,000 square feet. Thus, the project construction impacts would be less than significant. However, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. Mitigation measure AQ-1 would ensure that the proposed project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant.

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. During other construction phases, additional materials would be imported to the 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 located about 30 feet to the south and 75 feet to the north of the project site. Construction would result in dust and diesel engine emissions that could potentially affect the residences. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

AQ-1. During construction, the following basic control measures shall be implemented at the construction site:

- 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.*

2. *All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site or near the midway point of the site until materials are ready for immediate loading and removal from site.*
3. *All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.*
4. *As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.*
5. *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. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.*
6. *All vehicle speeds on unpaved surfaces shall be limited to 15 mph.*
7. *All 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.*
8. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.*
9. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.*
10. *Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NO_x and PM_{10} . The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NO_x and PM_{10} using the appropriate air quality and/or particulate matter.*

11. *Post a publicly visible sign with the telephone number and person designated by the applicant to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
12. *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*
13. *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.*

d. Expose sensitive receptors to substantial pollutant concentrations? (*Less Than Significant Impact*) The nearest sensitive receptors to the site is residential housing located adjacent to the southern border of the project site. During operations, the proposed project would not expose sensitive receptors to increased emissions of ROG and PM₁₀. 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. This requirement for a Traffic Control Plan would ensure that potential impacts to sensitive receptors from pollutants during construction phase of the proposed project would be less than significant. See section 8b, Hazards and Hazardous materials for a discussion on the potential for release of asbestos and lead paint.

e. Create objectionable odors affecting a substantial number of people? (*Less Than Significant Impact*) The proposed office building would not result in any objectionable odors during the operational phase. There may be nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature and would not adversely affect a substantial amount of people. Therefore, impacts from nuisance diesel odors on adjacent residential receptors would be less than significant.

4. Biological Resources

Would the project:

- a. **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (*Less Than Significant With Mitigation Measures Incorporated*)** No special-status species are expected to occur on the project site due to the lack of suitable habitats. However, common urban-tolerant native bird species may nest in ornamental trees on and adjacent to the project site. Future 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 active nests. This would be a significant impact. The following mitigation measure would reduce this significant potential impact to a less-than-significant level.

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 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 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 approval prior to initiation of construction activities.

If no active bird nests are detected during the survey, then construction activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall be prepared to determine and clearly delineate a temporary protective buffer area around each active nest, with buffer area size depending on the nesting bird species, existing site conditions, and type of proposed 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 any applicable project permits.

To ensure that no inadvertent impacts to an active bird nest will occur, no 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.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (No Impact)** No sensitive natural communities or riparian habitats are present on the project site. Therefore, no impacts to sensitive natural communities would occur.
- c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (No Impact)** The project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (No Impact)** The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less Than Significant Impact with Mitigation Measures Incorporated)** The proposed project would result in the removal of 22 which are protected by the Town's *Tree Protection Ordinance*. Therefore, their removal would be a significant impact. Unintentional damage to protected trees proposed for retention would also be a significant impact. The implementation of mitigation measure BIO-2 and BIO-3, consistent with the recommendations in the arborist report, would reduce this impact to a less-than-significant level.

Mitigation Measure

BIO-2. The applicant shall comply with the Town of Los Gatos Tree Protection Ordinance and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree.

No new trees planted on site shall have a trunk diameter of less than 1.5 inches.

Protective construction fencing shall be in place for all retained trees prior to the commencement of any site work. Any trenching within the dripline of existing trees shall be hand dug.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures.

BIO-3. The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Deborah Ellis on February 12, 2016, June 10, 2016, and July 22, 2016.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (No Impact)** The project site is not located within the Santa Clara Valley Habitat Plan permit area. The project will not conflict with any adopted habitat conservation plan.

5. Cultural Resources

Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (Less Than Significant Impact)** The residence located at 15880 Winchester Boulevard was constructed prior to 1941. On September 24, 2014 the Los Gatos Historic Preservation Committee recommended approval of a request to demolish existing structures on the subject property with a condition that the applicant submits historical records regarding the occupants. On September 25, 2014 the applicant worked with Henry Bankhead, a Town librarian to research the historical records regarding previous occupants. The research included such items as the Historic Resources Inventory, local directories

research, tax assessment and other surveys. Mr. Bankhead found no evidence of any historical significance of tenants on the property. The research was provided to the Historical Preservation Committee and found to be in satisfaction of the condition of approval per the November 20, 2014 approval letter.” Therefore, demolition would result in less than significant impacts.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5 (*Less Than Significant Impact*)** There are no known archeological resources identified on the project site. However, there is the potential for unknown archaeological resources to occur on the site that may be disturbed during construction activities. General Plan Policy OSP-9.4 requires that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented. Policy OSP-9.1 requires evaluation of 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 requires that the Town ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites. With implementation of the above policies, potential impacts to unknown archaeological resources that may occur on the site would be less than significant.
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (*Less Than Significant Impact*)** The *Town of Los Gatos 2020 General Plan Draft EIR* cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town, but determined that deep excavations could disturb unknown underground paleontological resources. While the Town has not been identified as sensitive to potential fossil resources and the relatively limited area to be excavated on the project site, the proposed project would involve deep excavations for underground parking which has the potential to impact unknown paleontological resources. Implementation of General Plan Policy OSP-9.4, which requires that construction stop until appropriate mitigation is implemented if paleontological resources are uncovered during grading or other on-site excavation activities, would ensure impacts to paleontological resources potentially occurring on the project site are less than significant.
- d. Disturb any human remains, including those interred outside of formal cemeteries? (*Less Than Significant Impact*)** There are no known human remains identified on the project site. However, there is the potential for unknown human remains to be disturbed during construction activities. General Plan Policy OSP-9.3 requires that any human remains

discovered during implementation of public and private projects within the Town be treated with respect and dignity and fully comply with California laws that address the identification and treatment of human remains. Implementation of the above policy ensures that potential impacts to undiscovered human remains that may occur on the project site would be less than significant.

6. Geology and Soils

Would the project:

- a. **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

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? (*Less Than Significant Impact*) The project site is not located within an Alquist-Priolo Earthquake Fault Zone or within a County of Santa Clara Fault Hazard Zone. The Monte Vista Shannon Fault is approximately 0.08 miles from the project site and the active San Andreas Fault is 6.4 miles from the project site. The site area was designated by the general plan as having a low fault rupture hazard rating as it is outside of areas recognized as fault zones and contains no concentration of photo lineaments or evidence of widespread co-seismic deformation. Thus, there would be no environmental impacts associated with fault rupture.

Strong seismic ground shaking? (*Less Than Significant With Mitigation Measures Incorporated*) Because Los Gatos is within the “near source” zone of both the San Andreas and Monte Vista fault zones, the Town is subject to particularly strong ground shaking effects (page 4.5-11, DEIR). The geotechnical report recommended that the proposed structures be designed in accordance with the seismic design criteria of the 2013 California Building Code. Mitigation measure GEO-1 would require that the project is designed in accordance with seismic design criteria contained in the geotechnical report consistent with the California Building Code. This would ensure a level of structure stability to reduce potential hazards risks to the public and structures associated with strong seismic ground shaking to a less-than-significant level.

Mitigation Measure

GEO-1. The applicant shall include the recommendations of the 2015 geotechnical report on all bid and construction documents to ensure that the recommended standards for development of foundations, subsurface improvements, etc. are incorporated into the project design and construction. All foundation and grading plans shall be reviewed by a licensed engineer and approved by the Town's engineer.

Seismic-related ground failure, including liquefaction? (*Less Than Significant Impact*) The project site is not located in a seismic hazard zone for liquefaction and is not located within a Santa Clara County Geologic Hazard Zone for liquefaction. Findings from the geotechnical report indicate the potential for liquefaction and seismically-induced differential settlement at the project site is low.

Landslides? (*Less Than Significant Impact*) The site gradient is approximately seven percent downward to the east with an elevation change of 14 feet over a horizontal distance of 200 feet. Findings from the geotechnical investigation indicate that the potential for a landslide is low and thus potential impacts are less than significant.

- b. Result in substantial soil erosion or the loss of topsoil? (*Less Than Significant Impact*)** The proposed project would disturb most of the project site with grading and excavation. Compliance with the Town of Los Gatos Grading, Erosion and Sediment Control Ordinance would minimize soil erosion during project demolition and construction activities. Engineering best management practices, and Town and state erosion control measures would be in place during construction of the proposed project. Implementation of the above measures and monitoring by the Town's building division would ensure impacts related to soil erosion would be less than significant.
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (*Less Than Significant Impact*)** The project site is underlain by soils that are generally stiff cohesive soils, dense to very dense granular soils, and medium dense clayey sand. The potential for these soils to become unstable and result in subsidence, liquefaction, lateral spreading, or collapse is low. Thus, potential impacts related to unstable soils would be less than significant.
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) [Section 1803 of the California Building Code], creating substantial risks to life or property? (*Less Than Significant Impact*)** Results of the geotechnical investigation performed

by TRC indicated that near surface soils at the site have low plasticity and low soil expansion potential. It is expected, based on the soils found onsite, that substantial risk to life or property from expansive soils-related hazards is low. Therefore, the impact from expansive soil is considered to be less than significant.

- e. **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (*No Impact*)** The proposed project will connect to the Town's sanitary sewer system and would not require the use of a septic system or alternative disposal system.

7. Greenhouse Gases

Would the project:

- a. **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (*Less Than Significant Impact*)** See discussion below.
- b. **Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (*Less Than Significant with Mitigation Measures Incorporated*)** The proposed project would result in greenhouse gas (GHG) emissions during its construction and operational phases. Construction emissions would be generated by equipment used during the site preparation and infrastructure/building construction processes. Operational emissions would be generated primarily by vehicle trips of employees, delivery trucks, and visitors accessing the various commercial businesses, and indirectly by use of electricity, natural gas, and water, the generation of wastewater, and disposal of solid waste.

The Town of Los Gatos is located within the San Francisco Bay Area Air Basin under the jurisdiction of the Bay Area Air Quality Management District (Air District). The Air District is a responsible agency under CEQA and has discretion over development projects within its boundaries.

Policies in both the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Sustainability Plan* include measures that would reduce greenhouse gas emissions. The Town considers the *Los Gatos Sustainability Plan* to be its Climate Action Plan, and is the Town's principal tool in implementing the sustainability objectives of the *Town of Los Gatos 2020 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. Implementation of the *Los Gatos Sustainability Plan* is expected to reduce

GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020. The project is inconsistent with the sustainability plan policies TR-6, RE-3, RE-5, and EC 10. Implementation of mitigation measures GHG-1 and GHG-2 would eliminate inconsistencies and reduce this impact to a less-than-significant level.

GHG-1 The applicant shall include at least one reserved van-pool parking space, at least two reserved car-pool parking spaces, and at least four electric charging stations (one of which should be available to a handicapped space).

GHG-2 The applicant shall include solar energy or other alternative energy sources on project plans, providing 15 percent or more of the project's energy needs. Plans shall incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29 and/or have solar panels.

As mitigated, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gases.

8. Hazards and Hazardous Materials

Would the project:

- a. **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (*Less Than Significant Impact*)** The proposed project includes development of office buildings on the project site and does not include commercial, industrial, or other uses that would require the routine transport, use, or disposal of hazardous waste. Nominal amounts of hazardous material in the form of fuels and other construction materials are often used during the construction processes. However, use of these materials is temporary and do not pose an elevated risk to the public. Thus, related impacts would be less than significant.
- b. **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (*Less Than Significant With Mitigation Measures Incorporated*)**

The proposed project includes demolition of three existing residences and outbuildings that were constructed prior to 1980. The Air District guidelines state that buildings constructed

prior to 1980 often include building materials containing asbestos. Airborne asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposure to these materials. If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact.

Lead-based paint was banned in 1978. The three residences and outbuildings were constructed prior to the 1978 ban; thus lead-based paint may be present in the buildings that are proposed for demolition. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present. Special protective measures and notification to Department of Toxic Substances Control are required for highly hazardous construction tasks related to lead, such as manual demolition, welding, cutting, or torch burning of structures where lead-based paint is present.

Demolition carried out in compliance with national, state, and local regulations and Air District rules and procedures, will avoid significant exposure of construction workers, the public, and/or sensitive receptors (residential housing) to asbestos and lead-based paint.

The project shall implement the following standard conditions:

In conformance with state laws and air district rules, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

The Air District must be notified at least ten working days prior to commencement of renovation or demolition involving the removal of regulated asbestos-containing materials. In addition, Section 19827.5 of the California Health and Safety Code prohibits agencies from issuing demolition permits until an applicant has demonstrated compliance with asbestos notification requirements pursuant to the National Emissions Standards for Hazardous Air Pollutants guidelines.

All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants guidelines prior to building demolition or renovation that may disturb the materials.

All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect

workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Air District regulations. All demolition materials must be disposed of properly according hazardous materials disposal regulation.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Compliance with national, state and local regulations and Air District rules and procedures, as well as compliance with all regulatory agencies regarding the disposal of hazardous materials, would reduce the risks of asbestos-containing materials exposure to workers and nearby sensitive receptors during demolition. Compliance with safe work practices for lead abatement in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 would reduce the risk of lead exposure to workers and nearby sensitive receptors during building demolition.

The following mitigation measure would ensure potential project-related impacts from the release of asbestos lead based paint into the environment as a result of demolition activities to a less-than-significant level by requiring testing for the presence of these hazardous materials and proper handling if they are found to be present.

Mitigation Measure

HAZ-1. Prior to the issuance of a demolition permit, the project applicant shall conduct sampling and testing of the existing building to determine the extent and presence of asbestos-containing building materials on the site. If measured levels exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.

Lead-based paint may be present in the building constructed in 1957. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present. Special protective measures and notification to Department of Toxic Substances Control are required for highly hazardous construction tasks related to lead, such as manual demolition, welding, cutting, or torch burning of structures where lead-based paint is present. The following mitigation measure would reduce potential project-related impacts from the release of lead based paint to a less-than-significant level.

Mitigation Measure

HAZ-2. Prior to issuance of a demolition permit, the applicant shall have a lead survey completed by a qualified practitioner in accordance with the applicable regulations. The lead survey shall include an assessment of lead in building materials. If measured lead levels in or adjacent to a structure exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school? (No Impact)** The project site is just over a quarter of a mile from Daves Elementary school. As discussed above, implementation of HAZ-1 and HAZ-2 would ensure that impacts related to the emission of hazardous materials during demolition would be less than significant. Thus, there would be no impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (No Impact)** The project site was not reported on any list of hazardous materials sites that is compiled by governmental agencies pursuant to Government Code section 65962.5. A review of the California Department of Toxic Substances Control Envirostor database indicated that there were no sites listed within one-half mile of the project site. A search of the California Regional Water Quality Control Board's GeoTracker database (within a 1,000-foot radius from the project site) identified five leaking underground storage tank (LUST) sites. However, cleanup of all five LUST sites has been completed and the cases are classified as closed. Thus, these sites would not pose a significant hazard to the public.
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (No Impact)** The project site is not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Thus, there would be no hazard impacts associated with airports or landing strips.
- f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (No Impact)** See discussion under item e above.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (*No Impact*)** The project site is adjacent to a major road (Winchester Boulevard) and within 0.75 miles of a fire station. However, the proposed project would not impair access to either, or interfere with response during an emergency. There would be no impact related to implementation of an emergency plan.
- h. 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? (*No Impact*)** The project site is located within an urbanized area and is not located in a very high fire hazard area, or in a wildland-urban interface fire area as delineated by either the California Department of Forestry and Fire Protection, or the Town. Therefore, there would be no impact related to risks associated with wildland fires.

9. Hydrology and Water Quality

- a. Violate any water quality standards or waste discharge requirements? (*No Impact*)** The proposed project does not involve activities that require waste discharge requirements or permits. The proposed project would be connected to the existing wastewater conveyance and treatment system.
- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., 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? (*Less Than Significant Impact*)** The proposed project includes the development of a two-story office building on an already-developed site. Using the future projected demand factor for Office uses from the general plan EIR, which is .0751 gallons per square foot per day, the proposed project is estimated to use approximately 2,258 gallons of water per day in comparison to the existing use of 1,200 gallons per day, an increase of about 1,060 gallons per day. Groundwater accounts for about half of water used in Los Gatos, so aquifer withdrawals would increase by about 500 gallons per day. Groundwater levels are managed by the Santa Clara Valley Water District. The proposed project is consistent with land use planning for the project site, so has been accounted for in the Santa Clara Valley Water District's long-range planning, and the proposed project would result in a less-than-significant impact on groundwater supplies. The proposed project would be subject to current regional Water Quality Control Board storm water discharge requirements and would not substantially interfere with groundwater recharge.

- c. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (*Less Than Significant Impact*)** See discussion under item f below.
- d. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site? (*Less Than Significant Impact*)** See discussion under item f below.
- e. **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? (*Less Than Significant Impact*)** See discussion under item f below.
- f. **Otherwise substantially degrade water quality? (*Less Than Significant Impact*)** Response to c-f: 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 has the potential to generate pollution in storm water runoff during construction and operations.

There are currently 17,290 square-feet of impervious surface on the 1.31-acre site. The project proposes to replace all of the existing impervious area and create an additional 15,469 square-feet of new impervious surface, for a total post-project impervious area of 32,759 square-feet (0.75 acres). Since the amount of impervious surface to be created and/or replaced is greater than the Town's C.3 threshold of 10,000 square-feet, the C.3 treatment requirements established by the Town apply to the project including low impact development (LID) requirements. Furthermore, because more than fifty percent of the existing impervious surface will be replaced, storm water runoff from the entire post-project impervious surface will need to receive storm water treatment.

The proposed project would increase the amount of impervious surface over existing conditions, but would not create and replace more than one acre of impervious surface. Although the project site is located in the Town's Hydromodification Applicability area, based on the size of the total impervious area less than one acre, hydromodification control requirements do not apply to the proposed project.

The proposed project includes site design features to address potential runoff from the project site. These include a minimum-impact parking lot design, direct runoff to vegetated

areas, disconnect downspouts/direct roof runoff to vegetated areas, and a self-retaining area. Project design also includes three bioretention areas to be located on the site and includes pollutant source control measures.

Town Code Section 22.30.035 requires permanent storm water pollution prevention measures for development projects to reduce water quality impacts of storm water runoff from the site in accordance with the Town's current National Pollutant Discharge Elimination System storm water discharge permit, and the Town's policy for storm water management requirements for new development and redevelopment projects.

For the purposes of storm water management and water quality control, project plans include a preliminary grading and drainage plan and a preliminary storm water control plan (SWPPP) that identify proposed pervious and impervious surfaces, disposition of anticipated runoff volumes, and storm water treatment methods to safeguard water quality in site runoff of the proposed project. These plans are shown on sheets C4.0 and C6.0 included in the proposed development plans in Appendix C.

The Town's Engineer reviewed the proposed project for consistency with Town C.3 requirements and determined the project to be generally consistent with Town requirements (Appendix C). Additionally, a condition of approval will require the applicant to provide evidence that recommendations from the Town Engineer have been addressed and incorporated into final site design and into the project's final SWPPP prior to the issuance of grading or building permits for the proposed project. Incorporation of site design specifications as recommended by the Town Engineer and implementation of the SWPPP will ensure that impacts on surface water quality would be less than significant.

- g. 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? (*No Impact*)** According to the Federal Emergency Management Agency (FEMA) flood zone map in *Town of Los Gatos 2020 General Plan EIR* (Figure 4.8-1), the project site is not located in a 100-year flood zone.
- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (*No Impact*)** See discussion under item g above.
- i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (*No Impact*)** The project site is not located within a dam failure inundation area. Therefore, there would be no impact related to dam failure.

- j. **Cause inundation by seiche, tsunami, or mudflow? (*No Impact*)** The project site would not be subjected to seiches or tsunamis because it is not located in close proximity to a large body of water. The project site is surrounded by urban development on generally flat land and is not located in an area prone to mudflows, so mudflows are unlikely to affect the project site.

10. Land Use and Planning

- a. **Physically divide an established community? (*No Impact*)** The project site is located in a developed urban area surrounded by commercial, office, and residential land uses and is zoned O for Office uses. The Office zone allows office uses such as the use proposed and encourages buildings which are compatible with residential development. The project site consists of four lots containing three single family homes, all of which would be demolished and replaced with an office building. Office uses are generally compatible with residential uses and the placement of the proposed project would serve as a buffer between existing commercial and residential development. The proposed project would not physically divide established communities.
- b. **Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (*No Impact*)** The Office zone allows all types of office activities and encourages buildings which are compatible with residential development. The Office Professional designation provides for professional and general business offices. The proposed project is for development of an office building and associated parking consistent with the land use designation and zoning for the project site, and would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- c. **Conflict with any applicable habitat conservation plan or natural community conservation plan? (*No Impact*)** The project site is not located within a designated natural community conservation plan or the Santa Clara Valley Habitat Plan permit area. Therefore, no impacts would occur.

11. Mineral Resources

- a. **Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (*No Impact*)** See discussion under item b below.

- b. **Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (*No Impact*)** There are no classified mineral resources sites within Los Gatos. The proposed project would have no impact on the availability of a state or locally designated mineral resources.

12. Noise

- a. **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? (*Less Than Significant Impact*)** The Town has established acceptable noise levels for various types of land uses. Noise sensitive outdoor office use areas would be considered compatible in noise environments with hourly noise levels of 70 dBA Leq or less. For residential areas, the acceptable noise level is 55 dBA Leq or less.

Construction Impacts. Construction activities would result in temporary short-term noise increases due to the operation of heavy equipment. Construction-related noise can range from about 77 to 90 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 86 to 90 dBA at 50 feet for certain types of earthmoving and impact equipment. Noise-sensitive land uses in the project vicinity include residential uses adjacent to the southern border of the project site. Project site demolition, excavation, and project construction could result in short-term increases in localized ambient noise levels.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 8:00 pm on weekdays and 9:00 am to 7:00 pm on weekends and holidays. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. The *Town of Los Gatos 2020 General Plan Draft EIR* states that adherence to the Town's Noise Ordinance would reduce potential construction-related noise impacts to a less-than-significant level. The proposed project would comply with the Town's noise ordinance and the impact would be less than significant. Project site demolition and project construction could result in short-term increases in localized ambient noise levels. However, construction-related noise levels are considered a less-than-significant impact as long as construction noise time limits are observed and equipment is properly maintained and muffled, per Town ordinance requirements. Therefore, potential impacts would be less than significant.

Operational Impacts. Existing noise levels in the project vicinity are dominated by traffic noise along Winchester Boulevard and University Avenue. Additional sources of noise observed during a site inspection included aircraft overflights, industrial/commercial

activities, barking dogs, and noise associated with landscaping activities. Current noise levels in the vicinity of the project site are about 55 to 70 dBA Leq. During the operational phase, the proposed project would not result in noise levels significantly beyond what is currently experienced at the project site. Sources of operational noise from the proposed project would typically be limited to parking lot vehicle movements, outdoor human activity, and mechanical/HVAC systems.

Vehicles accessing the project site would enter and exit via a driveway on Winchester Boulevard or a driveway on Shelburne Way. The proposed project would have about 41 parking spaces located at ground level, along the east and south portions of the project site, and 87 parking spaces located below ground level.

Noise due to traffic in parking lots is typically limited by low speeds and is not considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems, and the opening and closing of car doors and trunk lids. Such activities can occur at any time during regular hours of operation. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day, and other factors.

It is typical for a passing car in a parking lot to produce a maximum noise level of 60 to 65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice. The closest proposed parking would be located approximately 50 feet from the closest existing residential uses. Reference to existing ambient noise levels measured at a monitoring site indicates that existing ambient noise levels at the residential land uses adjacent to the project site already exceed noise levels that would be expected to occur as a result of on-site vehicle movements. Parking lot vehicle movement and human activity noise would not be considered a significant impact.

The proposed project would include roof-mounted mechanical/HVAC units on the office building. Based upon data collected by WJVA for previous acoustical studies, it is estimated that noise levels from roof-mounted HVAC units at the closest off-site land uses to the project site would be in the range of 45-50 dBA, including consideration of acoustic shielding provided by the proposed screening around the roof-mounted mechanical/HVAC units. These levels would generally not be audible above existing ambient noise levels at adjacent land-uses and would not exceed any Town noise level standards.

The impact of noise generated by the proposed project would be less than significant. Therefore, the proposed project would not result in the exposure of persons to, or generation

of, noise levels in excess of the Town standards or to a substantial temporary or permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The ambient noise level at the project site is about 55 to 70 dBA LEQ, which is within the acceptable range for office uses.

- b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (*Less Than Significant Impact*)** The proposed project would not result in ground-borne vibrations during operational phases. Periodic and temporary ground-borne vibrations can be expected during the construction phase of the proposed project at permissible hours specified in Los Gatos Municipal Code Section 16.20.035; however, based on the size of the project, the temporary nature of potential vibrations, impacts would be less than significant.
- c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (*Less Than Significant Impact*)** See discussion under item a above.
- d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (*Less Than Significant Impact*)** See discussion under item a above.
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (*No Impact*)** There are no public airports or private airstrips located within two miles of the Town. Therefore, people working at the project site would not be exposed to excessive noise levels from aircraft operations, and there would be no impact.
- f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (*No Impact*)** See discussion under item e above.

13. Population and Housing

- a. 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)? (*Less Than Significant Impact*)** The project would include the construction of a 30,070 square-foot office building which would require new employees. While the project may result in a slight increase in population associated with new employees moving to the

area, this growth increase would be nominal and would not directly or indirectly result in substantial population growth. The project is consistent with the land use designation for the project site so this population increase was considered in the general plan EIR. Thus, impacts associated with population growth would be less than significant.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (*Less than Significant*)** See discussion below.
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (*Less than Significant Impact*)** See discussion below.

Responses to items b-c. While the proposed project includes the demolition of three existing single family residences, the project would not displace a substantial number of houses or people such that it would necessitate the construction of replacement housing elsewhere. The three displaced households represent a very small fraction of the existing housing market and could find new housing within the existing supply. Thus, there would be less-than-significant environmental impacts associated with the construction of new housing.

14. Public Services

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

- a. Fire protection? (*No Impact*).** The existing development in the project vicinity is adequately served by the fire and police departments. Services are currently provided to the project site as well as to adjacent commercial and residential uses. No significant increase in demand on public safety services is expected to be required for the proposed project since services were previously provided to the existing residences on the site. The proposed project would not require construction of new fire protection or law enforcement facilities and therefore, would not result in an environmental impact.
- b. Police protection? (*No Impact*)** See discussion under item a above.
- c. Schools? (*Less Than Significant Impact*)** The proposed project is for the construction of an office building and may result in new employees that move to the area who may have school-age children. This could contribute to a slight increase in the number of children in one or more of the schools serving the project site area. However, the state-mandated school

impact fee was deemed by the general plan EIR to be a “full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization.” In addition, the conclusion of the general plan EIR was that build out of the general plan would require additional capacity to serve new students, but that development impact fees levied by the school district would reduce project-specific impacts to a less-than-significant level.

The proposed project would be required to pay development impact fees to cover any incremental share of future classroom development. Therefore, even if some of the schools to which the proposed project may send students are at or over capacity, the proposed project’s contribution of school development impact fees would reduce the impacts to schools to a less-than-significant level.

- d. **Parks? (No Impact)** The proposed project may result in a slight increase in population associated with new employees, but this increase would not be such that the construction of new parks or public service facilities would be required. Therefore, the proposed project would not result in any environmental impacts associated with the construction of new parks or other facilities.
- e. **Other public facilities? (No Impact)** See discussion under item d above.

15. Recreation

- a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (No Impact)** The project vicinity is served by a large number of existing park and recreational facilities that are operated by the Town, the City of Campbell, 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.

The proposed project is a commercial development and would not result in a significant increase in population such that existing park and recreational facilities would be impacted, or that would necessitate the construction of additional park and recreational facilities. Therefore, the proposed project would not result in any adverse environmental impacts to park and recreational facilities.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (*No Impact*)** See discussion under item a above.

16. Transportation and Traffic

Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (*Less Than Significant Impact*)** Hexagon conducted trip generation counts at three comparable office buildings in Los Gatos to develop a trip rate representative of the Town. The trip generation counts were conducted on a regular weekday in March 2016. Compared to the average peak hour trip rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition for a general office building, local data revealed higher trip rates during the PM peak hour. Therefore, the project trip generation was estimated using trip rates derived from local counts.

Based on local trip generation rates, the proposed new building is expected to generate 41 trips (33 in and 8 out) during the AM peak hour, and 50 trips (4 in and 46 out) during the PM peak hour. Given that there are existing houses that are generating traffic on the project site, some of the trips from the site will not be new trips. Trips generated by the existing houses were estimated using the average trip generation rates published in the ITE Trip Generation Manual, 9th Edition for a single-family detached house. Based on the ITE trip rates, the existing houses currently generate two trips (0 in and 2 out) during the AM peak hour, and three trips (2 in and 1 out) during the PM peak hour.

Crediting the trips generated by the existing uses on the project site, the proposed project would generate an estimated 84 net new peak hour trips, 38 (32 in and 6 out) net new AM trips, and 46 (2 in and 44 out) net new PM trips.

The traffic impact analysis also considered potential impacts to nearby intersections and how the proposed project may affect levels of services (LOS) at these intersections. The intersection LOS analysis shows that all study intersections currently operate at acceptable levels of service (LOS D or better). The unsignalized intersections would operate at LOS B

and LOS C for their respective worst approaches during both peak hours under all scenarios. Under scenarios with the proposed project, the study intersections as indicated in the traffic impact analysis would continue to operate at acceptable levels of service. Therefore, the proposed project's impact from traffic generation would be less than significant.

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. This requirement for a Traffic Control Plan would ensure that potential impacts during construction phase of the proposed project would be less than significant.

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (*Less Than Significant Impact*)** See discussion under item a above.
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (*No Impact*)** There are no airports or private airstrips located within two miles of the Town. The proposed project would not result in the change of any air traffic patterns.
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (*No Impact*)** Site access was evaluated in the traffic impact analysis to determine the adequacy of driveway locations with regard to corner sight distance and traffic volumes. The proposed project would have two driveways, one each on Winchester Boulevard and Shelburne Way. The northern driveway from Shelburne Way would provide access to an 87-space below-grade parking garage. The Winchester Boulevard driveway would connect to a 41-space surface parking lot. Each driveway would serve as the entrance and exit to that specific grade-level parking area. Queuing analysis indicates that the Shelburne Way driveway would not be blocked by the westbound traffic queues at the intersection of Winchester Boulevard and Shelburne Way. An existing two-way striped turn lane in the Winchester Boulevard median would provide adequate space for vehicles to queue prior to turning left into the Winchester Boulevard driveway. Therefore, access to the project driveways would be adequate under all scenarios

analyzed in the traffic impact analysis. The driveways would provide adequate emergency access to the project site and not restrict emergency access to locations in the project vicinity. Traffic design issues would result in less than significant impacts.

- e. **Result in inadequate emergency access? (*No Impact*)** See discussion under item d, above.
- f. **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (*No Impact*)** The proposed project would not result in significant increases in air pollution, traffic congestion, or noise and would not be required to implement alternative transportation means under Policy TRA-9.5. In conformance with TRA-9.6 the project includes a new bus stop, sidewalks, and a bicycle storage room which will encourage alternate forms of transportation.

The proposed project is not expected to generate a significant volumes of pedestrian or bicycle traffic, and therefore, no significant impacts on pedestrian or bike lane capacities are expected. The proposed project would not alter any bicycle lanes located adjacent to the project site, and would develop new on-site walkways providing access to and within the project site. The project proposes to provide detached sidewalks with a landscape buffer on Winchester Boulevard and Shelburne Way along the building frontage. Detached sidewalks with a landscape buffer would provide a wider buffer area between pedestrians and on-street vehicles. Therefore, the proposed project would not adversely affect pedestrian or bicycle safety. The project also proposes to provide a VTA bus stop along the building frontage on Winchester Boulevard at the Shelburne intersection. The proposed bus stop would provide direct transit access to the project site. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

17. Tribal Cultural Resources

Would the project:

- a. **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (*Less Than Significant Impact*)** The project site is not located

within a historic district, or within the LHP overlay. The residence located at 15880 Winchester Boulevard was built prior to 1941. On September 24, 2014 the Los Gatos Historic Preservation Committee recommended approval of a request to demolish existing structures on the subject property with a condition that the applicant submits historical records regarding the occupants. On September 25, 2014 the applicant worked with Henry Bankhead, a Town librarian to research the historical records regarding previous occupants. The research included such items as the Historic Resources Inventory, local directories research, tax assessment and other surveys. Mr. Bankhead found no evidence of any historical significance of tenants on the property. The research was provided to the Historical Preservation Committee and found to be in satisfaction of the condition of approval per the November 20, 2014 approval letter. There is also no evidence that the residence is of cultural value to a California Native American tribe. Demolition of the residence would result in no impacts.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (No Impact)** The project site is currently developed and there are no known tribal cultural resources located on the project site and no tribes have requested consultation to date. Therefore, there would be no impact to tribal cultural resources (Draft EIR 4.4-14 and 4.4-15).

18. Utilities and Service Systems

Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (No Impact)** West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos. Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 million gallons per day (mgd) and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. According to the March 2012 San Jose/Santa Clara Water Pollution Control Plant Master Plan, the treatment plant has a planned capacity of 450 mgd. At a generation rate of .140 gallons per day per square foot, a total of approximately 4,210 gallons per day of wastewater generation would be introduced into the system which is approximately 3,847 additional gallons per day compared to existing uses (three residences with a generation rate of 121 gallons per day). General plan goal HS-19 would ensure that future development meets wastewater

treatment demands and federal and State regulations. Policy HS-19.1 would ensure that the Town supports the West Valley Sanitation District's efforts to maintain wastewater conveyance, treatment, and disposal infrastructure in good working condition in order to supply municipal sewer service to the Town's residents and businesses. The general plan EIR found that given these general plan policies, the future construction of expansion of infrastructure to serve future development would be considered a less-than-significant impact. The West Valley Sanitation District has adequate collection facilities and treatment capacity to accommodate wastewater flows from the proposed office development. Thus, there would be no impacts associated with inadequate capacity of wastewater treatment facilities or exceedance of wastewater treatment requirements.

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (*No Impact*)** See discussion under item a above.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (*No Impact*)** The project proposes to replace all of the existing impervious area and create an additional 15,469 square-feet of new impervious surface, for a total post-project impervious area of 32,759 square-feet (0.75 acres). Since the amount of impervious surface to be created and/or replaced is greater than the Town's C.3 threshold of 10,000 square-feet, the C.3 treatment requirements established by the Town apply to the project including low impact development (LID) requirements. Because more than fifty percent of the existing impervious surface would be replaced, storm water runoff from the entire post-project impervious surface would need to receive storm water treatment.

The proposed project would collect and treat storm water in three bioretention areas – one along Winchester Boulevard (BR-1), one along Shelburne Way (BR-2), and one in the northeastern corner of the project site (BR-3) with overflow storm water directed off the project site to an existing drainage conveyance system. The project site would be divided into five drainage management areas, including two that would be treated by self-retaining areas. The project's Preliminary Utility Plan indicates that roof leaders from the western half of the building would be directed to the bubbler in BR-1. Roof leaders on the eastern half of the building are directed to BR-3. There is no bubbler in BR-2, the treatment area along Shelburne Way, so it is not clear how roof runoff from drainage area A-2, is directed to that treatment area. The runoff from the ground level parking lot is also treated by BR-3 (See discussion under item c/d/e in Section 9, Hydrology and Water Quality). Therefore, the proposed project would not necessitate construction or expansion of storm drainage facilities and there would be no associated environmental impacts.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (*Less Than Significant Impact*)

The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. Using the future projected demand factor for Office uses from the general plan EIR, which is .0751 gallons per square foot per day, the proposed project is estimated to require approximately 2,258 gallons of water per day in comparison to the existing use of 1,200 gallons per day. Expected water needs of the proposed project would be met with existing entitlements and resources. Thus, there would be less than significant impacts related to water supply.

e. 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? (*No Impact*) See discussion under item a above.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (*Less than Significant Impact*) West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos and surrounding areas. Most compostable waste and garbage are transported to the Guadalupe Landfill, located off Hicks Road approximately five miles southeast of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at its 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 28.6 million cubic yards. As of January 2011, the landfill had used approximately 11 million cubic yards (about 61 percent of its capacity) and is expected to reach its capacity in about 2048. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste and recycling. The general plan EIR assumed development of office uses on the project site and found adequate capacity to serve such uses; thus, the proposed project would result in less than significant impacts related to insufficient landfill capacity.

g. Comply with federal, state, and local statutes and regulations related to solid waste? (*No Impact*) The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2014 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. The Town exceeded those targets by limiting residential disposal to 3.9 pounds per person per day, and non-residential disposal to 7.5 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.

MITIGATED NEGATIVE DECLARATION – 15860-15894 WINCHESTER BOULEVARD OFFICE PROJECT

Therefore, the proposed project would be in compliance with solid waste regulations and result in no impact to local solid waste regulations.

Copies of the Initial Study used to make the above recommendations are on file and available for public inspection during regular business hours at the Community Development Department, 110 East Main Street, Los Gatos, California.

10/31/2016
Date



Jocelyn Puga, Associate Planner

INITIAL STUDY

15860-15894 WINCHESTER BOULEVARD OFFICE PROJECT

PREPARED FOR
Town of Los Gatos
Community Development Department
Jocelyn Puga, Associate Planner
110 East Main Street
Los Gatos, CA 95030
Tel 408.354.6875

PREPARED BY
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October 31, 2016



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A. BACKGROUND

Project Title	15860 – 15894 Winchester Boulevard Office Project
Lead Agency Contact Person and Phone Number	Town of Los Gatos Community Development Dept. Jocelyn Puga, Associate Planner, 408-354-6875
Date Prepared	November 2, 2016
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Rachel Hawkins, Assistant Planner
Project Location	15860, 15880, 15894 Winchester Boulevard, Town of Los Gatos, Santa Clara County, California
Project Sponsor Name and Address	Valley Oak Partners, LLC 734 The Alameda San Jose, CA 95126
General Plan Designation	Office Professional
Zoning	O – Office

Setting

The project site is located at 15860, 15880, and 15894 Winchester Boulevard, at the intersection of Winchester Boulevard and Shelburne Way in the Town of Los Gatos. The project site's Assessor's Parcel Numbers are: 529-11-013, 529-11-038, 529-11-039, and 529-11-040. There are currently nine existing structures on the project site that will be demolished, including three single family residences and six ancillary structures. The total area of the project site is 1.31 acres.

The project site's *2020 Los Gatos General Plan* (general plan) land use designation is Office Professional which provides for professional and general business offices with up to 40 percent land coverage and up to 35-feet in height. The Office Professional designation applies to various locations throughout the Town, often in close proximity to neighborhood or community oriented commercial facilities, or as a buffer between commercial and residential uses. The intent of this designation is to satisfy the community's need for general business and professional services and local employment.

The project site is zoned “O” Office. The Office zone allows all types of office activities and encourages buildings which are compatible with residential development. The Office zone serves as a buffer between commercial and residential development with a minimum of traffic generation, particularly at night. The maximum height of any principal building in an Office zone is 35 feet, and of any accessory building is 15 feet. The minimum lot area in an Office zone is 8,000 square feet with a maximum building coverage of a lot, including any type of accessory building, at 40 percent.

Activities allowed in the Office zone must be those which would not unreasonably interfere with residential uses or other activities within the Office zone, and which are in the following categories:

- (1) Offices, administrative, professional, medical, dental and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales.
- (2) Retail sales by a pharmacy within a medical building.

The existing surrounding uses include an existing multi-family residential development and large apartment complex to the south, service commercial and office uses to the east (including a body shop and veterinarian), residential and office uses to the south and office uses to the west.

Description of Project

The Winchester Boulevard Office Project (the proposed project) involves the merger of four properties, demolition of three existing single family residences and six ancillary structures on the project site, and the construction of a 30,070 square-foot office building and associated parking. The office building would be two-stories with 128 parking spaces provided by a combination of below-grade parking structure and at grade parking. Access to the new office building would be provided by a driveway on Winchester Boulevard, for the surface parking, and another on Shelburne Way leading to the underground parking. The underground parking would be located beneath both the surface parking and the building. The applicant is seeking architecture and site review approval.

The majority of the building’s roof would slope slightly toward Winchester Boulevard and toward the southern property line. Two towers would be recessed slightly into the Winchester Boulevard façade. The roof peak would be 32 feet above finished grade on the Winchester Boulevard side, and 35 feet above grade on the southern side. Predominate materials would be wood-colored and silver corrugated metal siding, standing seam metal roof, and extensive glass. Landscaping would be about 30 feet deep along Winchester Boulevard, and 20 feet deep along Shelburne Avenue and the southern property line. Between five and ten feet of landscaping would be provided to the west.

The proposed project's arborist report identifies 34 trees that are protected under the Town's Tree Ordinance, of which, 22 would be removed for construction of the proposed project. Twelve protected trees including eleven coast live oaks and one valley oak would be retained. Approximately 7,000 yards of soil would be excavated and removed from the project site, primarily for construction of the below-grade parking garage.

Other Public Agencies Whose Approval is Required

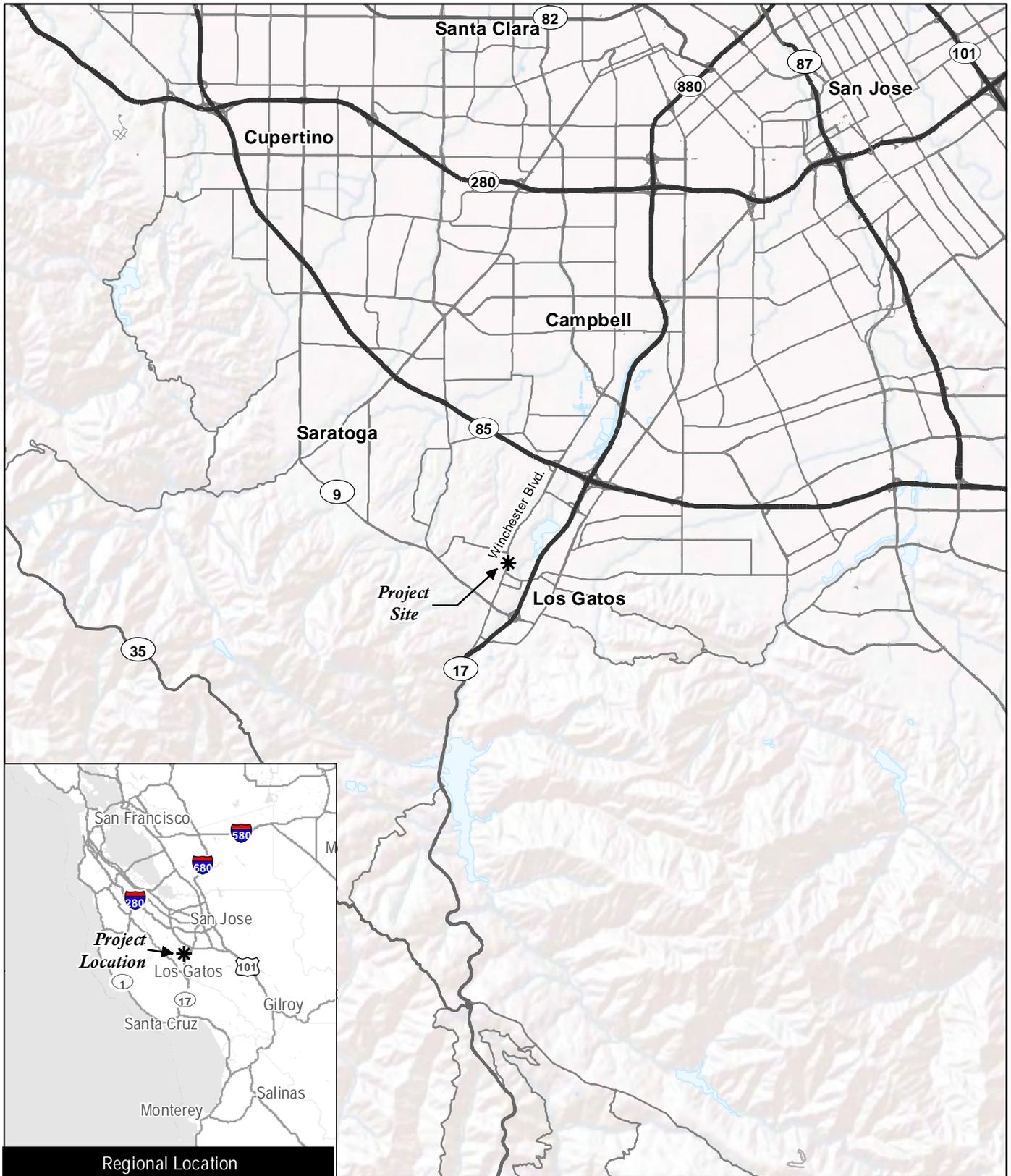
None.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

No.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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Source: ESRI 2014

Figure 1
Location Map



This side intentionally left blank.



0 250 feet



Project Site

Source: ESRI 2014, Google Earth 2016

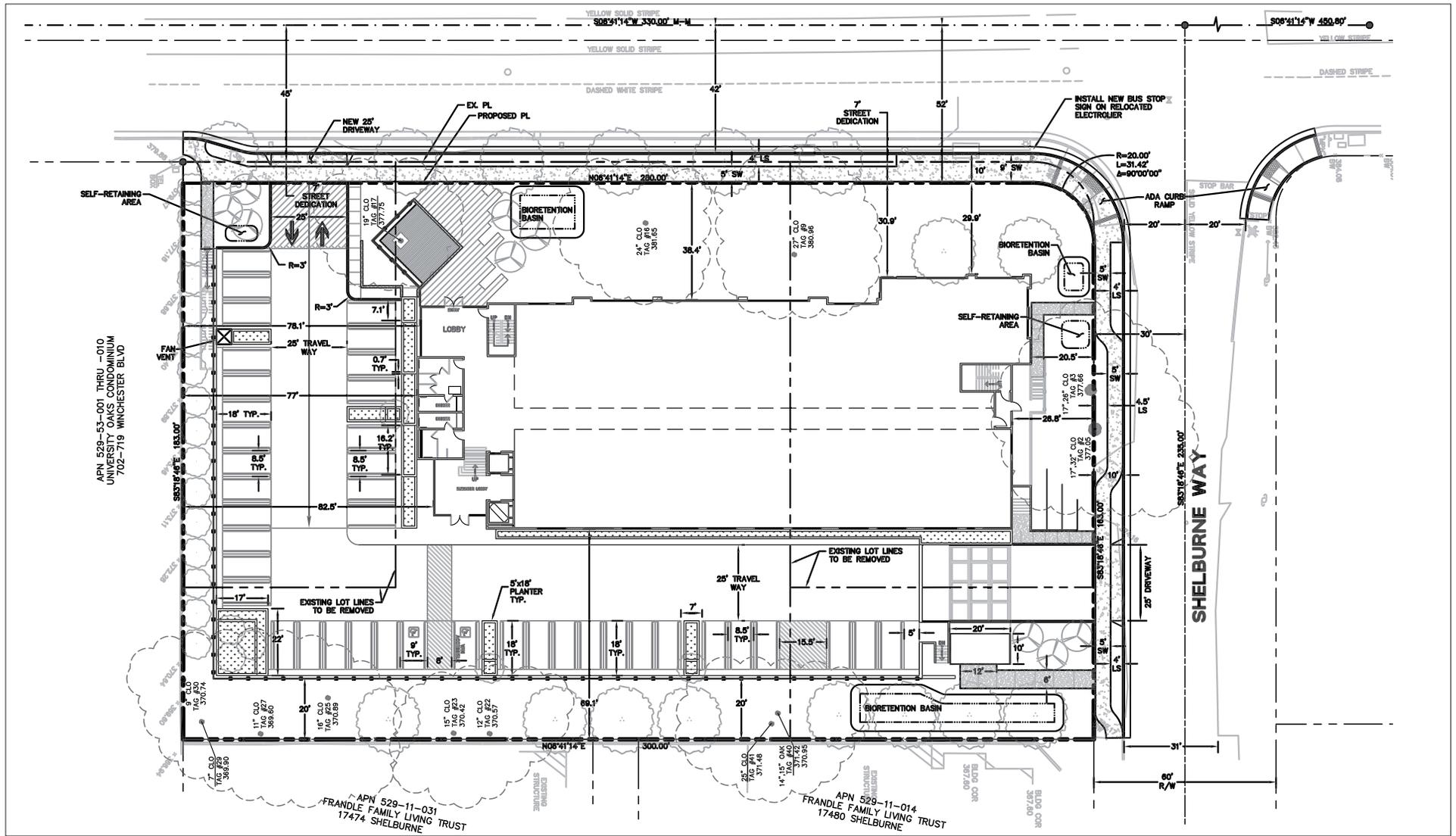
Figure 2

Aerial Photograph



15860 – 15894 Winchester Boulevard Office Project Initial Study

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LEGEND

	PROPOSED	EXISTING
PROJECT BOUNDARY	— — — — —	— — — — —
LOT LINE	— — — — —	— — — — —
ADJACENT LOT LINE	— — — — —	— — — — —
STREET CENTERLINE	— — — — —	— — — — —
MONUMENT LINE	— — — — —	— — — — —
EASEMENT LINE	— — — — —	— — — — —

Source: Studio T Square

Figure 3
Site Plan



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Source: Studio T Square

Figure 4
Perspective View from Winchester Boulevard

15860 – 15894 Winchester Boulevard Office Project Initial Study

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Jocelyn Puga, Associate Planner

10/31/2016

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. Sources are listed in Section E. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as a project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended October 2016.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

I. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The *Town of Los Gatos 2020 General Plan EIR* (general plan EIR) identifies southward views of the Santa Cruz Mountains and ridgelines as the primary protected scenic vistas within the Town. Due to the heavily-wooded nature of the Town, these views are most prominent from the southbound lanes of the Town's major north-south running streets. There are limited distant views of the Santa Cruz Mountains looking southward from Winchester Boulevard, but most currently available views of the mountains are perceivable when looking across Winchester Boulevard away from the project site and thus would not be obstructed by project development. Potential views of the ridgelines across the project site are mostly obstructed by existing development or tree cover along Winchester Boulevard. The mountains are briefly visible across the project site at the corner of Shelburne Avenue. The existing house at that corner is about 18 feet tall with a gable roof and is set back from Winchester Boulevard by about 30 feet and Shelburne Avenue by about 40 feet. The proposed project building would be approximately 20 feet closer to Shelburne Avenue and almost twice as tall. The proposed project would eliminate the brief view of the mountains from westbound Winchester Boulevard. The project proposes to maintain several existing trees along Winchester Boulevard and to plant new trees lining the street frontage where trees are proposed for removal. The tree planting would preserve comparable views to those existing on Winchester Boulevard.

The proposed project would slightly reduce views of the mountains, but would not result in significant impacts to any designated scenic vistas as identified in the general plan. Thus, impacts would be less than significant.

- b. There are no state-designated scenic highways in the Town of Los Gatos. Thus, there is no potential for project impacts related to the damage of scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
- c. The project site is currently developed with nine existing structures including three single family residences and six ancillary structures. The surrounding area includes a variety of building sizes, heights, and architectural styles, including single-story bungalows, a steel Quonset hut, and low-rise office buildings. The proposed project would include demolition of the existing structures and construction of a 30,070 square-foot two story office building and an associated below-grade parking structure and at grade parking. The existing surrounding uses include a multi-family residential development and large apartment complex to the south, service commercial and office uses to the east, and commercial uses to the northeast, and Winchester Boulevard to the West. While the visual character of the project site would be changed, this change would not result in adverse impacts to visual character. The proposed use is compatible with surrounding uses and the building, although modern in style, is designed consistent with the community character and a number of recent developments. The proposed landscape plan includes large setbacks and the planting of trees and shrubs that would beautify the project site and would soften views of the proposed building from surrounding streets. The proposed project was reviewed by the Town's Conceptual Development Advisory Committee and several aesthetic changes were made to project designs in response to that committee's comments. Thus, impacts to visual character of the site and its surroundings would be less than significant.
- d. The proposed project may result in increased light emitted from the project site. The general plan contains policies and goals for light and glare, implementation of which would reduce potential impacts from new development. Policy CD-3.2 states that street and structural lighting shall be required to achieve minimal visual impact by preventing glare, limiting light on neighboring properties, and avoiding light pollution of the night sky. Policy CD-17.3 requires design standards that include a review of project lighting to be considered for every project. To reduce the potential for disturbance due to nighttime lighting, the project would comply with Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare. The implementation of these programs, policies, and code requirements would reduce the light and glare related impacts from the proposed project to a less-than-significant level.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (2,9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (2,9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (2,9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (2,9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (2,9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a-c. The project site is currently developed with residential uses. The project site and land surrounding the project site are identified as “Urban and Built up Land” on the California Department of Conservation’s 2012 Santa Clara County Important Farmlands Map. There are no Williamson Act parcels on or in the vicinity of the project site. There is no forest or agricultural land in the vicinity of the project site. The surrounding properties are currently developed with commercial or residential uses. Therefore, the proposed project would not conflict with the provisions of the Williamson Act or agricultural zoning, and no impacts to agricultural, forest land, or lands zoned for commercial timber, would occur as a result of the project.

3. AIR QUALITY

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

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (2,14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a-c. The proposed project would result in air emissions during its construction phase and during its operational phase. Construction emissions would be generated by construction equipment used during the site preparation and infrastructure construction processes. Operational emissions would be generated primarily by vehicle trips by employees, delivery trucks, and visitors.

The Town is located within the San Francisco Bay Area Air Basin and the boundary of the Bay Area Air Quality Management District (Air District). The Air District has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. The Air District's guidance is contained in its *California Environmental Quality Act Air Quality Guidelines* (Air District guidelines) which were initially adopted in 1999, and updated in 2010, 2011, and 2012.

As the result of a law suit against the Air District, thresholds of significance were removed from the 2012 version, and the Air District currently recommends use of the 1999 thresholds.

The thresholds of significance in the 1999 and 2011 versions of the Air District's guidelines and screening thresholds were consulted to determine if the project meets the screening criteria. As described on page 3-1 of the 2011 guidelines, if a proposed project size is below that listed in Table 3-1 of those guidelines for the corresponding use, the proposed project's operational impacts for criteria pollutants would not be potentially significant and detailed air quality assessment is not needed.

Table 3-1 establishes screening criteria for office building projects according to total square footage. For general office building projects, the criteria air pollutant screening threshold project size is 346,000 square feet. With 30,070 proposed square feet of general office building use, the proposed project is substantially smaller than the project threshold and therefore, would have a less-than-significant impact on air quality.

Table 3-1 also contains screening criteria for construction impacts of new development projects. For general office uses, construction emissions are less than significant for projects that less than 277,000 square feet. Thus, the project construction impacts would be less than significant. However, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. Mitigation Measure AQ-1 would ensure that the proposed project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant.

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. During other construction phases, additional materials would be imported to the 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 located about 30 feet to the south and 75 feet to the north of the project site. Construction would result in dust and diesel engine emissions that could potentially affect the residences. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

AQ-1. *During construction, the following basic control measures shall be implemented at the construction site:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.*
2. *All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site or near the midway point of the site until materials are ready for immediate loading and removal from site.*
3. *All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.*
4. *As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.*
5. *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. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.*
6. *All vehicle speeds on unpaved surfaces shall be limited to 15 mph.*
7. *All 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.*
8. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.*
9. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.*
10. *Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NO_x and PM₁₀. The on-site field supervisor shall monitor*

construction emission levels within five feet of the property line of the adjacent residences for NO_x and PM₁₀ using the appropriate air quality and/or particulate matter.

11. *Post a publicly visible sign with the telephone number and person designated by the applicant to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
12. *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*
13. *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.*

The Air District adopted the current version of the Clean Air Plan in 2010. Consistency with the Clean Air Plan is based on conformance with air quality control measures presented in the Clean Air Plan. In general, infill projects, such as the proposed project, are consistent with these control measures. Refer to Section 7, Greenhouse Gas Emissions for consistency with the sustainability plan and selected parallel control measures of the Clean Air Plan.

Exposure to significant pollutant concentrations is typically an issue for projects that place sensitive receptors adjacent to heavily congested intersections (LOS E or LOS F traffic conditions), or near facilities that emit toxic air contaminants. The proposed project does not include any sensitive receptors. The proposed project would not generate a significant amount of traffic, nor would it generate toxic air contaminants during project operations.

- d. A “sensitive receptor” is defined as any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. The nearest sensitive receptors are the University Oaks townhouses located on property adjacent to the southern border of the project site. The townhouse buildings are within 20 feet of the project site.

During operations, the proposed project would not expose sensitive receptors to increased emissions of ROG and PM₁₀. 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. This requirement for a Traffic Control Plan would ensure that potential impacts to sensitive receptors from pollutants during construction phase of the proposed project would be less than significant See section 8b, Hazards and Hazardous materials for a discussion on the potential for release of asbestos and lead paint.

- e. The proposed project includes the construction of a new office building and would not result in any objectionable odors during the operational phase. There may be nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature and would not adversely affect a substantial amount of people. Therefore, impacts from nuisance diesel odors on adjacent residential receptors would be less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2,4)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (2,4)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

The project site is included on the U.S. Geological Survey (USGS) Los Gatos quadrangle map. Elevation on the generally flat site is about 370 feet. The project site is surrounded in all directions by urban development. It contains developed structures and paved areas, with ornamental landscaping throughout, including native oak trees, some non-native trees, shrubs, and turf grass. No natural plant communities/wildlife habitats are present on the project site.

- a. 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. They typically exist in relatively undisturbed areas and are largely found within unique natural habitats. No special-status species are expected to exist on the project site due to the lack of suitable habitats.

However, common urban-tolerant native bird species may nest in trees on and adjacent to the project site. Future 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 active nests. This would be a significant impact. The following mitigation measure would reduce this potentially significant impact to a less-than-significant level.

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 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 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 approval prior to initiation of construction activities.

If no active bird nests are detected during the survey, then construction activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall be prepared to determine and clearly delineate a temporary protective buffer area around each active nest, with buffer area size depending on the nesting bird species, existing site conditions, and type of

proposed 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 any applicable project permits.

To ensure that no inadvertent impacts to an active bird nest will occur, no 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.

- b. Sensitive natural communities are defined by local, state, or federal regulatory 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 native biological diversity. No sensitive natural communities or riparian habitats occur on the project site. Therefore, no impacts to sensitive natural communities would occur.
- c. As confirmed through the site visit and review of the U.S. Fish and Wildlife Service *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 U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.
- d. 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. Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.
- e. The following *Town of Los Gatos General Plan – Community Design (CD) Element* policies are applicable to the proposed project.

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.

The following Town of Los Gatos Municipal Code - Tree Protection Ordinance is also applicable to the proposed project.

Sec. 29.10.0960. Scope of protected trees [abridged].

The trees protected by this division include:

(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.

(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.

(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.

Sec. 29.10.0992. Required Findings [abridged].

The Director, Director' 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.
- (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.

Sec. 29.10.1005. Protection of trees during construction [abridged].

(a) Protective tree fencing shall specify the following:

- (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
- (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone, when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the

ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.

(3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.

(4) Warning sign. Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning—Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025."

(b) All persons, shall comply with the following precautions:

(1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the tree protection zone. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

(2) Prohibit all construction activities within the tree protection zone, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.

(3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.

(4) Prohibit the attachment of wires, signs or ropes to any protected tree.

(5) Design utility services and irrigation lines to be located outside of the dripline when feasible.

(6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.

- (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

According to the arborist report prepared for the proposed project, there are 34 trees on the project site which are protected by the Town's Tree Protection Ordinance. The arborist report is included in Appendix A. The arborist report provides suggestions for reducing construction impacts to any retained trees on and adjacent to the project site when possible and practical, including the Town's general tree protection directions.

Based on the proposed project's site plan, 22 of the protected trees on the project site are proposed for removal: 13 coast live oaks, four London planes, one California bay, one weeping bottlebrush, two black walnuts, and one goldenrain tree. Twelve protected trees, including eleven coast live oaks and one valley oak, would be retained.

The removal of any on-site trees that qualify as "protected" or the damaging of retained trees during construction activities would be a significant impact. The arborist report includes recommendations to help avoid or mitigate impacts to trees that would be retained or removed. The implementation of mitigation measures BIO-2 and BIO-3 would reduce this impact to a less-than-significant level.

Mitigation Measures

BIO-2. The applicant shall comply with the Town of Los Gatos Tree Protection Ordinance and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree.

No new trees planted on site shall have a trunk diameter of less than 1.5 inches

Protective construction fencing shall be in place for all retained trees prior to the commencement of any site work. Any trenching within the dripline of existing trees shall be hand dug.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures

BIO-3. The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Deborah Ellis on February 12, 2016, June 10, 2016, and July 22, 2016.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures.

- f. 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.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (2,8, 17, 18, 22, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (2,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (2,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of dedicated cemeteries? (2,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The Town recognizes any structure or site as historic if it is located within a historic district, historically designated within the LHP overlay, or is a primary structure constructed prior to 1941, unless the Town has specifically determined the structure has no historic significance or architectural merit. Project implementation would result in demolition of the three primary structures located at 15860, 15880, and 15894 Winchester Boulevard on the project site that were built in 1949, 1939, and 1948 respectively. The project site is not located within a historic district, or within the LHP overlay. However, the residence located at 15880 Winchester Boulevard was constructed prior to 1941. On September 24, 2014 the Los Gatos Historic Preservation Committee recommended approval of a request to demolish existing structures on the subject property with a condition that the applicant submit historical records regarding the occupants. On September 25, 2014 the applicant worked with Henry Bankhead, a Town librarian to research the historical records regarding previous occupants. The research included such items as the Historic Resources Inventory, local directories research, tax assessment and other surveys. Mr. Bankhead found no evidence of any historical significance of tenants on the property. The research was provided to the Historical Preservation Committee and found to be in satisfaction of the condition of approval per the November 20, 2014 approval letter. Therefore, none of the residences on the project site are historically significant and demolition would not result in impacts.

- b. There are no known archeological resources identified on the project site (general plan DEIR, page 4.4-15). However there is the potential for unknown archaeological resources to exist on the project site that may be disturbed during construction activities. General plan policy OSP-9.4 requires that if cultural resources, including archaeological resources are discovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented. Policy OSP-9.1 requires evaluation of 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 requires that the Town ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites. With implementation of the above policies, potential impacts to unknown archaeological resources that may occur on the site would be less than significant.
- c. 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. While the Town has not been identified as sensitive to potential fossil resources and the relatively limited area to be excavated on the project site, the proposed project would involve deep excavations for underground parking which has the potential to impact unknown paleontological resources. Implementation of general plan policy OSP-9.4, which requires that construction stop until appropriate mitigation is implemented if paleontological resources are uncovered during grading or other on-site excavation activities would ensure impacts to paleontological resources potentially occurring on the site would be less than significant.
- d. There are no known human remains identified on the project site. However there is the potential for unknown human remains to be disturbed during construction activities. General plan policy OSP-9.3 requires that any human remains discovered during implementation of public and private projects within the Town be treated with respect and dignity and fully comply with California laws that address the identification and treatment of human remains. Implementation of the above policy ensures that potential impacts to undiscovered human remains that may occur on the project site would be less than significant.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1, 2, 20)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(4) Landslides? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1, 2, 8, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

A Preliminary Geotechnical Investigation (geotechnical report) was prepared for the proposed project by Cornerstone Earth Group (2015), included as Appendix B. The geotechnical report developed geotechnical design recommendations and criteria for the proposed project to address potential geologic-related hazards associated with the construction and operation of the project.

- a. **Fault Rupture Hazards.** The project site is not located within an Alquist-Priolo Earthquake Fault Zone or within a County of Santa Clara Fault Hazard Zone. The Monte Vista Shannon Fault is approximately 0.08 miles from the project site and the active San Andreas Fault is 6.4 miles from the project site. The site area was designated by the general plan as having a low fault rupture hazard rating as it is outside of areas recognized as fault zones and contains no concentration of photo lineaments or evidence of widespread co-seismic deformation. Thus, there would be no environmental impacts associated with fault rupture.

Seismic Ground Shaking. Because Los Gatos is within the “near source” zone of both the San Andreas and Monte Vista fault zones, the Town is subject to particularly strong ground shaking effects (page 4.5-11, DEIR). The geotechnical report recommended that the proposed structures be designed in accordance with the seismic design criteria of the 2013 California Building Code. Mitigation measure GEO-1 would require that the project is designed in accordance with seismic design criteria contained in the geotechnical report consistent with the California Building Code. This would ensure a level of structure stability to reduce potential hazards risks to the public and structures associated with strong seismic ground shaking to a less-than-significant level.

Mitigation Measure

GEO-1. The applicant shall include the recommendations of the 2015 geotechnical report on all bid and construction documents to ensure that the recommended standards for development of foundations, subsurface improvements, etc. are incorporated into the project design and construction. All foundation and grading plans shall be reviewed by a licensed engineer and approved by the town’s engineer.

Seismic-Related Ground Failure and Liquefaction. The project site is not located in a State-designated Liquefaction Hazard Zone and is not located within a Santa Clara County Geologic Hazard Zone for liquefaction. According to the Town of Los Gatos Liquefaction Hazard Zones Map, the project site is located in an area having very low to no liquefaction potential. Findings from the geotechnical investigation indicate the potential for liquefaction and seismically-induced ground failure at the site is low and thus the potential for impacts related to seismically-induced ground failure is less than significant.

- Landslide.** According to the Santa Clara County Geologic Hazards Zone map, the project site is located within a landslide hazard zone. However, the Town of Los Gatos Slope Stability Hazard Map indicates that the project site is located in an area considered to have negligible potential for slope instability. The site gradient is approximately seven percent downward to the east with an elevation change of 14 feet over a horizontal distance of 200 feet. Findings from the geotechnical investigation indicate that the potential for a landslide is low and thus potential impacts are less than significant.
- b. The proposed project would disturb most of the project site with grading and excavation. Compliance with the Town of Los Gatos Grading, Erosion and Sediment Control Ordinance would minimize soil erosion during project demolition and construction activities. Engineering best management practices, and Town and state erosion control measures would be in place during construction of the proposed project. Implementation of the above measures and monitoring by the Town's Building Division would ensure impacts related to soil erosion would be less than significant.
 - c. The project site is underlain by soils that are generally stiff cohesive soils, dense to very dense granular soils, and medium dense clayey sand. The potential for these soils to become unstable and result in subsidence, liquefaction, lateral spreading, or collapse is low. Thus, potential impacts related to unstable soils would be less than significant.
 - d. The project site is underlain by soils that are not generally not subject to liquefaction: interbedded medium dense to very dense silty clayey sands and clayey sands, both with variable amounts of gravel, and stiff to hard lean clays with variable amounts of sand and gravel to the maximum depth explored of approximately 30 feet below the surface. Plasticity Index tests were performed on two samples collected from a depth of approximately two feet and a clayey sand layer at about 15.5 feet to evaluate the soil expansion potential of project site soils. Results of the tests indicated that surficial soils at the project site have low soil expansion potential and that the clayey sand layer had a low to moderate expansion potential. It is expected, based on the soils found onsite, that substantial risk to life or property from expansive soils-related hazards is low. Therefore, the impact from expansive soil is considered to be less than significant.
 - e. The project site is served by public utility services for disposal of waste water, and will not require the use of septic tanks or alternative wastewater disposal systems. The site will continue these public utility services after construction. Therefore, there would be no impact associated with soils incapable of supporting wastewater disposal systems.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (2,14,15)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (2,14,15)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The Town of Los Gatos is located within the San Francisco Bay Area Air Basin and within the jurisdiction of the Bay Area Air Quality Management District (Air District). The Air District is a responsible agency under CEQA and has discretion over development projects within its boundaries. The 2011 Air District guidelines provide a screening threshold of 53,000 square feet, below which projects are assumed to have a less-than-significant effect on GHG emissions. The proposed project is about 30,000 square feet, well below the screening threshold, and therefore, assumed to have a less-than-significant impact on GHG emissions.
- b. Both the general plan and the *Los Gatos Sustainability Plan* include measures that would reduce greenhouse gas emissions. The *Los Gatos Sustainability Plan* is the Town’s principal tool in implementing sustainability objectives, presenting the Town’s strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. Implementation of the *Los Gatos Sustainability Plan* should reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020.

The proposed project is consistent with the sustainability plan and implements key policies and goals including TR-1 and TR-2 which require that new projects promote walking, bicycling, and transit by providing adequate alternative transportation infrastructure and facilities. The project site is well served by existing bicycle facilities; there is an existing Class III bikeway on Shelburne Way between Winchester Boulevard and University Avenue. Nearby bicycle facilities within the project vicinity include bike lanes on Daves Avenue, Winchester Boulevard north of Daves Avenue, and on University Avenue north of Blossom Road. The Los Gatos Creek Trail is a Class I bike

facility that runs in a north-south direction just west of State Route 17, and can be accessed within one-quarter mile of the project site, off University Avenue. The proposed project would include a secured bike storage room in its underground garage that would hold 36 bicycles. The proposed bicycle storage facility exceeds the secured bike storage quantity recommended by VTA and the Center for Green Buildings and Cities. The bike storage room would be located next to the driveway and could also be accessed from ground level via a set of stairs or elevators. Policy TR-6 requires incentives to reduce dependence on gas engine solo driver vehicles. The project plans do not include ride-share incentives, electric vehicle charging stations, or similar provisions, and therefore, the proposed project is not consistent with Policy TR-6. The lack of charging stations is also inconsistent with the Air District's 2010 Clean Air Plan control measure MSM A-2. Implementation of Mitigation Measure GHG-1 would reduce this impact to a less-than-significant level.

Mitigation Measure

GHG-1 The applicant shall include at least one reserved van-pool parking space, at least two reserved car-pool parking spaces, and at least four electric charging stations (one of which should be available to a handicapped space).

The proposed project would use low water use plantings, and would be required, per current building codes, to install low water use plumbing fixtures.

Sustainability plan policies RE-3, RE-5, and EC 10 require solar or other renewable energy for projects over 20,000 square feet of floor area. The Air District's 2010 Clean Air Plan control measure ECM-2 likewise requires renewable energy features. The plans include skylights, and generous windows, which would provide natural lighting to the interior and could reduce electrical demands. Due to the project site's orientation, the south elevation of the proposed building is short, and it does not include glass that could provide natural solar heat gain, inconsistent with Policy GB-4; however, this end of the building could be suitable for a Trombe wall. The provision of underground parking reduces the project's heat island effect. The plans do not indicate any provision for solar or other alternative energy sources, and do not include any electrical vehicle charging stations. Therefore the proposed project would not be consistent with these sustainability plan policies. Implementation of Mitigation Measure GHG-2 would reduce this impact to a less-than-significant level.

Mitigation Measure

GHG-2 The applicant shall include solar energy or other alternative energy sources on project plans, providing 15 percent or more of the project's energy needs. Plans shall incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29 and/or have solar panels.

Pedestrian activity could occur between the project site and downtown Los Gatos, located approximately a mile south, as well as the closest bus stops, located about 200 feet north and 700 feet to the south of the project site. The project proposes to provide an additional VTA bus stop along the building frontage on Winchester Boulevard at the Shelburne intersection. The proposed bus stop would provide direct transit access to the project site (for trips inbound from Los Gatos or outbound toward San Jose). There are existing sidewalks on Winchester Boulevard that connect the site to the bus stops and to downtown Los Gatos. Several sections of Shelburne Way lack sidewalks, including the project frontage. The project would improve the situation by adding a sidewalk along its frontage.

A mitigated, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gases.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (3)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (3,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (3,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (2,3,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (2,3,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
h. 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? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. The proposed project includes development of office buildings on the project site and does not include commercial, industrial, or other uses that would require the routine transport, use, or disposal of hazardous waste. Nominal amounts of hazardous material in the form of fuels and other construction materials are often used during the construction processes. However, use of these materials is temporary and do not pose an elevated risk to the public. Thus, related impacts would be less than significant.

b. The proposed project also includes demolition of three existing residences and outbuildings that were constructed prior to 1980. The Air District guidelines state that buildings constructed prior to 1980 often include building materials containing asbestos. Airborne asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposure to these materials. If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact.

Lead-based paint was banned in 1978. The three residences and outbuildings were constructed prior to the 1978 ban; thus lead-based paint may be present in the buildings that are proposed for demolition. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present. Special protective measures and notification to Department of Toxic Substances Control are required for highly hazardous construction tasks related to lead, such as manual demolition, welding, cutting, or torch burning of structures where lead-based paint is present.

Demolition carried out in compliance with national, state, and local regulations and Air District rules and procedures, will avoid significant exposure of construction workers, the public, and/or sensitive receptors (residential housing) to asbestos and lead-based paint.

The project shall implement the following standard conditions:

- In conformance with state laws and air district rules, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- The Air District must be notified at least ten working days prior to commencement of renovation or demolition involving the removal of regulated asbestos-containing materials. In addition, Section 19827.5 of the California Health and Safety Code prohibits agencies from issuing demolition permits until an applicant has demonstrated compliance with asbestos notification requirements pursuant to the National Emissions Standards for Hazardous Air Pollutants guidelines.
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants guidelines prior to building demolition or renovation that may disturb the materials.
- All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Air District regulations. All demolition materials must be disposed of properly according hazardous materials disposal regulation.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Compliance with national, state and local regulations and Air District rules and procedures, as well as compliance with all regulatory agencies regarding the disposal of hazardous materials, would reduce the risks of asbestos-containing materials exposure to workers and nearby sensitive receptors during demolition. Compliance with safe work practices for lead abatement in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 would reduce the risk of lead exposure to workers and nearby sensitive receptors during building demolition.

The following mitigation measure would ensure potential project-related impacts from the release of asbestos lead based paint into the environment as a result of demolition activities to a less-than-significant level by requiring testing for the presence of these hazardous materials and proper handling if they are found to be present.

Mitigation Measures

HAZ-1. Prior to the issuance of a demolition permit, the project applicant shall conduct sampling and testing of the existing buildings to determine the extent and presence of asbestos-containing building materials on the site. If measured levels exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.

HAZ-2. Prior to issuance of a demolition permit, the applicant shall have a lead survey completed by a qualified practitioner in accordance with the applicable regulations. The lead survey shall include an assessment of lead in building materials and adjacent soils. If measured lead levels in or adjacent to a structure exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.

- c. The project site is just over a quarter of a mile from Daves Elementary school. As discussed above, implementation of HAZ-1 and HAZ-2 would ensure that impacts related to the emission of hazardous materials during demolition would be less than significant. Thus, there would be no impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The project site was not reported on any list of hazardous materials sites that is compiled by governmental agencies pursuant to Government Code section 65962.5. A review of the California Department of Toxic Substances Control Envirostor database indicated that there were no sites listed within one-half mile of the project site. A search of the California Regional Water Quality Control Board's GeoTracker database (within a 1,000-foot radius from the project site) identified five leaking underground storage tank (LUST) sites. These are listed in Table 1, Hazardous Materials Sites in Project Vicinity. However, cleanup of all five LUST sites has been completed and the cases are classified as closed. Thus, these sites would not pose a significant hazard to the public and there would be no associated environmental impacts.
- e/f. The project site is not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Thus, there would be no hazard impacts associated with airports or landing strips.

Table 1 Hazardous Materials Sites in Project Vicinity

Site Name	Global ID	Close Date	Case Type	Address
Foothill Air Conditioning	T0608502450	Completed - Case Closed (2000)	LUST ¹	17419 W Farley Road
Public Storage	T0608500849	Completed - Case Closed (1997)	LUST	761 University Avenue
Green Valley Disposal	T0608500699	Completed - Case Closed (1995)	LUST	718 University Avenue
Iron Rod	T0608500759	Completed - Case Closed (1995)	LUST	638 University Avenue
Mobil (BP 11217)	T0608500939	Completed - Case Closed (2011)	LUST	666 N. Santa Cruz Avenue

Source: RWQCB 2015; Google Earth 2016.

1. LUST refers to a Leaking Underground Storage Tank

- g. The Town's *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. 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 a major road (Winchester Boulevard) and within three quarters of a mile of the Los Gatos Fire Station. However, the proposed project would not impair access to Winchester Boulevard or the fire station, or interfere with response during an emergency. There would be no impact related to implementation of an emergency plan.
- h. The project site is not located in a fire hazard zone within a local responsibility area or state responsibility area, and is not located in a zone of Very High Fire Hazard, as identified in the general plan. Therefore, there would be no impact related to risks associated with wildland fires.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements? (2,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., 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? (2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (2,5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site? (2,5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. 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? (2,5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Otherwise substantially degrade water quality? (2,5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
g. 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? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (1, 2, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
j. Be subject to inundation by seiche, tsunami, or mudflow? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The proposed project does not involve activities that require waste discharge permits. The geotechnical investigation at the site by Cornerstone Earth Group did not encounter any ground water to the maximum depth explored of 30 feet below ground surface, so dewatering of the excavation is not anticipated. The proposed project would be connected to the existing wastewater conveyance and treatment system and thus would not result in any impacts related to the violation of water quality standards or waste discharge requirements.
- b. The proposed project includes the development of a two-story office building on an already-developed site. Using the future projected demand factor for Office uses from the general plan EIR, which is .0751 gallons per square foot per day, the proposed project is estimated to use approximately 2,258 gallons of water per day in comparison to the existing use of 1,200 gallons per day, an increase of about 1,060 gallons per day. Groundwater accounts for about half of water used in Los Gatos, so aquifer withdrawals would increase by about 500 gallons per day. Groundwater levels are managed by the Santa Clara Valley Water District. The proposed project is consistent with land use planning for the project site, so has been accounted for in the Santa Clara Valley Water District’s long-range planning, and the proposed project would result in a less-than-significant impact on groundwater supplies. The proposed project would be subject to current regional Water Quality Control Board storm water discharge requirements and would not substantially interfere with groundwater recharge.
- c-f. 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 has the potential to generate pollution in storm water runoff during construction and operations.

There are currently 17,290 square-feet of impervious surface on the 1.31-acre site. The project proposes to replace all of the existing impervious area and create an additional 15,469 square-feet of new impervious surface, for a total post-project impervious area of

32,759 square-feet (0.75 acres). Since the amount of impervious surface to be created and/or replaced is greater than the Town's C.3 threshold of 10,000 square-feet, the C.3 treatment requirements established by the Town apply to the project including low impact development (LID) requirements. Furthermore, because more than fifty percent of the existing impervious surface will be replaced, storm water runoff from the entire post-project impervious surface will need to receive storm water treatment.

The proposed project would increase the amount of impervious surface over existing conditions, but would not create and replace more than one acre of impervious surface. Although the project site is located in the Town's Hydromodification Applicability area, based on the size of the total impervious area less than one acre, hydromodification control requirements do not apply to the proposed project.

The proposed project includes site design features to address potential runoff from the project site. These include a minimum-impact parking lot design, direct runoff to vegetated areas, disconnect downspouts/direct roof runoff to vegetated areas, and a self-retaining area. Project design also includes three bioretention areas to be located on the site and includes pollutant source control measures.

Town Code Section 22.30.035 requires permanent storm water pollution prevention measures for development projects to reduce water quality impacts of storm water runoff from the site in accordance with the Town's current National Pollutant Discharge Elimination System storm water discharge permit, and the Town's policy for storm water management requirements for new development and redevelopment projects.

For the purposes of storm water management and water quality control, project plans include a preliminary grading and drainage plan and a preliminary storm water pollution prevention plan (SWPPP) that identify proposed pervious and impervious surfaces, disposition of anticipated runoff volumes, and storm water treatment methods to safeguard water quality in site runoff of the proposed project. These plans are shown on sheets C4.0 and C6.0 included in the proposed development plans in [Appendix C](#).

The Town's Engineer reviewed the proposed project for consistency with Town C.3 requirements and determined the project to be generally consistent with Town requirements (Appendix C). Additionally, a condition of approval will require the applicant to provide evidence that recommendations from the Town Engineer have been addressed and incorporated into final site design and into the project's final SWPPP prior to the issuance of grading or building permits for the proposed project. Incorporation of site design specifications as recommended by the Town Engineer and implementation of the SWPPP will ensure that impacts on surface water quality would be less than significant.

- g/h. According to the Federal Emergency Management Agency (FEMA) flood zone map in general plan EIR (Figure 4.8-1), the project site is located in a 500-year flood zone. Although located within this long-term flood zone it has a significantly lower flood potential than a 100-year flood zone and potential impacts are considered less than significant.
- i. The project site is not located within a dam failure inundation area. Therefore, there would be no impact related to dam failure.
- j. The project site is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The project site is essentially level, and is surrounded by essentially level ground, so mudflows are not possible.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community? (1, 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a/b. The project site is located in a developed urban area surrounded by commercial, office, and residential land uses and is zoned O for Office uses. The Office zone allows office uses such as the use proposed and encourages buildings which are compatible with residential development. The project site consists of four lots containing three single family homes, all of which would be demolished and replaced with an office building. Office uses are generally compatible with residential uses and the placement of the proposed project would serve as a buffer between existing commercial and residential development. The proposed project would not physically divide established communities.

The Office Professional general plan land use designation provides for professional and general business offices. The Office zone allows all types of office activities and encourages buildings which are compatible with residential development. The proposed project is development of an office building and associated parking consistent with the land use designation and zoning for the project site, and would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c. The project site is not located within a designated natural community conservation plan and, for the reasons described in item f in Section 4 Biological Resources, the proposed project would not conflict with or impair implementation of the Santa Clara Valley Habitat Conservation Plan. Therefore, no impacts would occur.

II. MINERAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a.-b. The general plan EIR determined that mineral resources are not significant in the Town. 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. There are no active mining operations within the Town of Los Gatos and there are no known mineral resources in the vicinity of the project site. Thus, the proposed project would not result in any impacts associated with loss of locally or regionally important mineral resources.

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. 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? (1,2,3,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2,3,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (3,6)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

This discussion is based, in part, on an environmental noise assessment prepared by WJV Acoustics to evaluate potential noise impacts for the proposed project (Appendix D). Noise measurements are expressed in terms of A-weighted decibels (dBA) averaged over the day (Leq). The Town has established acceptable noise levels for various types of land uses. Noise sensitive outdoor office use areas would be considered compatible in noise environments with hourly noise levels of 70 dBA Leq or less. For residential areas, the acceptable noise level is 55 dBA Leq or less.

a/c/d. **Construction Impacts.** Construction activities would result in temporary short-term noise increases due to the operation of heavy equipment. Construction-related noise can range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment. Noise-sensitive land uses in the project vicinity include residential uses adjacent to the southern border of the project site. Project site demolition, excavation, and project construction could result in short-term increases in localized ambient noise levels.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 8:00 pm on weekdays and 9:00 am to 7:00 pm on weekends and holidays. No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. The general plan EIR states that adherence to the Town's Noise Ordinance would reduce potential construction-related noise impacts to a less-than-significant level (general plan DEIR, page 4.10-16). The proposed project would comply with the Town's noise ordinance and therefore construction-related noise levels are considered a less than significant impact as long as construction noise time limits are observed and equipment is property maintained and muffled, per Town ordinance requirements.

Operational Impacts. Existing noise levels in the project vicinity are dominated by traffic noise along Winchester Boulevard and University Avenue. Additional sources of noise observed during a site inspection included aircraft overflights, industrial/commercial activities, barking dogs, and noise associated with landscaping activities. Current noise levels in the vicinity of the project site are about 55 to 70 dBA Leq. During the operational phase, the proposed project would not result in noise levels significantly beyond what is currently experienced at the project site. Sources of operational noise from the proposed project would typically be limited to parking lot vehicle movements, outdoor human activity, and mechanical/HVAC systems.

Vehicles accessing the project site would enter and exit via a driveway on Winchester Boulevard or a driveway on Shelburne Way. The proposed project would have about 41 parking spaces located at ground level, along the east and south portions of the project site, and 87 parking spaces located below ground level.

Noise due to traffic in parking lots is typically limited by low speeds and is not considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems, and the opening and closing of car doors and trunk lids. Such activities can occur at any time during regular hours of operation. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day, and other factors.

It is typical for a passing car in a parking lot to produce a maximum noise level of 60 to 65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice. The closest proposed parking would be located approximately 50 feet from the closest existing residential uses. Reference to existing ambient noise levels measured at a monitoring site indicates that existing ambient noise levels at the residential land uses adjacent to the project site already exceed noise levels that would be expected to occur as a result of on-site vehicle movements. Parking lot vehicle movement and human activity noise would not be considered a significant impact.

The proposed project would include roof-mounted mechanical/HVAC units on the office building. Based upon data collected by WJVA for previous acoustical studies, it is estimated that noise levels from roof-mounted HVAC units at the closest off-site land uses to the project site would be in the range of 45-50 dBA, including consideration of acoustic shielding provided by the proposed screening around the roof-mounted mechanical/HVAC units. These levels would generally not be audible above existing ambient noise levels at adjacent land-uses and would not exceed any Town noise level standards.

The impact of noise generated by the proposed project would be less than significant. Therefore, the proposed project would not result in the exposure of persons to, or generation of, noise levels in excess of the Town standards or to a substantial temporary or permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The ambient noise level at the project site is about 55 to 70 dBA LEQ, which is within the acceptable range for office uses.

- b. The proposed project would not result in ground-borne vibrations during operational phases. Periodic and temporary ground-borne vibrations would be expected during the construction phase of the proposed project; however, based on the size of the project the temporary nature of construction activities, impacts would be less than significant.
- e-f. There are no airports or private airstrips located within two miles of the Town (general plan DEIR, page 4.7-7). Therefore, people working at the project site would not be exposed to excessive noise levels from aircraft operations, and there would be no impact.

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. 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)? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The project would include the construction of a 30,070 square-foot office building which would require new employees. While the project may result in a slight increase in population associated with new employees moving to the area, this growth increase would be nominal and would not directly or indirectly result in substantial population growth. The project is consistent with the land use designation for the project site so this population increase was considered in the general plan EIR. Thus, impacts associated with population growth would be less than significant.
- b.-c. While the proposed project includes the demolition of three existing single family residences, the project would not displace a substantial number of houses or people such that it would necessitate the construction of replacement housing elsewhere. The three displaced households represent a very small fraction of the existing housing market and could find new housing within the existing supply. Thus, there would be less-than-significant environmental impacts associated with the construction of new housing.

14. PUBLIC SERVICES

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

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Fire protection? (2,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Police protection? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Schools? (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Parks? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Other public facilities? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a.-b. The Santa Clara County Fire Department provides fire protection services to the Town of Los Gatos, and the Los Gatos/Monte Serrano Police Department provides law enforcement services to the Town. The nearest fire station, the Los Gatos Fire Station, is located approximately 0.75 miles from the project site. The Los Gatos Police Department is located on Blanchard Drive about 1.25 miles from the project site. The existing development in the project vicinity is adequately served by the fire and police departments. Services are currently provided to the project site as well as to adjacent commercial and residential uses. No significant increase in demand on public safety services would be required for the proposed project since services were previously provided to the former residential uses on the project site. The proposed project would not require construction of new fire protection or law enforcement facilities and therefore, would not result in any environmental impact.

c. The proposed project is for the construction of an office building and may result in new employees that move to the area who may have school-age children. This could contribute to a slight increase in the number of children in one or more of the schools serving the project site area. However, the state-mandated school impact fee was deemed by the general plan EIR to be a “full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization.” In addition, the conclusion of the general plan EIR was that build out of

the general plan would require additional capacity to serve new students, but that development impact fees levied by the school district would reduce project-specific impacts to a less-than-significant level.

The proposed project would be required to pay development impact fees to cover any incremental share of future classroom development. Therefore, even if some of the schools to which the proposed project may send students are at or over capacity, the proposed project's contribution of school development impact fees would reduce the impacts to schools to a less-than-significant level.

- d./e. The proposed project may result in a slight increase in population associated with new employees, but this increase would not be such that the construction of new parks or public service facilities would be required. Therefore, the proposed project would not result in any environmental impacts associated with the construction of new parks or other facilities.

15. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a.-b. The project vicinity is served by a large number of existing park and recreational facilities that are operated by the Town, the City of Campbell, 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.

The proposed project is a commercial development and would not result in a significant increase in population such that existing park and recreational facilities would be impacted, or that would necessitate the construction of additional park and recreational facilities. Therefore, the proposed project would not result in any adverse environmental impacts to park and recreational facilities.

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1,2,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1,2,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (3,7)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Result in inadequate emergency access? (3,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (2,3,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

This section is based on a traffic impact analysis prepared by Hexagon Transportation Consultants on September 13, 2016. The traffic impact analysis was peer reviewed by TKJM traffic consultants on behalf of the Town. The traffic impact analysis is included as Appendix E of this initial study.

- a/b. Hexagon conducted trip generation counts at three comparable office buildings in Los Gatos to develop a trip rate representative of the Town. The trip generation counts were conducted on a regular weekday in March 2016. Compared to the average peak hour trip rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* for a general office building, local data revealed higher trip rates during the PM peak hour. Therefore, the project trip generation was estimated using trip rates derived from local counts.

Based on local trip generation rates, the proposed new building is expected to generate 41 trips (33 in and 8 out) during the AM peak hour, and 50 trips (4 in and 46 out) during the PM peak hour. Given that there are existing houses that are generating traffic on the project site, some of the trips from the site will not be new trips. Trips generated by the existing houses were estimated using the average trip generation rates published in the ITE *Trip Generation Manual, 9th Edition* for a single-family detached house. Based on the ITE trip rates, the existing houses currently generate two trips (0 in and 2 out) during the AM peak hour, and three trips (2 in and 1 out) during the PM peak hour.

Crediting the trips generated by the existing uses on the project site, the proposed project would generate an estimated 86 net new peak hour trips, 39 (33 in and 6 out) net new AM trips, and 46 (2 in and 45 out) net new PM trips.

The traffic impact analysis also considered potential impacts to nearby intersections and how the proposed project may affect levels of services (LOS) at these intersections. The intersection LOS analysis shows that all study intersections currently operate at acceptable levels of service (LOS D or better). The unsignalized intersections would operate at LOS B and LOS C for their respective worst approaches during both peak hours under all scenarios. Under scenarios with the proposed project, the study intersections as indicated in the traffic impact analysis would continue to operate at acceptable levels of service

Therefore, the proposed project's impact from traffic generation would be less than significant.

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. This requirement for a Traffic Control Plan would ensure that potential impacts during construction phase of the proposed project would be less than significant.
- c. There are no airports or private airstrips located within two miles of the Town. The proposed project would not result in the change of any air traffic patterns.
 - d/e. Site access was evaluated in the traffic impact analysis to determine the adequacy of driveway locations with regard to corner sight distance and traffic volumes. The proposed project would have two driveways, one each on Winchester Boulevard and Shelburne Way. The northern driveway from Shelburne Way would provide access to an 87-space below-grade parking garage. The Winchester Boulevard driveway would connect to a 41-space surface parking lot. Each driveway would serve as the entrance and exit to that specific grade-level parking area. Queuing analysis indicates that the Shelburne Way driveway would not be blocked by the westbound traffic queues at the intersection of Winchester Boulevard and Shelburne Way. An existing two-way striped turn lane in the Winchester Boulevard median would provide adequate space for vehicles to queue prior to turning left into the Winchester Boulevard driveway. Therefore, access to the project driveways would be adequate under all scenarios analyzed in the traffic impact analysis. The driveways would provide adequate emergency access to the project site and not restrict emergency access to locations in the project vicinity. Thus, there would be no associated environmental impacts.
 - f. General Plan Policy TRA-9.5 requires facilitation of alternative transportation means whenever the traffic generated by a development would result in a significant increase in air pollution, traffic congestion, or noise. Policy TRA-9.6 requires development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion. The proposed project would not result in significant increases in air pollution, traffic congestion, or noise and would not be required to implement alternative transportation means under Policy TRA-9.5. In conformance with TRA-9.6 the project includes a new bus stop, sidewalks, and a bicycle storage room which will encourage alternate forms of transportation.

The proposed project is not expected to generate a significant volumes of pedestrian or bicycle traffic, and therefore, no significant impacts on pedestrian or bike lane capacities are expected. The proposed project would not alter any bicycle lanes located adjacent to the project site, and would develop new on-site walkways providing access to and within the project site. The project proposes to provide detached sidewalks with a landscape

buffer on Winchester Boulevard and Shelburne Way along the building frontage. Detached sidewalks with a landscape buffer would provide a wider buffer area between pedestrians and on-street vehicles. Therefore, the proposed project would not adversely affect pedestrian or bicycle safety. The project also proposes to provide a VTA bus stop along the building frontage on Winchester Boulevard at the Shelburne intersection. The proposed bus stop would provide direct transit access to the project site. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

17. TRIBAL CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1, 2, 17, 18, 22, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a1. The project site is not located within a historic district, or within the LHP overlay. The residence located at 15880 Winchester Boulevard was built prior to 1941. On September 24, 2014 the Los Gatos Historic Preservation Committee recommended approval of a request to demolish existing structures on the subject property with a condition that the applicant submits historical records regarding the occupants. On September 25, 2014 the applicant worked with Henry Bankhead, a Town librarian to research the historical records regarding previous occupants. The research included such items as the Historic Resources Inventory, local directories research, tax assessment and other surveys.

Mr. Bankhead found no evidence of any historical significance of tenants on the property. The research was provided to the Historical Preservation Committee and found to be in satisfaction of the condition of approval per the November 20, 2014 approval letter. There is also no evidence that the residence is of cultural value to a California Native American tribe. Demolition of the residence would result in no impacts.

- a2. The project site is currently developed and there are no known tribal cultural resources located on the project site and no tribes have requested consultation to date. Therefore, there would be no impact to tribal cultural resources (Draft EIR 4.4-14 and 4.4-15).

18. UTILITIES AND SERVICE SYSTEMS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (2,3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (2,3, 19)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste? (2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a/b/e. West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos. Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 million gallons per day (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. At a generation rate of 0.14 gallons per day per square foot (General Plan Draft EIR Table 4.14-2), a total of approximately 4,210 gallons per day of wastewater generation would be introduced into the system which is approximately 3,847 additional gallons per day compared to existing uses (three residences with a generation rate of 121 gallons per day). General plan goal HS-19 would ensure that future development meets wastewater treatment demands and federal and State regulations. Policy HS-19.1 would ensure that the Town supports the West Valley Sanitation District's efforts to maintain wastewater conveyance, treatment, and disposal infrastructure in good working condition in order to supply municipal sewer service to the Town's residents and businesses. The general plan EIR found that given these general plan policies, the future construction or expansion of infrastructure to serve future development would be considered a less-than-significant impact. The West Valley Sanitation District has adequate collection facilities and treatment capacity to accommodate wastewater flows from the proposed office development. Thus, there would be no impacts associated with inadequate capacity of wastewater treatment facilities or exceedance of wastewater treatment requirements.

- c. The project proposes to replace all of the existing impervious area and create an additional 15,469 square-feet of new impervious surface, for a total post-project impervious area of 32,759 square-feet (0.75 acres). Since the amount of impervious surface to be created and/or replaced is greater than the Town's C.3 threshold of 10,000 square-feet, the C.3 treatment requirements established by the Town apply to the project including low impact development (LID) requirements. Because more than fifty percent of the existing impervious surface would be replaced, storm water runoff from the entire post-project impervious surface would need to receive storm water treatment.

The proposed project would collect and treat storm water in three bioretention areas – one along Winchester Boulevard (BR-1), one along Shelburne Way (BR-2), and one in the in the northeastern corner of the project site (BR-3) with overflow storm water directed off the project site to an existing drainage conveyance system. The project site would be divided into five drainage management areas, including two that would be treated by self-retaining areas. The project's Preliminary Utility Plan indicates that roof leaders from the western half of the building would be directed to the bubbler in BR-1. Roof leaders on the eastern half in of the building are directed to BR-3. There is no bubbler in BR-2, the treatment area along Shelburne Way, so it is not clear how roof runoff from drainage area A-2, is directed to that treatment area. The runoff from the ground level parking lot is also treated by BR-3 (See discussion under item c/d/e in Section 9, Hydrology and Water Quality). Therefore, the proposed project would not necessitate construction or expansion of storm drainage facilities and there would be no associated environmental impacts.

- d. The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. Using the future projected demand factor for Office uses from the general plan EIR, which is .0751 gallons per square foot per day, the proposed project is estimated to require approximately 2,258 gallons of water per day in comparison to the existing use of 1,200 gallons per day. Expected water needs of the proposed project would be met with existing entitlements and resources. Thus, there would be less than significant impacts related to water supply.
- f. West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos and surrounding areas. Most compostable waste and garbage are transported to the Guadalupe Landfill, located off Hicks Road approximately five miles southeast of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at its 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 28.6 million cubic yards. As of January 2011, the landfill had used approximately 11 million cubic yards (about 61 percent of its capacity) and is expected to reach its capacity in about 2048. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste and recycling. The general plan EIR assumed development of office uses on the project site and found adequate capacity to serve such uses; thus, the proposed project would result in less than significant impacts related to insufficient landfill capacity.
- g. The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2014 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. The Town exceeded those targets by limiting residential disposal to 3.9 pounds per person per day, and non-residential disposal to 7.5 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 result in no impact to local solid waste regulations.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (2,3,4)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (2,5,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (5,6,7)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The proposed project has the potential to result in significant impacts to nesting raptor populations during tree removal or construction activities. The implementation of mitigation measures BIO-1 and BIO-2 would reduce these impacts to a less-than-significant level. The proposed project has the potential to disturb unknown cultural and historic resources and/or unknown human remains. Abidance with Town general plan policies requires implementation of measures to reduce impacts to cultural impacts to a less-than-significant level.
- b. All potential impacts associated with the proposed project can be mitigated to a less-than-significant level and the proposed project would not result in any impacts that are individually limited, but cumulatively considerable.

- c. The proposed project has the potential to cause human harm by resulting in air quality emissions associated with construction activities. The implementation of mitigation measures AQ-1 and AQ-2 would reduce these impacts to a less-than-significant level. The proposed project has the potential to expose people to substantial adverse effects, including the risk of loss, injury, or death involving seismic shaking. The implementation of mitigation measure GEO-1 would reduce this impact to a less-than-significant level. The proposed project, as mitigated, would not result in any environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

Most documents are available for review at the Town of Los Gatos, Community Development Department, 110 E. Main Street, Los Gatos, CA, during normal business hours.

All documents listed below are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours, or are available at the listed web address.

1. Town of Los Gatos. *Town of Los Gatos 2020 General Plan*. January 7, 2011.
2. Town of Los Gatos. *Town of Los Gatos 2020 General Plan EIR*. March 10, 2010.
3. Valley Oak Partners. Winchester Boulevard Office Application Submittal. May 4, 2016.
4. Deborah Ellis. *Arborist Report, Winchester Boulevard Office*. February, June, July 2016.
5. EOA, Inc. 15860, 15880, 15894 Winchester Blvd, Review of Project Submittals for Compliance with Stormwater Requirements. April 26, 2016.
6. WJV Acoustics. *Environmental Noise Assessment, Winchester Boulevard Office*. July 21, 2016.
7. Hexagon Transportation Consultants. *Winchester Boulevard Office Development, Transportation Impact Analysis*. September 13, 2016.
8. Los Gatos Municipal Code
9. California Department of Conservation. *Santa Clara County Important Farmlands Map 2012*. August 2014.
10. California Department of Conservation. *Santa Clara County Williams Act FY 2015/2016*. 2016
11. Google Inc, Google Maps. 2016.
12. State Water Resources Control Board. Geotracker. 2016.
<http://geotracker.waterboards.ca.gov/>
13. Department of Toxic Substances Control. Envirostor Database. 2016.
<http://www.envirostor.dtsc.ca.gov/public/>
14. Bay Area Air Quality Management District. *Air Quality CEQA Guidelines*. 1999, May 2010.

15. Town of Los Gatos. *Los Gatos Sustainability Plan*. July 25, 2012, adopted October 15, 2012.
16. Santa Clara County Fire Department. Los Gatos Fire Station. 2016.
<http://www.sccfd.org/about-sccfd/fire-station-locations/los-gatos-fire-station>
17. Town of Los Gatos. *Historic Resources*. Accessed September 21, 2016.
<http://www.losgatosca.gov/2004/Historic-Resources>
18. Town of Los Gatos. Letter from Jennifer Savage to Doug Rich regarding Historic Preservation Committee review of 15860, 15880, 15894 Winchester Boulevard Planned Development Application PD- 14-004. November 20, 2014.
19. CalRecycle. Data on Guadalupe Landfill.
<http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0015/Detail>
20. Cornerstone Earth Group. *Preliminary Geotechnical Investigation*. September 21, 2016.
21. Santa Clara Valley Water District. Inundation Map of Lexington Dam. March 1995.
22. Puga, Jocelyn, Associate Planner, Town of Los Gatos. Email message to consultant, 27 October 2016.
23. Rich, Doug, Valley Oaks Partners, LLC. Email message to Town of Los Gatos, 25 September 2014.

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