

FINAL EIR

NORTH FORTY SPECIFIC PLAN

SCH No. 2011122070

General Plan Amendment

GP-14-001

Zoning Amendment

Z-14-001

PREPARED FOR

Town of Los Gatos

July 18, 2014

NORTH FORTY SPECIFIC PLAN

Final EIR

SCH No. 2011122070

General Plan Amendment
GP-14-001

Zoning Amendment
Z-14-001

PREPARED FOR
Town of Los Gatos
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July 18, 2014

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I.0

INTRODUCTION

The Town of Los Gatos, acting as the lead agency, determined that the proposed North Forty Specific Plan (hereinafter “proposed project”) might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the Town of Los Gatos had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the project. The Draft EIR was circulated for public review between April 4, 2014 and May 19, 2014, and public comment was received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This Final EIR has been prepared to address comments received during the public review period and, together with the Draft EIR, constitutes the complete North Forty Specific Plan EIR. This Final EIR is organized into the following sections:

- Section 1 contains an introduction to the Final EIR.
- Section 2 contains written comments on the Draft EIR, as well as the responses to those comments.
- Section 3 contains a revised summary of the Draft EIR, identifying the changes in the impacts and mitigation measures resulting from comments on the Draft EIR.
- Section 4 contains the revisions to the text of the Draft EIR resulting from comments on the Draft EIR.
- Section 5 contains the mitigation monitoring program.

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COMMENTS ON THE DRAFT EIR

2.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. Based on the comments received and the responses to the comments, revisions have been made to the text of the Draft EIR where required. These revisions are included in Section 3.0, Revised Summary and in Section 4.0, Changes to the Draft EIR.

2.2 COMMENTS RECEIVED

The following written correspondence was received during the 45-day public review period on the Draft EIR:

- Letter 1 Horton (April 5, 2014)
- Letter 2 Wojtkowski (April 5, 2014)
- Letter 3 Crumpton (April 7, 2014)
- Letter 4 Dallas (April 10, 2014)
- Letter 5 Davinci (April 13, 2014)

2.0 COMMENTS ON THE DRAFT EIR

Letter 6	Santa Clara County Parks Department (April 24, 2014)
Letter 7	Walsh (April 28, 2014)
Letter 8	Santa Clara County Department of Environmental Health (May 8, 2014)
Letter 9	Nedom (May 9, 2014)
Letter 10	Arzie (May 14, 2014)
Letter 11	Hudes (May 14, 2014)
Letter 12	Robinson (May 14, 2014)
Letter 13	Dodson (May 15, 2014)
Letter 14	Grewal (May 15, 2014)
Letter 15	Bell (May 19, 2014)
Letter 16	Law Offices of Berliner Cohen (May 19, 2014)
Letter 17	Buxton (May 19, 2014)
Letter 18	Caltrans (May 19, 2014)
Letter 19	Crowder (May 19, 2014)
Letter 20	Field, D. (May 19, 2014)
Letter 21	Field, K. (May 19, 2014)
Letter 22	Fok (May 19, 2014)
Letter 23	Law Offices of Tamara Gabel (May 19, 2014)
Letter 24	Harlan (May 19, 2014)
Letter 25	Landry (May 19, 2014)
Letter 26	Loughridge (May 19, 2014)
Letter 27	Mattes (May 19, 2014)
Letter 28	Schneider (May 19, 2014)
Letter 29	Santa Clara Valley Water District (May 19, 2014)

- Letter 30 Shepardson (May 19, 2014)
- Letter 31 VanNada (May 19, 2014)
- Letter 32 Santa Clara Valley Transportation Authority (May 19, 2014)
- Letter 33 Murfeldt (May 20, 2014)
- Letter 34 Rathman (undated)
- Letter 35 Quintana (undated)

A copy of each correspondence received during the public review period for the Draft EIR is presented on the following pages. Numbers along the left-hand margin of each comment letter identify individual comments to which a response is provided. Responses are presented immediately following each letter. Due to the prevalence of comments on schools and transportation, a master response is provided for those topics, and presented immediately preceding the first letter.

Table 1, Commenters and Topics summarizes the topics addressed in each of the letters.

Table 1 Commenters and Topics

Commenter	Schools	Transportation	Noise	Air Quality	Agricultural	Cultural Resources	Economics / Urban Decay	Public Facilities / Services	Hazardous Materials	Land Use	Biological Resources	CEQA Process / EIR Format	Aesthetics	Water/Hydrology	Project Description	Alternatives	No Environmental Comment
1. Horton	X	X															
2. Wojtkowski					X	X											
3. Crumpton																X	
4. Dallas	X	X					X										
5. Davinci																	X
6. SCCo Parks								X									
7. Walsh	X	X															

2.0 COMMENTS ON THE DRAFT EIR

Commenter	Schools	Transportation	Noise	Air Quality	Agricultural	Cultural Resources	Economics / Urban Decay	Public Facilities / Services	Hazardous Materials	Land Use	Biological Resources	CEQA Process / EIR Format	Aesthetics	Water/Hydrology	Project Description	Alternatives	No Environmental Comment
8. SCCo DEH									X								
9. Nedom	X	X								X							
10. Arzie		X								X							
11. Hudes		X			X	X											
12. Robinson												X					
13. Dodson		X					X	X									
14. Grewal		X															
15. Bell		X															
16. Berliner Cohen		X	X	X											X		
17. Buxton	X	X					X										
18. Caltrans		X															
19. Crowder	X	X															
20. Field, D.	X	X					X										
21. Field, K.		X															
22. Fok	X	X													X		
23. Gabel									X								
24. Harlan	X	X														X	
25. Landry		X						X	X		X						
26. Loughridge		X															
27. Mattes												X					
28. Schneider	X	X						X									
29. SCVWD											X			X			
30. Shepardson		X															

Commenter	Schools	Transportation	Noise	Air Quality	Agricultural	Cultural Resources	Economics / Urban Decay	Public Facilities / Services	Hazardous Materials	Land Use	Biological Resources	CEQA Process / EIR Format	Aesthetics	Water/Hydrology	Project Description	Alternatives	No Environmental Comment
31. Van Nada	X	X											X				
32. VTA		X															
33. Murtfeldt	X	X						X									
34. Rathman							X										
35. Quintana		X				X							X				

Source: EMC Planning Group 2014

Oral comments were received at the Planning Commission meeting on May 14, 2014. Table 2, Speakers and Topics presents a summary of topics addressed by each speaker.

Table 2 Speakers and Topics

Speaker	Schools	Transportation	Noise	Air Quality	Agricultural	Cultural Resources	Economics / Urban Decay	Public Facilities / Services	Hazardous Materials	Land Use	Biological Resources	CEQA Process / EIR Format	Aesthetics	Water/Hydrology	Project Description	Alternatives	No Environmental Comment
Van Nada	X	X															
Quintana		X				X						X					
Wu						X											
Despars	X	X								X							
Hudes							X										

Speaker	Schools	Transportation	Noise	Air Quality	Agricultural	Cultural Resources	Economics / Urban Decay	Public Facilities / Services	Hazardous Materials	Land Use	Biological Resources	CEQA Process / EIR Format	Aesthetics	Water/Hydrology	Project Description	Alternatives	No Environmental Comment
McBriarty	X	X															
Fok	X														X		
Harlan	X	X								X							
Arzie		X								X							
Loughridge		X															
Robinson													X				
Oakley-Girvan	X	X								X							
Nedom	X									X							
Farwell							X										
Ventura										X	X						
Grewal		X								X							

Source: EMC Planning Group 2014

A transcript of the oral comments is presented later in this section. Numbers along the left-hand margin are provided for each comment to which a response is provided. Responses are presented immediately following the transcript.

2.3 MASTER RESPONSES

Master Response on Schools

Numerous comments on the Draft EIR concerned schools. The following Master Response provides a response to the most frequent comments relating to schools.

School Capacity. According to the *Los Gatos Union School District’s Imagine 2022 District Facilities Master Plan*, classrooms at the two Los Gatos Unified School District (District) schools to which

the proposed project would send students (Fisher Middle School and Van Meter Elementary School) are utilized at 79 percent of capacity and 91 percent of capacity (Los Gatos Union School District 2012, page 23). However, with the District's preferred class sizes and room allocations, both schools are at capacity. Some of the rooms at the schools are used for purposes other than classrooms in order to enrich the school environment – the Draft EIR considered school capacity under this preferred room assignment scenario. The Draft EIR acknowledges that the schools are crowded, but under state law (SB 50, 1998), the payment of fees is considered full mitigation of impacts.

Student Generation. The Draft EIR estimates of student generation are based on the data used in the *Los Gatos 2020 General Plan Final EIR* (June 2010). This data is based on the *Draft 2010 Student Generation Rates Study*, prepared by Jeanette C. Justus Associates in March 2010. The generation rates are broken out by housing type (single-family detached, attached, apartments, below market rate apartments, and mixed use) and by grade level (K-5, 6-8, and 9-12) to project student generation as accurately as possible. The use of specific project data from several recent projects would not provide a valid sample as compared to the larger data sample utilized in the Final EIR for the General Plan and in the Draft EIR for the proposed project.

School Planning. The *Town of Los Gatos 2020 General Plan* considered for development of more than twice the number of residential units than are proposed in the Specific Plan. The District has taken the Town's projected growth into account in its long-range planning, so development of housing at one-half the density planned in the General Plan should be accommodated by District plans. The school facilities master plan includes growth scenarios where about half of the General Plan development occurs within the Plan Area and where full build-out occurs (Los Gatos Union School District 2012, pages 25-30). Either of these growth scenarios would provide for adequate growth assumption upon which the District can plan for accommodating students from within the Plan Area.

Master Response on Transportation

Numerous comments on the Draft EIR concerned transportation. The following Master Response provides a response to the most frequent comments relating to transportation.

Analysis and Mitigation. The transportation impact analysis was conducted to specifically address traffic generation from the proposed project and the effects of that traffic on nearby streets and highways. The transportation analysis was conducted following guidelines of the Town of Los Gatos and the Santa Clara Valley Transportation Authority to ensure that it addresses the project's impacts to the roadway system and meets CEQA standards. The Draft EIR evaluates full project build-out conditions, when all Specific Plan-related traffic is added to local streets. Therefore, the transportation analysis and the evaluation in the Draft EIR encompass impacts of interim phases. Supplemental analyses may be completed for

development applications. The transportation analysis includes new traffic counts to reflect recent traffic volume increases. It also includes traffic estimates for full build out of approved and pending development projects to account for future traffic increases. The Draft EIR includes an estimate of the amount of traffic generated by the Specific Plan uses and evaluates the effects of the added traffic and the roadway improvements that are included in the Specific Plan on the roadway system at key intersections and freeway segments. Mitigation measures are identified for locations on the roadway system that are impacted by the added traffic. All surface street impacts are mitigated to a less-than-significant level. The only location that would not be mitigated to a less-than-significant level is one segment of State Route 85 between Winchester Boulevard and State Route 17.

To present a conservative evaluation of project impacts, the analysis focuses on the morning and evening commute periods, when traffic volumes on the surrounding roadways are highest. Traffic volumes are lower at other times of the day and therefore fewer impacts would occur. The effects of the mitigation measures on all studied intersection operations are shown in Draft EIR Appendix M. The level of service (LOS) results without and with mitigation for the Background plus Project conditions are shown in Table 23 of Draft EIR Appendix M (page 101). The LOS results without and with mitigation for the Cumulative plus Project scenario are shown in Table 31 of Draft EIR Appendix M (page 134).

Lark Avenue. The analysis evaluates all of Lark Avenue by evaluating intersections along its length, from Los Gatos Boulevard to Winchester Boulevard. Where traffic added by Specific Plan development was projected to create unacceptable operating conditions, mitigation measures were identified, as described in the Draft EIR and in Draft EIR Appendix M. The Specific Plan includes a separate bicycle path along Lark Avenue within the Plan Area, and the Town plans to construct bicycle lanes on Lark Avenue in the future, but it is not required as a part of this project to mitigate impacts.

Refer also to the response to Comment 1 in Letter 26 from Loughridge regarding Lark Avenue at Highlands Drive.

Safety. Collision information is presented on page 36 of Draft EIR Appendix M. The Project Implementation section of the traffic impact analysis describes circulation for vehicles, pedestrians, and bicyclists. Vehicle safety improvements include the restriction of left turns at certain locations and raised medians to separate traffic flows. Pedestrian safety improvements include the addition of landscaped buffers along the project frontage and crosswalks with pedestrian signals. Bicycle safety improvements include sharrows on the proposed A Street and creating a multi-use path within the project frontage along Lark Avenue. The Project Implementation section of traffic impact analysis contains a more detailed and comprehensive description of project safety and circulation (Draft EIR Appendix M page 169).

Transportation Demand Management. The Specific Plan identifies several Transportation Demand Management (TDM) programs to reduce the number of vehicles entering and exiting the Specific Plan area. Examples in the Specific Plan include subsidized transit tickets, preferential parking for carpools, the addition of bicycle racks and lockers, locating general services (e.g., banks, childcare, convenience stores, etc.) within walking distance, and showers for bicycle commuters. Additional potential transportation demand measures can be found on page 179 of the transportation impact analysis (Draft EIR Appendix M). *Town of Los Gatos 2020 General Plan* Policy TRA-3.13 requires that major developments, including the commercial uses developed within the Plan Area, implement transportation demand measures. TDM measures will be addressed as conditions of approval at the development application stage. The transportation impact analysis did not consider the implementation of TDM measures, so their implementation will improve traffic conditions over what was projected in the transportation impact analysis.

Letter #1 from Evy Horton

From: bruce [<mailto:brucehorton@comcast.net>]

Sent: Saturday, April 05, 2014 4:35 PM

To: Council

Subject: FW: North 40

Los Gatos Town Council,

I sent this along to the North 40 website after receiving a mailer today sent out to all Los Gatos residents apparently from the developer asking for comments.....please do not sacrifice our great schools in this upcoming planning process! I am sure the developer is not going to be too concerned about my comments below. I have hopes that you will all make the right decisions to make Los Gatos better, not worse.

Kind regards,

Evy Horton

North Forty developers,

Comment 1 | If you think couples with children will not be living in those upscale condos, think again. The school district is already at capacity and still will be after the opening of the renovated Lexington School. The residents of Los Gatos generously funded expansion of all our schools to accommodate the needs of our students. Unless you plan to purchase land and then fund a new school at 24 million dollars, be ready for questions from Los Gatos Union School district. Current district parents do not want to see their children housed in portable classrooms at our newly renovated schools due to overcrowding. We lived with substandard portable classrooms for years until bonds were passed and our schools expanded. It is not just the number of classrooms, but bathrooms, cafeterias, our playgrounds, etc. can only house and accommodate so many students. When schools are over capacity it becomes a safety issue. If you want to see what happened when Cupertino built upscale apartments and condos for young professionals give their school district a call. Those condos filled with families having their children share rooms in order to get their kids into Cupertino schools. If their residents did not raise the 2 million dollars needed to fund the new growth their class sizes were going to balloon to 30. Senior apartments are one thing but many young professionals are married with families.....they are not all single!

Comment 2 | Traffic will be unbearable as in addition to your development, the traffic from the new Stanford Cancer Center, and Palo Alto Medical Foundation building now under construction along with the homes and retail being built at Blossom Hill and Los Gatos Blvd. will lead to traffic melt down. The idyllic community you call Los Gatos and what makes it so desirable will be a thing of the past. The \$700,000 you say will go to the school district yearly is in no way enough money to purchase " non-existent land" and build a new school!

I forgot to mention the traffic feeding off of Lark from the new Netflix development as well!

Kind regards,

Evy Horton

Response to Letter I from Horton (April 5, 2014)

1. The Draft EIR does not make assumptions regarding the type of residents living in the proposed residential units. Refer to the Master Response on Schools.

2. Traffic from the three projects mentioned is accounted for in the existing, background, and/or cumulative scenarios. Netflix is referred to as "Albright Office Development" and Stanford Cancer Center is referred to as "50 Samaritan Drive" in the TIA, and both are included in Background and Cumulative Conditions. Palo Alto Medical Foundation is referred to as "15400 Los Gatos Boulevard" in the TIA and included in Background and Cumulative Conditions.

Refer also to the Master Response on Transportation Issues.

Letter #2 from Donna Wojtkowski

From: Donna Wojtkowski <rdwojtkowski@gmail.com>
Sent: Saturday, April 05, 2014 6:27 PM
To: Joel Paulson
Subject: North 40 comment

Comment 1 | Thank you for allowing us to make comments regarding the North 40. I have attended a few meetings. My comment is about the orchard. I hope that you will preserve a few of the fruit trees since they are part of our agricultural history of that family, our city and county. Sunnyvale has an apricot orchard called the Heritage Orchard next to the Murphy House where I volunteer for a 3rd grade history program. I believe you are going to save some of the old barns. Hopefully, the fruit trees will be seen too.

Donna Wojtkowski

Response to Letter 2 from Wojtkowski (April 5, 2014)

1. The orchard was described in the historic resources reports as an integral part of the setting for the potentially historic buildings. However, the orchard, although in that location for many years, has been replanted with various fruit and nut types over those years, and is but a remnant of the orchards formerly present in the region. From any location within the orchard, urban encroachment is visible and or audible. Although the existing orchard trees would not be preserved, the Specific Plan calls for using orchard-style plantings to memorialize past orchard uses on the site and in the region. Refer also to the responses to comments 11-13 in Letter 35 from Quintana.

Letter #3 from Tom Crumpton

From: Crumpton Family <crumpton3@verizon.net>
Sent: Monday, April 07, 2014 9:53 PM
To: Joel Paulson
Subject: EIR, North 40

I hate this project as proposed for what it will do to this town, and our lifestyles and health!

Comment 1

The environmentally-superior alternative would be the “no project” alternative, because it would reduce impacts in all but three environmental topic areas, and would be similar to the proposed project in three others.

Crumpton, Tom
124 Las Astas Dr
Los Gatos, CA 95032-7680
crumpton3@verizon.net

Response to Letter 3 from Crumpton (April 7, 2014)

1. Note that two similar letters were received. This comment concurs with the conclusions presented in Section 5.1 Evaluation of Alternatives.

Letter #4 from Peggy Dallas

From: Peggy Dallas <peggydallasarchitect@gmail.com>
Sent: Thursday, April 10, 2014 9:02 PM
To: Joel Paulson
Subject: North 40 project

Hi Joel,

I'm glad to hear the you are the go-to planner for the North 40 Phase I. it is a challenging project that needs an experienced planner.

As a tax paying Los Gatos citizen I'm concerned about the nature of the development of the North 40 site. My concerns are best stated by a comment from Barbara Dodson...

Comment 1 | "I have questions about why there will be so many housing units given the traffic issues and overcrowded
Comment 2 | schools we currently face. I, also, would like to find out the projected revenues for the project. I know the Town
needs revenue; I'm wondering if the project generates even more than we actually need at the expense of
maintaining the kind of community we want to live in."

I'd like to be reassured that the town is accounting for the added infrastructure and maintenance costs to the public.....not only the town government costs but other public institutions, such as schools, and the utility infrastructure that will be needed.

It is my understanding that the tax revenue from housing is far less then commercial development, which when you consider the added demand on the schools caused by residential development may not pencil out....and certainly makes it a less favorable revenue option for the town.

Residential development is clearly a quick profit for the developer....but they don't pay the taxes and they don't live here.....something to remember.

Thanks Joel.....stay smart,
Peggy

Response to Letter 4 from Dallas (April 10, 2014)

1. As noted in the Draft EIR, the proposed project includes less housing than is contemplated in the *Town of Los Gatos 2020 General Plan*. The density of housing in the Specific Plan area would be less than half that considered in the General Plan. The General Plan and the General Plan EIR assumed that the Plan Area would include up to 750 residential units and development of up to 580,000 square feet of retail or office space. The Specific Plan limits residential development to 364 units. The amount of housing provided in the proposed Specific Plan is an appropriate balance between the Town's housing needs and the constraints of the Plan Area, including traffic and school capacity. The Los Gatos Housing Element identifies several sites within the Town for meeting the Town's affordable regional housing needs, as mandated by the California Housing and Community Development Department and the Association of Bay Area Governments. The Plan Area was initially considered as a potential Housing Element site, but not ultimately included, as more appropriate sites were identified. However, although housing within the Plan Area is not necessary to meeting the regional housing needs assessment requirements, a portion of the housing would fall under the Town's Below Market Rate program, and fulfill Housing Element needs. The Specific Plan balances the Town's housing needs and the environmental constraints of the Plan Area.

Also refer to the Master Response on Schools and the Master Response on Transportation.

2. Fiscal implications of the proposed project are not an environmental issue – and therefore are not addressed in the EIR – unless they lead to a physical impact that is an environmental issue. However, on-site utility infrastructure and off-site utility upgrades, necessary to serve the proposed project, would be paid for by the developer(s). Developers of residential and commercial projects would pay state-mandated school impact fees.

Letter #5 from Iraj Davinci

From: IRAJDAVINCIDESIGNERS [<mailto:parravi35@gmail.com>]

Sent: Sunday, April 13, 2014 7:10 AM

To: Arlene Holmboe

Subject: Re: Draft EIR Available for North 40 Specific Plan

ARLENE HOLMBOE INREGARD TO NORTH 40 CITY OF LOS GATOS

Sent from my MetroPCS 4G I HAVE TO THANK YOU FOR COSTANTLY STAYING INTOUCH ALSO COUNCEL & THE COMMISSION INWHICH THEY EXPRESSED DISMAY ON OCTOBER 15 TH 2013 THE

Comment 1

LAST MEETING. I PRESENTED A ONE PAGE SUMMARY TO MR. JOEL PAULSON THE PRINCIPAL PLANNER WHO HAS GIVEN ATTENTION NOT ONLY TO SCHMATICS ALSO TO SENSITIVE ISSUES (HOW CAN WE IGNORE THE ALLOCATION OF A GOOD PORTION OF RESIDENTIAL FOR TEACHERS SINGLE WOMEN WITH CHILDREN & THOSE WITH SMALLER BUDGETS. My DESIGN IS NOT ABOUT A BUILDING IT IS LOOKING AT OUR SOCIAL ECONOMICAL &THE URGENT NEED OF THOSE WHO PUT THEIR CHILD THROUGH SCHOOL) WILL LOOK FORWARD (TO BE COTINEOUD)

IRAJDAVINCIDESIGNERS Wireless Phone

Response to Letter 5 from Davinci (April 13, 2014)

The comment relates to the provision of housing affordable to those with lower incomes. The Town's Below Market Rate housing program requires the provision of affordable housing equal to 20 percent of the number of market rate houses. The Below Market Rate program applies throughout the Town, including within the Plan Area.



County of Santa Clara
Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org

April 24, 2014

Joel Paulson, Senior Planner
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Subject: Notice of Availability of a Draft Environmental Impact Report for the North 40 Specific Plan Project in the Town of Los Gatos

Dear Mr. Paulson:

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of a Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the North 40 Specific Plan Project in the Town of Los Gatos.

Comment 1 | Upon reviewing the DEIR, the County Parks Department noted that the earlier comments that were submitted on March 8, 2013 were not addressed nor were all the requested revisions made in the DEIR reflecting these comments. Attached is a copy of the original comment letter.

The County Parks Department’s comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation element of the County General Plan that the Board of Supervisors adopted on November 14, 1995, relative to countywide trail routes, public access to recreational facilities, and regional parks.

Recreation

The Draft EIR should describe the following countywide trail routes, which is located in the vicinity of the project, to have the potential to be impacted as a result of the proposed project.

Comment 1,
cont.

- **Regional Trail Route S4 (Los Gatos Creek Sub-regional Trail)**
Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.

Comment 2

Draft EIR should also address the recreational, open space and public service impacts of the proposed project, including the increased usage anticipated with the new residents and workplace employees, on the nearby Vasona County Park, Los Gatos Creek County Park and regional trail route referenced above as a result of the proposed project.

Comment 3

In addition, at the North 40 Specific Plan Community Workshop #1 on April 2, 2011, the Community had identified a "connection to Los Gatos Creek Trail" as a high priority.

Thank you for the opportunity to comment on the NOA for the DEIR for North 40 Specific Plan Project. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,



Kimberly Brosseau
Park Planner III

Attachments: Comment letter on NOP for the Draft Environmental Impact Report dated 3/8/13

cc: Jane Mark, Senior Planner

County of Santa Clara
Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



March 8, 2013

Joel Paulson, Senior Planner
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Subject: Notice of Preparation of a Draft Environmental Impact Report for the North 40 Specific Plan Project in the Town of Los Gatos

Dear Mr. Paulson:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the North 40 Specific Plan Project in the Town of Los Gatos.

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Draft EIR should also address the recreational, open space and public service impacts of the proposed project, including the increased usage anticipated with the new residents and workplace employees, on the nearby Vasona County Park, Los Gatos Creek County Park and regional trail route referenced above as a result of the proposed project.

Thank you for the opportunity to comment on the NOP for the Draft EIR for North 40 Specific Plan Project. We look forward to reviewing the Draft EIR when it becomes available. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Brosseau", with a long horizontal flourish extending to the right.

Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner

Response to Letter 6 from Santa Clara County Parks Department (April 24, 2014)

1. County Regional Trails Route S4 (a portion of the Los Gatos Creek Trail) is located about one-half mile to the west of the Plan Area. The trail connects Los Gatos to the Willow Glen neighborhood of San Jose. The trail is described on page 3-175 in Section 3.12 Population and Public Services and on page 3-200 in Section 3.13 Transportation and Traffic in the Draft EIR. The Draft EIR's analysis in the transportation section addresses the suitability of access to the Los Gatos Creek Trail. The EIR also addresses Countywide Route 16B, which runs tangentially to the northeast corner of the Plan Area (Draft EIR page 3-228). As explained in the Draft EIR, the proposed project would allow up to 364 residential units in the Specific Plan area. This new housing is expected to result in an increase in the use of existing parks and recreational facilities, including the nearby countywide trail routes. New residents of the Plan Area would represent only a small fraction of the existing population in the Town and the region, and the expected increase in use of recreational facilities would be spread across the numerous parks and recreational opportunities in the area. The increase in use of recreational facilities, including countywide trails, would be less than significant.

2. Increased park demands are primarily population-related. The proposed project would add up to 364 new residential units to the region, or about 870 persons. The Draft EIR describes the regional trail route and the many parks available for use in the vicinity of the Plan Area, including Lake Vasona County Park, the Los Gatos Creek Trail, Los Gatos Creek Park, and parks operated by four additional agencies. The *Town of Los Gatos 2020 General Plan EIR* concluded that buildout of the *Town of Los Gatos 2020 General Plan* would not have a significant effect on parks and recreation; since the proposed project would have fewer than half the number of residential units allowed by the General Plan, the proposed project would not have a significant effect on parks and recreation. While some use by employees of new businesses in the Plan Area is possible, the proposed project is not expected to result in a significant increase in use of parks or recreational facilities by new employees. The distance from the Plan Area to parks and recreation facilities in the vicinity is likely too far to draw significant use by employees. Refer also to Comment 1, above.

3. The *Town of Los Gatos 2020 General Plan* lists bike lanes as a planned improvement on Lark Avenue between Los Gatos Boulevard and Winchester Boulevard (pages TRA-17 and TRA-18). It has been determined that later development of the Lark Avenue bike lanes was appropriate. A Class I multi-modal path to accommodate bicycle and pedestrian circulation would be constructed within the Plan Area along Lark Avenue. Additionally, the right-of-way is sized to accommodate future bike lanes. An existing trail crossing over State Route 17 to the Los Gatos Creek Trail is located north of State Route 85 at Mozart Drive.

Letter #7 from Julie Walsh

From: Julie Walsh <kittygem00@yahoo.com>
Sent: Monday, April 28, 2014 5:49 PM
To: Joel Paulson
Subject: North 40

Hi,

I live on Venn Ave., been here 8+ years.

Comment 1

I am VERY concerned about TRAFFIC and congestion on LG Blvd. and Lark. We already have a lot of congestion on these streets, midday, during non-rush hour traffic. I read the report. Adding more lanes may or may not work. How will people be able to park in the Trader Joe's/Petfood Express lot, or the Peet's/CVS lots when those lots are very full and midday?

I do not support this project, and am very concerned about traffic on our streets.

Comment 2

Also, I have a 3 year old, and I FULLY INTEND to send her to Carlton Elementary, which is 2 blocks away, after having paid, by the time she goes, well over \$100,000 in prop taxes. This cannot be threatened. NO more kids at Carlton school! Or, at least, the new kids are last in line to attend. It is only fair.

Thanks,
Julie Walsh

Response to Letter 7 from Walsh (April 28, 2014)

1. Parking is provided at commercial shopping centers, such as those along Los Gatos Boulevard near Lark Avenue, in accordance with the Town's zoning requirements, which are intended to provide adequate parking to meet typical parking demands. While some increase in parking demand at various centers and locations in the area is likely, patronage of businesses in the vicinity of the Plan Area would be dispersed both geographically and in terms of time of demand based on need and preference for products and services. In addition, businesses and services within the Plan Area are intended to meet some needs of future Plan Area residents and employees, which will reduce parking demands outside of the Plan Area. Per the Town's zoning code, adequate parking for all land uses must be provided in the Specific Plan Area. The Specific Plan requires that all parking provided in the Specific Plan area shall adhere to the standards provided in Section 2.5.7, Parking Requirements in the Specific Plan. Therefore, the increase in parking demand created by the Specific Plan is expected to be less than significant.

Also, refer to the Master Response on Transportation.

2. Refer to the Master Response on Schools.

Letter #8 from Aaron Costa

From: Costa, Aaron <aaron.costa@deh.sccgov.org>
Sent: Thursday, May 08, 2014 2:53 PM
To: Joel Paulson
Subject: Draft EIR for North Forty Project - DEH Comments

Mr. Paulson

The Department of Environmental Health (DEH) has reviewed the Draft EIR for this project and has the following comments:

- Comment 1
1. The DEH is currently overseeing an open fuel leak investigation at 16500 Lark Ave. which is across the street from the proposed project.
 2. Contamination has migrated from the subject site under Lark Ave. and on to the property of the proposed development.
 3. A significant level of remediation is required to reduce the level of contamination both at 16500 Lark Ave. and the off-site property.
 4. The final remediation design as well as how long the remediation will last is currently unknown, but DEH estimates it to be 1-2 years.
 5. The DEH requests consultation prior to any disturbance of soils on the proposed project site and surrounding areas as there is a potential that not all the contamination has been delineated.
 6. Appropriate protective measure such as a soil management plan (SMP) should be prepared and presented to DEH prior to any soil disturbance.
- Comment 2
7. Additionally, the DEH notes that in addition to hazardous materials originating from the 16500 Lark Ave property, there is potential to encounter hazardous materials from other sources on the proposed project property. Prior land use (orchard) may have included the use of chemicals such as pesticides and herbicides and those chemicals should also be tested for prior to any soil disturbance.

If you have any questions, please don't hesitate to contact me.

Thank you,

Aaron Costa
Hazardous Materials Specialist II
Site Mitigation Program

County of Santa Clara
Department of Environmental Health
Hazardous Materials Compliance Division
1555 Berger Drive #300
San Jose, CA 95112
(408) 918-1954
www.EHinfo.org

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Response to Letter 8 from Santa Clara County Department of Environmental Health (May 8, 2014)

1. Contamination from the 16500 Lark Avenue leak is described in Section 3.8 Hazards and Hazardous Materials in the Draft EIR. Mitigation Measure HAZ-1 (page 3-115) was developed in consultation with the County of Santa Clara Department of Environmental Health (DEH). DEH reviewed the mitigation measure prior to circulation of the Draft EIR and their comments were incorporated at that time. The mitigation measure is presented to protect workers and residents in the southern portion of the Plan Area (adjacent to Lark Avenue) from potential adverse effects of exposure to the contamination. Mitigation Measure HAZ-1 requires developer consultation with DEH prior to issuance of permits for activities involving grading or excavation within the delineated contamination area (Figure 17, Groundwater Contamination Plumes in the Draft EIR, page 3-109), and “immediately adjacent areas”, therefore accounting for the possibility of contaminated soils beyond the delineated boundary. During the required consultation, and based either on soil testing or assumption of contamination, DEH will identify what they deem to be appropriate protective measures, which may include preparation of a soil management plan. Therefore, Mitigation Measure HAZ-1 requires appropriate protective measures to mitigate the potential impacts. The bounds of groundwater contamination have been established through approximately 20 years of groundwater monitoring, so consultation on locations outside the boundaries indicated in monitoring reports is not necessary. The contamination source was removed in 1992, so although migration of the contaminated groundwater could continue, increasing contamination levels are not likely. Furthermore, groundwater contamination, especially at the margins of the delineated area, is understood to be well below the anticipated depth of disturbance for project construction.

2. Soil sample analysis indicates that pesticide residues, while present, are below Regional Water Quality Control Board thresholds for residential uses (Draft EIR pages 3-107 and 3-114).

Letter #9 from Woody Nedom

May 9, 2014

RECEIVED

MAY 12 2014

TOWN OF LOS GATOS
PLANNING DIVISION

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

Re: North 40 EIR

Dear Town Staff, Planning Commission and Council,

Concisely commenting on this lengthy, complex document without becoming equally numbing is a challenge. Herewith are a few of the points that seem most important.

Comment 1 | S-2: Areas of Controversy: This list should include the density and number of housing units projected for the southern portion of the development. This point was raised during the process. This feature violates the "Vision" for the North 40 in that the product will look nothing like "Los Gatos" and promises to impact Los Gatos schools solely, and more seriously than claimed.

Comment 2 | Schools, page 3-170 et seq.: The EIR concedes that Louise Van Meter School and Fisher Middle School already exceed capacity. Do we want these schools to be forced to jam new students into rooms designated for other uses? Is forcing our schools to reallocate these rooms a valid, or desirable, "mitigation measure"?

Comment 3 | Page 3-186 discusses developer fees and parcel taxes that, based upon assumptions, would cover the cost of school expansion. However, the expected parcel tax income accrues over an eight-year period yet all the housing is to be built immediately.

The California Government Code considers the payment of state mandated school impact fees to be complete mitigation of any impact on the schools. That this code section is in egregious error dictates that the Town mitigate the impact by spreading the housing across the entire North 40.

Comment 4 | Section 3.13: Transportation and Traffic: I preface this by acknowledging a healthy skepticism of traffic studies. If they are accurate, why are so many intersections and roadways currently operating at "C-", "D" and "F" levels of service? After a credible opening paragraph that concedes the transportation and traffic caused by this project will be "significant and unavoidable", the subsequent analysis reverses field and concludes that mitigation measures will reduce the effects to "less than significant". But do the listed measures really satisfy the laudable Town Policies cited, beginning at page 3-202? I submit they do not. The minor tinkering with Burton Way will not miraculously untangle the chronic mess at Los Gatos Boulevard and Good Samaritan Drive. At page

Comment 4, cont. 3-226 the EIR states that the developer will work with the Town and Transportation Authority regarding shuttle or bus service to the Vasona Light Rail Station; the EIR counts this as a mitigation measure when, realistically, it should be called wishful thinking. Similarly, the conclusion at page S-28 that wasteful use of fuel will be less than significant because of mitigation measures can be described as pure whimsy.

Comment 5 Section 5.4 Evaluation of Alternatives:
Alternative 1: No Project, pages 5-4 et seq.: With the benefit of hindsight, this is the best plan. The zoning on the North 40 should have remained "agriculture". Of increasing importance are intra-urban farms producing local agricultural products that don't have to be transported significant distances by vehicles burning fossil fuels. As sprawl and drought constrict agriculture in the Central Valley local farms become even more critical. But Alternative 1 isn't going to happen, so the Town must focus on making the North 40 a true reflection of itself by adhering strictly to the Plan Vision and the thoughtfully crafted Policy guidelines.

Respectfully submitted,



Woody Nedom
16280 Azalea Way
Los Gatos, CA 95032

Response to Letter 9 from Nedom (May 9, 2014)

1. The comment made in the letter suggests that the “Areas of Controversy” identified in the summary section of the Draft EIR should also include the density and number of housing units projected for the southern portion of the Specific Plan area. The comment expresses the opinion that the housing is too dense and the number of units would be too high, and not consistent with the General Plan’s vision for the Plan Area. The density of housing in the Specific Plan area would be less than half that considered in the General Plan. Refer to response the response to Comment 1 in Letter 4 from Dallas.

2. Refer to the Master Response on Schools.

3. Pursuant to Section 65996(3)(h) of the California Government Code, payment of the state-mandated school impact fees “is deemed to be 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.” Therefore, with the payment of impact fees, the environmental impacts associated with new students generated by future redevelopment of the Plan Area would be mitigated to a less-than-significant level. In a scenario where all residential development was within the southern school districts, the student generation within those districts would rise slightly, but the development impact fees would increase proportionally and the impact would remain less than significant. Distributing housing across a larger portion of the Plan Area (i.e. to the north into the Northern District) would reduce the number of students attending Los Gatos school districts, but would at the same time increase the number of students attending schools in the two northern school districts.

The Specific Plan is intended to allow for the development of an integrated local-serving neighborhood consistent with the General Plan and the North 40 vision. The Specific Plan allows for a mixture of land uses within the Plan Area, including multiple residential categories intended to satisfy the Town’s unmet housing needs. The district-based approach applied in the Specific Plan allows each district to establish its own distinctive character by tailoring a range of uses for each district intended to be compatible with surrounding future and existing land uses both within and outside the Plan Area.

Distribution of land uses within the Plan Area is based on various factors including locating compatible land uses within proximity of each other. While the intent is to provide a mixed-use neighborhood within the Plan Area, it is desirable to concentrate certain land use types together instead of evenly distributing all land uses across the entire Plan Area. Housing is considered appropriate along Lark Avenue because of proximity to the existing housing south of Lark Avenue, and lower trip generation from residential uses on the short, but congested Lark

Avenue frontage. Concentrating commercial uses within the Northern District provides a focused retail presence, which is better located along Los Gatos Boulevard, because access to a concentration of commercial uses along the shorter Lark Avenue frontage would exacerbate already difficult traffic conditions along that street.

The Specific Plan is intended to provide a range of housing options that is desirable to a range of future residents. It is not necessarily desirable to situate all housing options adjacent to, for instance, retail or office uses. This type of residential situation may be desirable to some people and housing in the Transition and Northern Districts will provide such options. However, the majority of housing within the Plan Area is proposed within a predominately residential area that is within a short distance of retail and office uses, located both within and near the Plan Area. Housing in the Lark District, as well as the Transition District will provide opportunities for more of a residential neighborhood feel while still putting residents in proximity to businesses and services.

4. The transportation impact analysis was conducted primarily using counts conducted in early 2013 when the analysis was started. The operations of the study intersections vary and some operate with moderate amounts of delay (LOS C and D), some are at capacity (LOS E), and some have excessive congestion (LOS F). Refer also to the Master Response on Transportation.

The “significant and unavoidable” comment in the beginning of the Traffic and Transportation section is in relation to the *Town of Los Gatos 2020 General Plan EIR* and the lack of available funding to construct all of the needed improvements, and not in relation to the North 40 Specific Plan.

Mitigation Measure TR-4 and Mitigation Measure TR-5 refer to “working with” the transit agency because the Town does not have the authority to make decisions regarding the provision of transit services. The Town and Valley Transportation Authority have a good working relationship, and both are interested in seeing improvements that would facilitate transit use. In addition to serving as Santa Clara County’s transit agency, in its letters regarding this project, the Valley Transportation Authority has stressed the importance of providing transit to the project site. Demonstrating its commitment to transit, the Town of Los Gatos includes a Vasona Light Rail element in its General Plan, as well as numerous General Plan and Sustainability Plan policies directed at provision of transit and accommodation of other means of transportation. These policies are cited on pages 3-202 through 3-209 of the Draft EIR.

5. The comment suggests that the General Plan should have kept the Plan Area in agricultural use. However, the General Plan identifies the Plan Area for development within certain parameters, and the Specific Plan has been developed in accordance with those parameters.

May 14.2014

Planning Commission DEIR N40. Comments/

Comment 1

Re: TRAFFIC

Question: Why was the previous planned 5th lane from Lark Ave. to Samaritan not considered?

This lane(s) would accommodated all N.40 oriented traffic and reduce congestion by creating a thoroughfare section on Los Gatos Boulevard. This is a classic scenario in many European Cities for controlling traffic, and discussed in numerous community meetings. A wide tree lined island with turn outs could be incorporated.

Comment 2

Re: TRAFFIC

Question: Why was a ring road around the N.40 not considered?

This circulation solution is a success story used in so many cities. It can be incorporated into a 5th lane(s) in front of the N.40. It would circle the N.40 perimeter directing the bulk of the N.40s on site traffic into specified entrance and exits, mitigating congestion. This as well was discussed in numerous community meetings.

Comment 3

Re: Housing

Question: Did the EIR weigh the possible 20 year build out?

Now that the N.40 has become the N.20 I am surprised the DEIR did not comment on the overly intense concentration of housing in the Lark District. There is no guarantee that if or when the rest of the 40 acres comes available that it will ever be built as promised. This entire project was developer driven and I would not be surprised to find out that the last minute decision to delay the balance of the land sale by the property owner was not already known by the developer going in. So if there are ways to protect ourselves, I would highly recommend we take that road.

Rearranging the housing so that more is built on the North side would be a good start.

Lessening the amount of Housing would be another. Housing is key for the developers financial success. By moving more of the housing to the North Side would guarantee us that if a new developer shows up years from now there would still be some fruit on the trees to build housing.

Larry Justo Arzie, Los Gatos. Ca.

Response to Letter 10 from Arzie (May 14, 2014)

1. Assumptions about future lane geometries and mitigation measures for project impacts on Los Gatos Boulevard were developed in collaboration with Town of Los Gatos staff. The ultimate widening of Los Gatos Boulevard is a long-term capital improvement for the Town of Los Gatos and is not necessary as a mitigation measure to reduce impacts for this project. Right-of-way has already been dedicated on the west side of the roadway. Widening Los Gatos Boulevard between Lark Avenue and Samaritan Drive may not be feasible in the near term because it requires land acquisition along the east side of Los Gatos Boulevard. Two lanes already exist in this area, and the additional right-of-way would be utilized to provide a third travel lane, turn lanes, and to formalize the bike lane and sidewalks on the east side. As parcels on the east side of Los Gatos Boulevard are developed, additional right-of-way will be granted to the Town of Los Gatos to accommodate planned improvements.

2. Much of the Los Gatos Boulevard west side frontage is already developed making a ring road challenging to implement. Within the Plan Area, a ring road would function similarly to the proposed through road, distributing traffic within the Plan Area. Additionally, a ring road would still need to have access points onto Lark Avenue and Los Gatos Boulevard. Therefore the effects on the surrounding roadways would not be altered from what was addressed in the Draft EIR.

3. The comment that the North 40 has become the “North 20” is apparently in reference to approximately half the Plan Area being currently proposed for development. The Specific Plan provides a long-range plan for development of the entire Plan Area, and phasing of development is anticipated. The Draft EIR considered build-out of the entire Plan Area over a 20-year period. CEQA requires that an EIR analyze the entire project being proposed as early as possible in the planning process. CEQA does not allow projects to be segmented and reviewed in a “piecemeal” fashion. The Draft EIR did not analyze the appropriateness of focusing housing at any particular location within the Plan Area, but no significant impacts were identified that were specifically related to the concentration of housing at the south end of the Plan Area. From at least two standpoints, concentrating housing at the south end of the Plan Area has potential environmental benefits. The south end of the Plan Area is closer to the elementary and middle schools, so walking or bicycling to school are more feasible; and residential uses generate lower traffic volumes than commercial, so location of those uses near the traffic-constricted Lark Avenue could potentially result in fewer traffic impacts by generating fewer trip ends adjacent to that street. The Lark District is also less-affected by noise and air pollutants from traffic on State Route 17. Although portions of the Lark District are affected by groundwater contamination from the Lark Avenue Car Wash, that contamination is only known to occur well below the

2.0 COMMENTS ON THE DRAFT EIR

surface soils, so is not a likely concern for future residents; in any case, Mitigation Measure HAZ-1 imposes safety measures to ensure that groundwater or soils contamination is addressed prior to construction.

See also response to Comment 3 in Letter 9 from Nedom.

Letter #11 from Matthew Hudes

North 40 EIR Comments

For over two years, I have been urging the Town to perform an analysis of the economic impact of commercial development of the North 40 in the life cycle of commercial activities, starting with development application through planning and review approvals and through on-going commercial activities, including:

1. Potential economic activity that could be generated in the North Forty
2. Potential economic activity, both positive (synergies) and negative, in adjacent and proximate areas, as a result of activity in the North Forty
3. Potential economic activity, both positive and negative, in the downtown, as a result of activity in the North Forty

The response from Town staff has been that these concerns would be addressed in the Urban Decay Analysis incorporated in the EIR. As a member of the North 40 Advisory Committee, I took it on good faith that this analysis would be performed. In fact, these concerns were not addressed, although they could have been, as evidenced by other Urban Decay Analysis examples in the State of California, that are easily obtained, including the Sacramento Railyards report (forwarded to Town staff).

My main comments about the Draft EIR, boil down to:

- Comment 1
1. Numerous opinions and conclusions offered without foundation in fact. Some of the most extreme examples are in section 3.10 Land Use and Planning:
 - *“With the exception of the declining automotive sector, Los Gatos has a very strong retail sector.” “the continuing success of the downtown following the opening of Santana Row”* Omitting the automotive sector, the data in the Draft EIR and Appendix K show a decrease in retail in the Downtown by 34% since 2000, despite a small recovery.
- Comment 2
- *“The sales estimates are equivalent to slightly less than 30 percent of estimated 2012 retail sales in Los Gatos” “The urban decay analysis indicates that urban decay is not likely to occur as a result of the proposed project.”* Yet the data show that the North 40 Specific Plan will expand retail by \$215M or 29% of the Town’s 2012 retail commerce, and expand it by 52% compared to the Downtown. The Downtown is the more relevant comparison here, as it is the only area that is primarily pedestrian-accessed. Any reasonable and competent economic sensitivity analysis would show that adding more than 50% supply in a short time frame would have a significant impact. It would be an extremely rare economic phenomenon that an enormous increase in supply would have no significant impact.

Comment 3 | 2. The analysis of base case retail capacity was not performed. Despite numerous requests by residents, there has been no inclusion of square footage analysis of the existing retail areas in Town. If the residents' concerns are founded, then the retail addition of the North 40's 400,000 square feet is almost double the existing area in Downtown. That would suggest that the aforementioned projection of \$215M or 52% increase in retail activity is extremely and severely understated. The impact would be more destructive on economic activity in the Downtown than indicated in the report.

Comment 4 | 3. The analysis of adjacent and potentially impacting populations is flawed in two ways:

- a) The "ten minute" drive area comparison is more like 25 to 35 minute drive time in reasonably likely comparisons.
- b) The type of business to be permitted in the Draft North 40 Specific Plan are meant to be "neighborhood serving"

The result of these errors is that the potential market to absorb this enormous additional retail activity in the North 40 is overstated in the report, and the impact would be more destructive on economic activity in the Downtown.

Comment 5 | 4. The Draft EIR lacks case studies and comparisons; examples of such have provided to Town staff, and might include such developments proximate and adjacent to Downtowns that have occurred in:

- Sacramento, Railyards
- Walnut Creek
- Livermore
- Pleasanton
- Campbell
- San Luis Obispo
- Palo Alto (only cited in a minor way)
- Napa
- Bay Street, Emeryville
- Gateway, Salt Lake City
- Lake Oswego, OR

It would be valuable to include relevant historical and representative comparators in both the EIR and the Specific Plan.

Comment 6 | 5. The EIR fails to consider other credible, and in fact, likely retail development alternatives such as, permitting larger retail outlets rather than allowing many smaller spaces that will compete with downtown.

The main point is that the data cited in the study have been interpreted in a manner favorable to development.

Additional Information:

Comment 7

The inadequate consideration of economic impacts in an EIR has recently become a focus of attention and litigation. In an analysis of the decision (*Cal. Clean Energy Committee v. City of Woodland* (No. C072033 Feb. 28, 2014), Benjamin Z. Rubin and Robert D. Thornton, express the following which could apply to the handling of the North 40 Urban Decay Analysis:

The latest in a series of cases holding that local land use agencies are required to evaluate and address potential urban decay impacts of "big box" and other retail centers outside of the town center, in this case the Court of Appeal found fault with the City's mitigation of the urban decay impacts on downtown Woodland.

The Court of Appeal concluded that the following urban decay mitigation measures were deficient: (1) requiring the applicant to submit a market study and urban decay analysis at the time of future applications for site-specific development; (2) requiring the applicant to contribute funds toward the development of a Retail Strategic Plan prior to the issuance of building permits; (3) requiring the applicant to contribute funds toward the preparation of an Implementation Strategy for the Downtown Specific Plan prior to the issuance of building permits; and (4) requiring the City to coordinate with the current owner of the County Fair Mall to prepare a strategic land use plan for the Mall to analyze potential viable land uses for the site.

The Court of Appeal found that the market study mitigation measure failed to comply with CEQA, because it improperly ceded responsibility for studying an environmental impact to the developer, and it failed to require any specific mitigation actions to alleviate urban decay. As to the second point, the Court of Appeal explained that "the questions of whether mitigation measures will be required, of what they might consist, and how effective they will be are left unanswered."ⁱⁱ

ⁱ California "Planner's Guide to Specific Plans" (<http://ceres.ca.gov/planning/specific/>)

ⁱⁱ <http://www.nossaman.com/UrbanDecayAndEnergyImpacts>

Comment 7
cont.

How did we get here? Fundamentally, the issue is that the EIR process was performed sequentially after the work of the North 40 Advisory Committee was concluded. Despite concerns raised by the North 40 Advisory Committee, despite initial response from Town staff that the EIR would be developed in parallel with the Advisory Committee work (which was later rescinded), and despite guidance from the State of California that “the data, analyses, and studies for one, will likely be necessary for the other. For this reason, both documents should be proceed concurrently because both documents require many of the same studies and resulting information.”ⁱ In other words, this should be an iterative parallel process, not sequential.

What should be done? Given that the North 40 Advisory Committee has been disbanded and there is a severely flawed EIR now before the Planning Commission, the EIR should either be re-scoped with input from the Planning Commission and re-drafted, or it should be rejected by the Planning Commission as inadequate. Then, the Draft North 40 Specific Plan should be revised, as recommended by the State of California, in a manner that is iterative and parallel with the development of the EIR.

I have included detailed comments on the Draft EIR and Appendix K Urban Decay Analysis in an attachment.

Regards,

Matthew Hudes

Summary of Comments on North 40 Draft EIR_MH Comments.pdf

Page: S-20

Comment 8 **T** Author: mhudes Subject: Highlight Date: 5/13/14 2:45:17 PM
 CL: To which areas of LG Blvd does this requirement apply?

SUMMARY

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			habitable interior environment, consistent with California Building Code requirements. Systems must not compromise sound-insulation of the building shell.	
Comment 8		NOI-3	Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.	
		NOI-4	Future non-residential development on sites where the Ldn noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of Leq-1hr 50 dBA or lower.	

Comment 9 **1** Author: mhudes Subject: Highlight Date: 5/13/14 2:56:53 PM
 DEF: Since the implementation is not defined, it is incorrect to conclude that there would be less-than-significant level of impacts.

Comment 10 **1** Author: mhudes Subject: Highlight Date: 5/13/14 2:51:21 PM
 DEF: 'shall work with" is not specific. Are we requiring that the the developer provide for or pay for the cost of this shuttle service?

SUMMARY

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			permits. The applicant shall pay the pro-rata share of improvement as determined by the Town of Los Gatos and City of San Jose. If a specific improvement project has not been identified, the fee shall be based on pro-rata share of a traffic signal, and shall be proportionally refundable if a less expensive project is developed.	
Comment 9	Conflict with Measure of Effectiveness –Highways Level of Service and Conflict with Congestion Management Program	See note.	No project mitigation proposed. If the State Route 85 high occupancy/toll lanes are implemented, the proposed project's impacts would be reduced to a less-than-significant level.	Significant and Unavoidable
Comment 10	Transportation/Traffic	TR-4	The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.	Less than significant
		TR-5	The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.	

- Comment 11 **T** Author: mhudes Subject: Highlight Date: 5/13/14 9:48:27 PM
DEF: This statement lacks foundation and is factually incorrect.
- Comment 12 **T** Author: mhudes Subject: Highlight Date: 5/13/14 9:48:18 PM
DEF: This statement lacks foundation and is factually incorrect.
- Comment 13 **T** Author: mhudes Subject: Highlight Date: 5/13/14 9:49:23 PM
CL: What is their height?

3.0 ENVIRONMENTAL EFFECTS

The Plan Area's location affords scenic views southward toward the Santa Cruz Mountains' Sierra Azul ridge. Views of the Santa Cruz Mountains form a backdrop for southbound Los Gatos Boulevard, but are obscured in many locations by development and plantings within the Plan Area and by street trees. Views of the Santa Cruz Mountains from Lark Avenue are minimal. The clearest views of the Santa Cruz Mountains are from southbound State Route 17.

Comment 11 Views into the Plan Area are variable. The Plan Area is directly visible from State Route 17, in particular from the northbound lanes, which are closest to the Plan Area boundary. Although the Plan Area is visible from southbound State Route 17, the view is across the median and the two north-bound lanes, so it is less direct than from the northbound lanes. Grade differences and the presence of an existing sound wall largely block views of the Plan Area from State Route 85 and the connecting ramps from State Route 17. State Route 17 is not an eligible scenic highway where it passes the Plan Area. State Route 17 is eligible for listing as a scenic highway south of State Route 9, but not officially designated as scenic in this section. No portion of State Route 85 is eligible or designated as a state scenic highway (California Department of Transportation 2013).

Comment 12 Los Gatos Boulevard is elevated about eight to ten feet compared to the Plan Area. Although this elevation differential could provide extensive views across the Plan Area, existing buildings, fences, and a line of trees along the edge of the Plan Area block most views into the Plan Area from Los Gatos Boulevard. About two-thirds of the Plan Area's Los Gatos Boulevard frontage is developed; the remaining one-third that is not developed is vegetated and provides a sense of openness. Lark Avenue is at approximately the same grade as the Plan Area, and there are clear views into the orchards within the Plan Area.

Approximately 17 acres of the Plan Area are currently developed with buildings and associated parking lots and landscaping, and approximately 27 acres are in agricultural use with several buildings intermixed. Existing development is concentrated along Los Gatos Boulevard. The tallest existing structures in the Plan Area are the commercial buildings near Los Gatos Boulevard, which are three stories tall at the rear.

Comment 13

Policy and Regulation

State

Neither of the adjacent state highway segments is designated as scenic by Caltrans.

California Green Building Standards Code Section 5.106.8 establishes controls on light spill from non-residential building sites.



3.0 ENVIRONMENTAL EFFECTS

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. This model has been utilized to assess the value of the farmland within the Plan Area.

The majority of the Plan Area is planted in orchards, and the remainder of the Plan Area is developed with residential and commercial uses. There are no forestry resources in the Plan Area. Therefore, forestry resources, which are included this section of the CEQA Guidelines appendix G, are not evaluated in this EIR.

Impacts, Analysis, and Mitigation

Less-than-Significant Impact: Important Farmland Conversion

The portions of the Plan Area planted in orchard are designated as Unique Farmland (California Department of Conservation 2010). The *Town of Los Gatos 2020 General Plan EIR* concluded that the loss of this Unique Farmland is a significant and unavoidable impact (Town of Los Gatos 2011, page 2-8) and the Town Council adopted a statement of overriding considerations finding that the benefits of development on this land will outweigh the significant and unavoidable environmental impact. The proposed project would convert approximately 27 acres of Unique Farmland to urban uses.

Comment 14

The State Department of Conservation's LESA analysis methodology was used to assess the agricultural value of the agricultural land in the Plan Area. The LESA analysis rates a site's agricultural value based on the land evaluation (quality of soils) and site evaluation (site size, water availability, surrounding land use, and presence/absence of agricultural protections). The final LESA score was 57.25 with a land evaluation score of 40 and a site assessment score of 17.25 (Engeco 2013d). Total scores between 40 and 59 are classified as significant only if both the land evaluation and site assessments components have a score of at least 20. Although the farmland within the Plan Area has soil characteristics that are agriculturally valuable, on balance, the LESA analysis leads to a conclusion that the loss of the Unique Farmland within the Plan Area is a less-than-significant environmental impact.

Refer also to Section 4.0 Cumulative Impacts, for discussion of the proposed project's contribution to cumulative agricultural resources impacts.

Less-than-Significant Impact: Zoning or Williamson Act Conflict

The Plan Area is not under a Williamson Act contract, nor are any nearby parcels within the Town of Los Gatos (Town of Los Gatos 2011, Figure LU-2). Most of the parcels under Williamson Act contracts within the Town of Los Gatos are in the southern half of the Town.



NORTH FORTY SPECIFIC PLAN EIR

- BAE Urban Economics. *Market Study & Business Opportunities Assessment Town of Los Gatos*. August 12, 2011.

Comment 15

- BAE Urban Economics. *Urban Decay Analysis North 40 Specific Plan*. November 20, 2013.

These reports are included in [Appendix K](#). Ed Rathmann submitted a comment regarding downtown retail square footage and comparison to Santana Row in response to the NOP.

Environmental Setting

Town Land Use Characteristics

The Town of Los Gatos includes about 6,216 acres within its incorporated limits, and about 11,476 acres within its sphere of influence, including both incorporated and unincorporated land. The most prevalent land uses are Hillside Residential (27.8 percent of the incorporated land); Low Density Residential (26.5 percent of the incorporated land); and Open Space (22.4 percent of the incorporated land). For the Plan Area, the *Town of Los Gatos 2020 General Plan* applies a Mixed Use Commercial designation with a North Forty Specific Plan overlay. Land designated Mixed Use Commercial totals 144 acres (2.3 percent of the incorporated land), principally along Los Gatos Boulevard adjacent to and south of the Plan Area. The Plan Area represents just under one-third of the Mixed Use Commercial land within the Town. The other significant area of commercial land use is the downtown area, with about 43 acres of land designated Central Business District along Main Street and Santa Cruz Avenue. About 65 acres of Neighborhood Commercial land is designated at various locations within the Town, including an area extending from downtown along Santa Cruz Avenue, north of State Route 9 (Town of Los Gatos 2010c, pages 3-18, 3-19).

Other Town of Los Gatos land use designations near the Plan Area include Mixed Use Commercial, Low Density Residential, Medium Density Residential, and Office Professional. To the north and east of the Plan Area is land under the jurisdiction of the City of San Jose and City of Campbell. City of San Jose territory is along Samaritan Drive, and east of South Bascom Avenue, north of State Route 85. Land use designations in this area are Neighborhood/Community Commercial (includes Good Samaritan Hospital) and Residential Neighborhood (City of San Jose 2007). Campbell's territory is along the west side of South Bascom Avenue, north of State Route 85. City of Campbell land use designations in this area include Low Density Residential and Research and Development (City of Campbell 2001). [Figure 9, Land Use Designations](#), presented in Section 2.0, Project Description, shows the land use designations in the immediate vicinity of the Plan Area.

Comment 16

T Author: mhudes Subject: Highlight Date: 5/14/14 2:30:32 PM

T Author: mhudes Subject: Highlight Date: 5/14/14 2:30:26 PM

T Author: mhudes Subject: Highlight Date: 5/14/14 2:30:57 PM

3.0 ENVIRONMENTAL EFFECTS

Comment 16 **Table 11 Town Taxable Retail Sales Trends**

Shopping Area	Retail Sales \$ 000's				
	2008	2009	2010	2011	2012
Downtown Core	190,257	168,745	175,852	179,948	182,061
Downtown North	36,293	31,292	34,249	45,713	49,513
Blossom Hill	10,620	8,123	9,745	10,208	11,035
Los Gatos Boulevard	200,845	162,515	160,222	161,088	155,300
Neighborhood Centers	40,671	38,738	35,548	32,276	35,898
Total	576,276	411,422	417,626	431,244	435,819

Source: BAE Urban Economics 2013, Tables 12, 14, 15.

Note: Dollars adjusted to 2012 dollars.

When the three downtown sub-areas are combined, downtown taxable sales account for about half of the Town's total. Eating and Drinking Places show annual taxable sales in the range of approximately \$67 million to \$77 million, and Apparel Stores have sales at approximately \$26 to \$31 million annually. Both of these categories had year-over-year sales declines between 2008 and 2009, but increases between 2009 and 2012. Sales for both of these categories in 2012 were above 2008 levels on an inflation-adjusted basis. The re-opening of a supermarket in the downtown north area in 2011 accounts for much of the increase in that area for 2011 and 2012. In 2010, stores designated as formula retail in the Downtown Core provided over 30 percent of all taxable retail sales in the area, while making up only 11 percent of the retail outlets (excluding food-related retail and service stations).

Much of the long-term decline was in auto-related retail (dealers and service stations) and non-retail outlets (personal and business services). Taxable sales in the automotive sector on Los Gatos Boulevard declined from \$85 million in 2008 to \$54 million in 2012. The key retail sectors combined showed smaller declines over the decade, and eating and drinking places showed much less variation over the 12 years. As a "rule of thumb," only about one-third of food store sales are taxable; if non-taxable sales are considered, the food stores generate a much larger share of retail sales on Los Gatos Boulevard.

Regional Sales and Leakage/Injection

On a per capita basis, retail sales were \$24,628 annually compared to less than \$13,000 annually for the retail trade area, the County, and California. Retail sales within the retail trade area were \$7.7 billion in 2010. The Town's three largest sales categories were food and beverage stores at

 Author: mhudes Subject: Highlight Date: 5/13/14 10:18:23 PM

Comment 17  Author: mhudes Subject: Highlight Date: 5/13/14 10:21:17 PM
DEF: What is the estimate of percent of the 2012 sales in the Downtown. (Statement is to preserve vibrant downtown.)

 Author: mhudes Subject: Highlight Date: 5/13/14 10:19:21 PM
DEF: Basis for this estimate are omitted.

 Author: mhudes Subject: Highlight Date: 5/13/14 10:19:25 PM

 Author: mhudes Subject: Highlight Date: 5/13/14 10:21:34 PM

 Author: mhudes Subject: Highlight Date: 5/13/14 10:21:23 PM

Comment 18  Author: mhudes Subject: Highlight Date: 5/13/14 10:24:14 PM
DEF: The relevant additional retail demand is not of the entire retail trade area, because the specific plan specifies neighborhood-serving. The relevant additional retail demand should only be of the neighborhood.

 Author: mhudes Subject: Highlight Date: 5/13/14 10:21:17 PM

Comment 19  Author: mhudes Subject: Highlight Date: 5/13/14 10:26:13 PM
DEF: One example is not a study. Furthermore, there was significant negative impact to downtown Palo Alto for an extended period of time. And Palo Alto has retail demand from the preeminent university, and Los Gatos does not.

Comment 20  Author: mhudes Subject: Highlight Date: 5/19/14 3:20:02 PM
DEF: No data is presented to support this assertion. Data in the report show a significant decline sine 2000. Approximately 34%.

 Author: mhudes Subject: Highlight Date: 5/13/14 10:26:15 PM

Comment 21  Author: mhudes Subject: Highlight Date: 5/13/14 10:30:13 PM
DEF: Lacks foundation and no factual basis for this assertion.

 Author: mhudes Subject: Highlight Date: 5/13/14 10:30:50 PM
DEF: In fact, the data in this report support the opposite conclusion.

Comment 22  Author: mhudes Subject: Highlight Date: 5/13/14 10:31:39 PM
DEF: No factual basis for this statement.

Comment 23  Author: mhudes Subject: Highlight Date: 5/14/14 2:13:14 PM
DEF: Factual basis for this statement.

 Author: mhudes Subject: Highlight Date: 5/14/14 2:12:11 PM

- The urban decay analysis assumes a maximum build-out of the Plan Area, with 400,000 square feet of commercial/retail floor area and 250,000 square feet of hotel/office floor area. The Plan Area allows a maximum store size of 50,000 square feet, which effectively eliminates certain types of retail uses that require larger spaces. The urban decay analysis assumes a mix of unspecified shopping center tenants, a supermarket/market hall use, and restaurants. **The Proposed Project is estimated to achieve total annual retail sales of approximately \$215 million annually, once fully established. The sales estimates are equivalent to slightly less than 30 percent of estimated 2012 retail sales in Los Gatos,** and about 2.7 percent of estimated 2012 retail sales in the retail trade area, but do not include sales from the health club or lodging uses (BAE Urban Economics 2013, pages 59-60).
- Projected population growth for the retail trade area would generate an additional \$500 million or more in retail demand in the retail trade area.** At 2010 per capita spending rates, this population would support existing retail along with the additional retail from the proposed project. Because of the availability of larger spaces not present elsewhere in the Town, the proposed project's retail mix is likely to have a stronger focus on formula retail in larger spaces with less emphasis on small independent retailers such as those in the downtown. Adding formula retail to the Town-wide inventory of retail properties could lead to Los Gatos capturing additional retail sales from Town residents who currently travel outside the Town to shop at formula retail outlets as well as from shoppers who would come from outside Los Gatos. While some market repositioning of existing retail in the Town may occur, there are several regional examples of downtowns/neighborhood shopping districts and large shopping complexes complementing each other with such differentiated shopping experiences, **for example, downtown Palo Alto and the Stanford Shopping Center** (BAE Urban Economics 2013, pages 62-63).
- With the exception of the declining automotive sector, **Los Gatos has a very strong retail sector.** The downtown, while impacted by regional and national economic trends, has remained a strong retail destination, bringing in shoppers from outside the Town. The Town is unusual in that it also attracts shoppers for everyday items such as groceries, due in part to the location of supermarkets and drugstores near the edges of Town and in part due to the lack of shopping in Monte Sereno, Saratoga and nearby unincorporated areas. The downtown occupies a unique market niche, **driven by small locally-owned shops providing a shopping experience that will not be replicated by the proposed project.** While some adjustments may result from competition with the proposed project's retail offerings, **the continuing success of the downtown following the opening of Santana Row indicates** that the **downtown can evolve and withstand strong competition from large retailers in the region.** The County has a typical vacancy rate for retail spaces. **The Town has a lower retail vacancy rate and a short supply of retail spaces of 10,000 square feet or larger.** The low vacancy rates are one indicator that vacant spaces (which are a regular part of the business cycle in retail real estate) are being filled (BAE Urban Economics

3.0 ENVIRONMENTAL EFFECTS

Comment 23
cont.

2013, page 65). The urban decay analysis indicates that urban decay is not likely to occur as a result of the proposed project. If stores were to close as a result of competition from the proposed project, the market in Los Gatos and the retail trade area is strong enough and growing, such that the spaces are likely to be re-used either in retail or some other use (BAE Urban Economics 2013, page 66).

Compatibility with Existing Development (Policies LU-6.5, LU-7.2, LU-7.3, LU-7.4). Consideration of consistency of the proposed project with these *Town of Los Gatos 2020 General Plan* policies regarding the placement of new commercial development adjacent to existing residential uses is included in the discussion of Conflict with Plan or Policy Adopted for Environmental Purposes, presented in Section 3.1 Aesthetics.

Multi-modal Links (Policies LU-11.6, LU-13.6). Consideration of consistency of the proposed project with these *Town of Los Gatos 2020 General Plan* policies regarding facilitation of bicycle and pedestrian travel to nearby uses is presented in the discussion of Measures of Effectiveness presented in Section 3.13 Transportation and Traffic.

Consistency with Other Policies and Plans. Other *Town of Los Gatos 2020 General Plan* policies applicable to environmental topic areas are presented in each topical section of the EIR. The Draft Specific Plan has been evaluated in those topical sections for consistency with General Plan policies adopted for the purpose of mitigating environmental effects. Discussions are presented where inconsistencies are identified. Refer to each of the topic areas discussed elsewhere in Section 3.0 Environmental Effects. Conformity with the following plans is addressed in the other sections of this EIR as noted:

- Clean Air Plan (see Section 3.3 Air Quality);
- *Los Gatos Sustainability Plan* (see Section 3.7 Greenhouse Gas Emissions);
- *San Francisco Bay Region Basin Plan and Watershed Action Plan* (see Section 3.9 Hydrology and Water Quality); and
- Transportation plans and transportation technical guidance (see section 3.13 Traffic and Transportation).

No Impact – Not Applicable: Conflict with Habitat Plan

The Plan Area is not within a habitat conservation area or natural community conservation plan. The Plan Area is outside the boundary of the *Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan*. The *Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan* covers Los Gatos Creek to the west, and extensive areas to the east, but does not include the Plan Area. Refer to Section 3.4 Biological Resources.

DEF: Other types of retail development were not considered, e.g., larger retail outlets rather than allowing many smaller spaces that will compete with downtown.

5.0 ALTERNATIVES

5.2 ALTERNATIVES SELECTED FOR EVALUATION

The following alternatives to the project are evaluated in this section:

- Alternative 1: No Project. This alternative is required by CEQA, and considered the effects of retaining the Plan Area as is;
- Alternative 2: Increased Residential/Decreased Commercial; and
- Alternative 3: Historic Preservation.

Each of these alternatives is described later, followed by an analysis of how each alternative's environmental impacts compare to those of the proposed project. Alternative 1 is required by the CEQA Guidelines, and Alternative 2 and Alternative 3 were selected to address significant impacts identified in Section 3.0 Environmental Analysis and Section 4.0 Cumulative Impacts. Analysis presented in those sections indicates that the proposed project would have a significant and unavoidable impact on transportation, and mitigated significant effects on aesthetics; air quality; biological resources; historic and archaeological resources; hazards and hazardous materials; hydrology and water quality; noise; and utilities.

5.3 ALTERNATIVES CONSIDERED BUT NOT SELECTED

The following additional potential alternatives were considered, but determined to be unsuitable for use as alternatives in the EIR.

- **General Plan Build-out Alternative.** Under this alternative, the Plan Area would be developed in accordance with the development assumptions used in preparation of the *Town of Los Gatos 2020 General Plan* and the *Town of Los Gatos 2020 General Plan EIR*. Those assumptions include up to 750 residential units and development of up to 580,000 square feet of retail or office space within the Plan Area. Because build-out under this scenario is greater than that proposed in the Draft Specific Plan, it is expected that environmental effects would generally not be reduced, and that environmental effects could be intensified for many topic areas, including air and greenhouse gas emissions, noise, and traffic congestion. One potential environmental benefit of this alternative would be increased viability of transit, which benefits from an improved ridership/cost ratio due to the higher development intensities.
- **Alternatives Considered in the *Town of Los Gatos 2020 General Plan EIR*.** The *Town of Los Gatos 2020 General Plan EIR* considered three alternatives that would have significantly affected development potential within the Plan Area (*Town of Los Gatos 2010b*, pages 5-1 to 5-31; 2010f):

Summary of Comments on Appendix K Economic 201404041348465887a-MH Comments.pdf

Page: 4

Comment 25

Author: mhudes Subject: Highlight Date: 5/14/14 5:17:51 PM

DEF: Starting with the definition of trade area, this important step of the methodology misses the point of the demand, since the N40 Specific Plan call for "neighborhood-serving" retail on the N40, not regional-serving retail. It also illustrates the direction of the staff and developer to create a regional shopping center, rather than a mixed use neighborhood.

ADMINISTRATIVE DRAFT - FOR INTERNAL REVIEW ONLY

feet of new commercial/retail development as a "worst case" scenario, representing the greatest potential retail-related urban decay impacts.

Table 1: North 40 Maximum Development Capacity

<u>Commercial/Retail</u>	<u>Square Feet</u>
Total Square Feet	400,000
<u>Office/Hotel</u>	<u>Square Feet</u>
Total Square Feet	250,000
<u>Residential</u>	<u>Number of Units</u>
Total Units	364 (a)

Note: Non-residential area includes approximately 66,000 square feet of existing buildings. Maximum non-residential building square footage shall not exceed 500,000 square feet, inclusive of the existing building square footage. Commercial (including retail, restaurants, personal services, health club, and entertainment) cannot exceed 400,000 square feet or the maximum traffic capacity evaluated in the EIR, whichever is less. Entire project can not exceed the maximum traffic capacity evaluated in the EIR.

(a) Total number of units, includes existing units and required Below Market Price units.

Source: North 40 Draft Specific Plan, Table 2-2; BAE 2013.

One key condition the current Draft Specific Plan places one key condition on the commercial development is a maximum individual commercial tenant size of 50,000 square feet; this limits certain types of retailers from locating in the Plan area, for instance large "big box" stores such as a Costco or Home Depot.

Study Methodology

The study methodology provides a comprehensive assessment of current and future anticipated consumer shopping patterns, leading to an assessment of potential impacts on existing retail and related facilities and their future reuse or vacancy. The methodology follows these steps, with more detailed explanations included as each step is described in each chapter of the report:

Comment 25

1. Define the Trade Area for the Proposed Project, based on location of existing and planned competitive supply and anticipated shopping patterns of residents.

Comment 26 Author: mhudes Subject: Highlight Date: 5/14/14 5:19:52 PM

DEF: While this narrow definition of urban decay in this report focuses on building deterioration, a more reasonable approach is to examine the economic impact on business--not only so severe that stores will close, but also to impact their ability to thrive, adding to the attractiveness and character of the Town.

ADMINISTRATIVE DRAFT – FOR INTERNAL REVIEW ONLY

2. Document and Analyze Demographic and Economic Conditions for the Trade Area, including benchmark comparisons to Santa Clara County and the nine-county Bay Area.
3. Document and Analyze Existing Retail Space, including key competitive supply and existing vacancies.
4. Document and Evaluate Existing Retail Sales Trends, in order to understand local trade area characteristics and variations within the trade area or by store category.
5. Estimate Existing Sales Trends and Leakage Out of the Trade Area, specifically for the retail categories potentially impacted by the Proposed Project.
6. Estimate Impact of Proposed Project on Trade Area Sales, including under current conditions and again in 2018 as population in the trade area grows.
7. Estimate the Impacts of the Proposed Project on Existing Stores, based on any potential decline in sales for existing stores, as well as the effects of future growth and increased demand in the Trade Area.
8. Assess the Potential for Urban Decay

Summary of Urban Decay Findings

Urban decay depends on a causal chain as follows:

- The project results in an economic impact so severe that stores might close as a result;
- Buildings and/or properties, rather than being reused within a reasonable time, would remain vacant; and
- Such vacancies would be significant enough in scale (in terms of total square footage affected and/or the loss of key “anchor” tenants”) and duration to cause the buildings and/or properties to deteriorate, and lead to the decline of the associated or nearby real estate.

Comment 26

Proposed Project Alone

BAE’s has considered the following factors in its findings regarding urban decay:

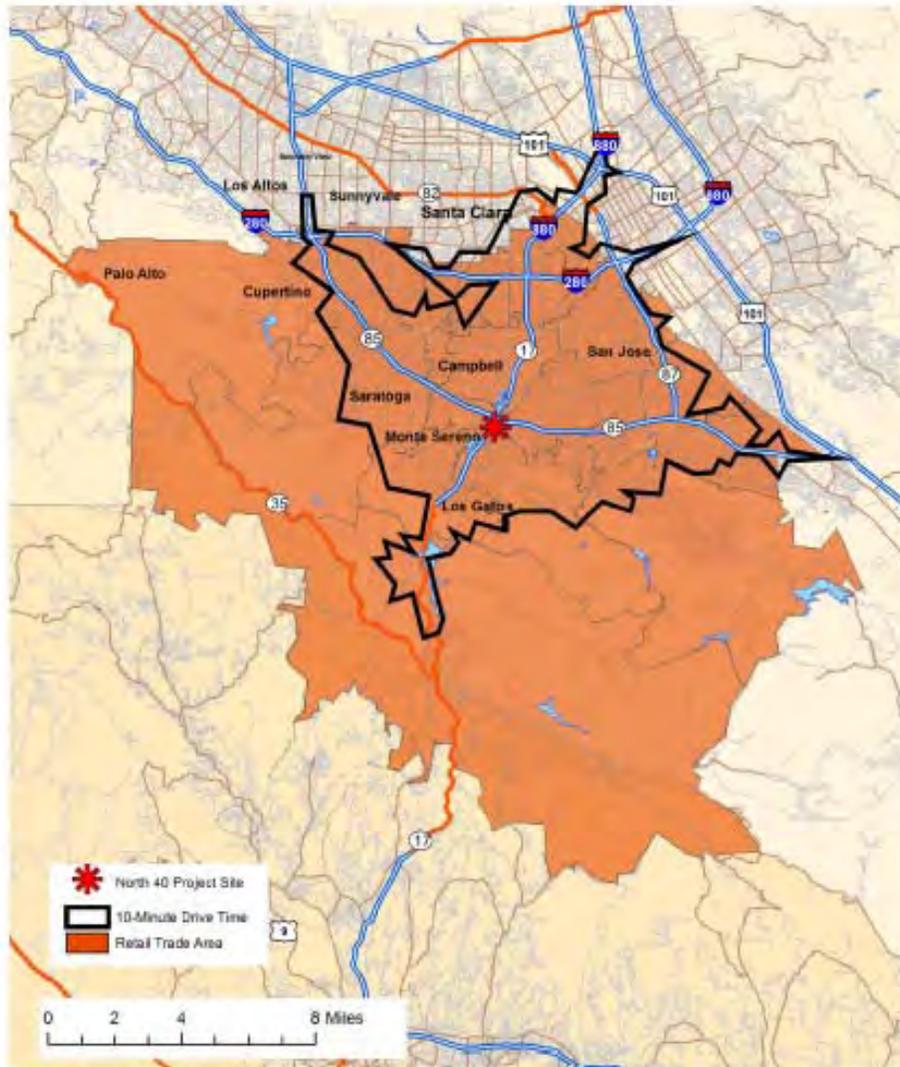
1. The sales impacts relative to the total current retail sales in the Retail Trade Area (RTA) which is shown in Figure 2, is less than three percent, even at a maximum buildout of 400,000 square feet of retail space. This estimate conservatively does not include any capture of retail leakages from the RTA. The population increase in the RTA alone over the next five years would generate demand at a level greater than the projected sales in the Proposed Project.

Comment 27 | Author: mhudes Subject: Highlight Date: 5/14/14 5:48:05 PM

DEF: The ten minute drive time in this analysis is deeply flawed. Drive time on this map is more like 25 minutes, thus overstating the retail population and understating the potential negative impact.

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Comment 27 | **Figure 2: Retail Trade Area**



See [Appendix A](#) for a listing of Zip Codes.

Source: BAE, 2013.

- Comment 28 **T** Author: mhudes Subject: Highlight Date: 5/14/14 5:55:56 PM
 DEF: Incorrect statement. The way I read this chart is: Retail sales were at a high in 2000 and have been declining in a relatively steady manner through 2008 and appear to have bottomed out at about 34% below that level, while the population has actually increased a bit. That is a loss of \$200M in retail sales.
- T** Author: mhudes Subject: Highlight Date: 5/14/14 5:56:18 PM
 DEF: There is no data to support this conclusion. Of the 34% drop in retail sales over the period, what can be attributed to the motor vehicle sector? Is it \$20M as shown on table ? if So, that would only represent a drop of 3%, of 34% Certainly not the majority of that amount, because it only represents 18% of the total.

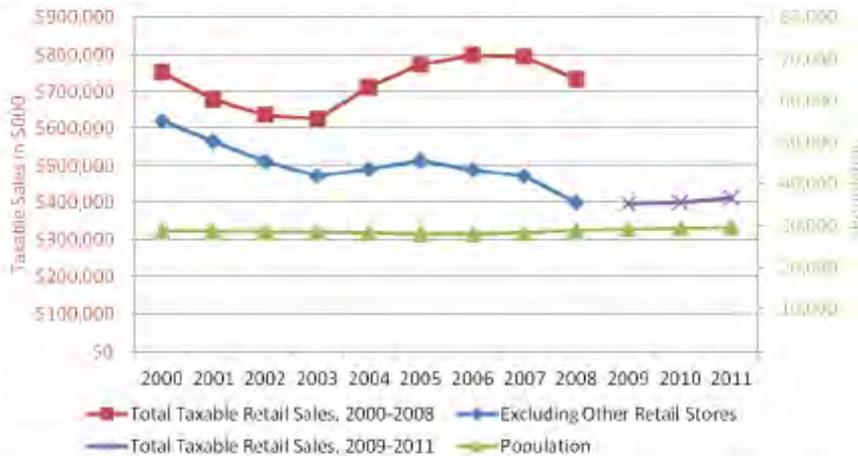
ADMINISTRATIVE DRAFT – FOR INTERNAL REVIEW ONLY

Los Gatos

Between 2000 and 2008, total inflation-adjusted taxable retail sales in Los Gatos dipped in the early part of the decade following the dot-com bust, and then gradually increased to peak at nearly \$760 million annually in 2006 (see Figure 6). By 2008, total retail sales had declined again to \$694 million in 2010 dollars. However, prior to 2009, Netflix was classified as a retail outlet (in the “other retail stores” category), skewing sales upward as their sales boomed. Figure 7 also shows total retail sales excluding Netflix and the entire other retail subcategory; this shows the remainder of taxable retail sales peaking in 2005, with a decline in every year through 2008. Since 2008, taxable retail sales have been fairly unchanged on an inflation-adjusted basis. These trends in retail sales occurred against a background of very limited population growth in the Town.

Comment 28

Figure 6: Los Gatos Taxable Retail Sales Trends, 2000-2011



Note: All sales shown are in 2012 dollars. Sales with other retail category excluded are shown to exclude the impacts of Netflix on overall retail sales trends. For details, see Appendix D.

Source: BAE 2013, based on sources as noted in Appendix C.

The key factor in the long-term decline of retail sales (excluding Netflix) in Los Gatos has been decreases in the motor vehicle sector. By 2011, taxable motor vehicle sales in the Town were only 21 percent of 2000 levels after adjusting for inflation (see Appendices C-1 and C-2). Thus this decline is not just a result of the economic downturn of the last few years, and the decline in fact began before the recession.

Comment 29  Author: mhudes Subject: Highlight Date: 5/14/14 5:58:30 PM

DEF: Why would we assume that the Apple store would remain downtown? Perfect example of regional serving business, not neighborhood serving that might relocate to N40 if retail traffic decreases downtown.

ADMINISTRATIVE DRAFT – FOR INTERNAL REVIEW ONLY

Downtown

In the 12 months from October 2011 through September 2012,²⁸ Downtown Los Gatos generated approximately \$243 million in taxable retail sales, or over half of the Town's total, indicating its significance as a shopping destination and as a tax generator for the Town (see [Table 12](#)). In 2012 inflation-adjusted dollars, sales were \$237 million in 2008, with a subsequent decline during the recession to only \$208 million in 2009, with increases in each following year. This uptick is due in part to increasing sales at the Apple Store, which is one of the top 25 largest sales tax generators in the Town; sales also increased in 2011 and 2012 following the reopening of Safeway.

Comment 29

While disclosure rules for SBOE data limit the detail that can be provided, the Table also shows some sales by category. Of the disclosed categories, eating and drinking places show annual taxable sales in the range of approximately \$67 million to \$77 million, and apparel stores have sales at approximately \$26 to \$31 million annually. Both of these categories had year-over-year sales declines between 2008 and 2009, but increases between 2009 and 2012. Sales for both of these categories in 2012 were above 2008 levels on an inflation-adjusted basis. Food stores sales increases reflect the reopening of Safeway in 2011. Most of the remaining taxable sales are lumped together in the other retail stores category, which because of the disclosure issues also includes automotive, home furnishings/appliances, service stations, and general merchandise stores.²⁹ This large grouping of stores shows declining taxable sales in 2009, with recovery in 2012 to \$119 million, still slightly below 2008 levels.

Within the overall Downtown area, the Downtown Core is responsible for 75 percent of total taxable retail sales (also shown in [Table 12](#)). Downtown North makes up 20 percent of the Downtown total, with the remainder coming from the Blossom Hill/University area. The proportion in Downtown North increased over time, again due to the reopening of Safeway.

²⁸ Most recent data made available to BAE. For ease of discussion, this period will be referred to as "2012" throughout this section.

²⁹ Under this classification system there are two general merchandise stores, the two pharmacies. In some other tables in the analysis here for recent data, they have been placed in the health and personal care stores category per NAICS.

Comment 30 Author: mhudes Subject: Highlight Date: 5/14/14 6:08:25 PM

DEF: 52% of estimated 2012 retail sales in Downtown Los Gatos. Why is it important to think about this comparison: N40 is a pedestrian-oriented area with a mix of small and larger spaces more comparable to Downtown than to the auto-oriented shopping on LG Blvd and in neighborhood shopping centers.

incentives for owners to maintain vacated properties in good condition so that they are suitable for releasing, even if there is some amount of lag time in the reuse process. Thus, if potential baseline sales exceed current levels within five years, the likelihood is greater that a vacant space would be kept in good order by the owner through the recovery period, or re-tenanted within a reasonable amount of time such that property owners would maintain their properties and not allow them to fall into disrepair.³⁸ At the same time, any store closures would not necessarily result immediately upon the opening of the Proposed Project, but if they occur at all, would occur over a period of several years as competing businesses determined whether they could survive in a more competitive economic climate, taking into account long-term growth that could overcome any short-term losses. In the event an existing retail store is already operating at or near its margins or is otherwise struggling to stay open, the addition of a competitor to the marketplace could lead the store to close sooner than it would otherwise have done so. Beyond five years, the potential entry of other retailers, possible changes in consumer shopping patterns, general economic conditions, and other factors would make any attempt at an urban decay analysis highly speculative.

Estimated Sales at Project Opening

BAE has made an estimate of the sales performance of the retail and related components of the Proposed Project, as shown in [Table 27](#). Based on the maximum buildable commercial commercial/retail envelope as shown above in [Table 1](#), the Proposed Project is estimated to achieve total annual retail sales of approximately \$215 million annually. These sales estimates are based on stabilized operations at full performance levels; it is possible that early years would see lower levels of sales as the project leased up and reached stabilized benchmark performance levels. These estimates also include only the retail/commercial component and exclude sales revenues generated by the lodging, office, and residential uses.

Comment 30

These estimated sales are equivalent to slightly less than 30 percent of estimated 2012 retail sales in Los Gatos, and 2.7 percent of estimated 2012 retail sales in the Retail Trade Area (see [Table 16](#) above).

³⁸ Since sales would increase gradually over time in an area such as the Trade Area with continued gradual long-term population increase, any vacant properties would re-absorb gradually, meaning that the potential for rental and the motivation to keep a property in usable condition would not just be a function of sales levels five years after opening.

DEF: In order to reach this conclusion, it is important to know the other proposed development projects in the RTA

however, general merchandise store sales capture is constrained as discussed above by the size limits proposed in the [Draft Specific Plan](#). Additionally, while a supermarket/market hall component could capture some of the limited leakage in food and beverage stores, sales in the health and personal care store category occur largely in drug stores, so leakage in this category is unlikely to be captured in the Proposed Project unless it included a drug store in its retail mix.

Capture of Sales from Outside the Retail Trade Area

While the RTA will account for the majority of visitors for the Proposed Project, market area boundaries are not absolute, and some of the visitors will originate from outside the defined Retail Trade Area. The extent of the sales captured from outside the defined RTA will vary, ultimately depending on the tenant mix; a unique use or experience is likely to attract consumers from a larger area. Additionally, office workers employed in the Proposed Project and nearby (e.g., in the medical offices and hospital), along with hotel workers and guests, represent another source of demand for the retail, entertainment, and recreational components of the projects (e.g., office workers using a fitness center).

Estimated Impacts of Proposed Project

As discussed above, the Proposed Project is estimated to capture approximately \$215 million in retail store and restaurant sales at full occupancy (see [Table 27](#)). This sales estimate is equivalent to 2.7 percent of estimated 2012 retail sales in the Retail Trade Area (see [Table 16](#) above). This small proportion of overall RTA sales is one indicator of a lower likelihood that store closures and urban decay would result from the addition of the Proposed Project to the retail inventory in the area. Additionally, using per capita demand per [Table 16](#), projected population growth for the RTA would generate an additional \$500+ million in retail demand in the RTA, enough so that existing retail along with the Proposed Project could be supported at current levels (see [Table 28](#)). It should be noted that this demand is based on a 2010 baseline for per capita sales; per capita sales may also increase from these levels as the economy recovers, indicating that this is a conservative estimate of retail demand.

Comment 31

Comment 32 Author: mhudes Subject: Highlight Date: 5/14/14 6:11:56 PM
 DEF; Not supported by facts in this report. The data suggests a drop of 34% over the last 13 years.

Table 28: New Retail Demand from RTA Population Growth, 2012-2018

Sales/Demand in 2012 \$000 (a)	Retail Trade Area
Population change, 2012-2018	38,040
Per Capita Retail Demand	\$13,611
Additional Non-Automotive Retail Demand, 2018	\$517,752

Notes:

See [Table 11](#), [Appendix E](#), and [Appendix F](#) and for details on how these sales and demand estimates were derived. Additional demand based on per capita expenditures for RTA residents for the increase in population between 2012 and 2018.

Sources: 2010 U.S. Census; U.S. Census of Retail Trade, 2007; Zip Code and County Business Patterns, 2010; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; Nielsen Marketplace; BAE, 2013.

Impacts in Los Gatos

Comment 32 Los Gatos has a very robust retail sector, even taking into account the decline in auto sales over the last decade. The Downtown, while impacted by regional and national economic trends, has remained a strong retail destination, bringing in shoppers from outside the Town. The Town is unusual in that it also attracts shoppers for everyday items such as groceries, due in part to the location of supermarkets and drugstores near the edges of Town and in part due to the lack of retail outlets in Monte Sereno, Saratoga, and other nearby unincorporated areas.

The leakage analysis shows that the Town is losing retail sales in the general merchandise store and building materials store categories to retail outlets elsewhere. These leakages are due largely to the lack of large-format stores in these categories in Los Gatos. In particular, there are almost no sales in Town in the general merchandise store category. There are sales in the building materials category, as there are two hardware stores and several other outlets in Town in this category, but there is not a large home improvement center such as Home Depot or Lowe's. Additionally, the Town has opportunities in the appliances and consumer electronics store sector; the Apple Store, while extremely successful, provides a limited range of items largely from one manufacturer.

Given the Town's already-strong attraction as a food shopping destination and demographic profile, the lack of specialty food stores may also represent an opportunity to broaden the food retailing mix and enhance the Town's strong position for this retail category. While specialty food stores might capture some sales going to the supermarkets, they could also create a synergy that attracts more food shoppers to the Town. For example, in the Rockridge neighborhood in North Oakland, a Trader Joe's can be found in close proximity to Market Hall with its mix of specialty food vendors including a produce store, a meat counter, a seafood counter, and a pasta shop. Safeway also has a store near Market Hall, with recently approved plans for expansion. Across from the North Oakland Safeway are a standalone butcher shop

Comment 33  Author: mhudes Subject: Highlight Date: 5/14/14 6:13:47 PM
CL: If this is the conclusion, then why not limit the N40 to

 Author: mhudes Subject: Highlight Date: 5/14/14 6:13:07 PM

and another produce market. In Berkeley, there are several specialty food stores clustered near the Monterey Market (a smaller supermarket with a focus on produce) on Hopkins Street.

To some extent, the leakages in general merchandise and building materials reflect the Town's desire to retain a small-town feel, with the Downtown Core's smaller shops and limited formula retail. As a result, there are few retail spaces in Los Gatos of approximately 10,000 square feet or more that are available to accommodate larger users such as appliance stores, home improvement stores, or general merchandise stores. While the Town will seek to retain its character, appropriately designed development at the North 40 site may present an opportunity to provide retail space for larger users that might complement the existing retail mix in Los Gatos.

The project's potential estimated sales are a small proportion of the RTA's retail sales overall, but they constitute a larger proportion when compared to just Los Gatos, making up the equivalent of 29 percent of estimated 2012 retail sales in the Town (see Table 16 above).

Comment 33  However, because of the availability of larger spaces not present elsewhere in the Town, the North 40 retail mix is likely to have a stronger focus on formula retail in larger spaces with less emphasis on small independent retailers such as those Downtown. Adding formula retail to the Town-wide inventory of retail properties could lead to Los Gatos capturing additional retail sales from Town residents who currently travel outside the Town to shop at formula retail outlets as well as from shoppers who would come from outside Los Gatos. While some market repositioning of existing retail in the Town may occur, there are several regional examples of downtowns/neighborhood shopping districts and large shopping complexes complementing each other with such differentiated shopping experiences, for example, Downtown and Stanford Shopping Center in Palo Alto, or the Elmwood/Rockridge shops along Collede Avenue along with other Oakland neighborhood districts and the cluster of regional retail in nearby Emeryville that includes Bay Street and several other chain-oriented retail centers.

Impacts Elsewhere in the Retail Trade Area

Outside of Los Gatos, any impacts from the Proposed Project would be spread among outlets in the much larger retail base in the RTA. As noted above, even if the project was only to cannibalize sales from existing outlets and not capture any leakages, estimated sales in the project would only take 2.7 percent of estimated 2012 retail sales from existing outlets (see Table 16 above). Assessing the impacts on specific competitors would be speculative due to the tentative nature of the Proposed Project's mix of businesses; furthermore, the estimated sales in the project relative to the overall market size indicates that impacts would be minimal, and would be lessened due to population growth in the next five years.

Impacts Outside the Retail Trade Area

As noted above, the extent of capture of sales from outside the RTA will depend in large part on the tenant mix of the Proposed Project. Outside the RTA, any impacts from additional sales capture would be spread among many outlets in the much larger retail base in the larger region, with no predictable or likely potential for closure indicated for any particular retail

Response to Letter II from Hudes (May 14, 2014)

1. The two sentences in quotes are found in the Urban Decay Analysis (Draft EIR Appendix K), in the summary of findings on page 6 and then again on page 65. The first sentence refers to the overall retail climate in Town. As indicated in Figure 6 and Appendix D of the Urban Decay Analysis, calculation of long-term trends in taxable sales in Los Gatos are complicated by Netflix, which was placed in the “Other Retail Stores” category prior to 2009. Due to re-categorization of many businesses, data from 2009 and later by category is not directly comparable from this data source, but motor vehicle sales continued to decline, while overall taxable retail sales increased. If this category is taken out, Urban Decay Analysis Appendix D indicates that between 2000 and 2011, taxable retail sales in the Town declined from \$622 million to \$400 million in 2008. Over the same period, motor vehicle sales declined by \$208 million, thus accounting for nearly the entire decline in taxable sales over the period.

It is not clear how the commenter calculates a 34 percent decline in retail sales in the Downtown area since 2000. It appears that the commenter may have included automotive, rather than omitting it as stated ($208/600=0.34$). Overall taxable retail sales in the Downtown area were only presented for the 2008 through 2012 period for the entire Downtown, in Table 12 on page 42 of the Urban Decay Analysis. During this period, taxable retail sales Downtown increased.

A more detailed analysis of taxable sales trends for the Downtown Core (not all of Downtown) is shown in Table 13 on page 43 of the Urban Decay Analysis. Overall Downtown Core taxable retail sales declined from \$239 million in 2000 to \$182 million in 2012, a decline of 24 percent, not 34 percent. Motor vehicle sales are not a large component of Downtown Core sales, but declined over the period. Excluding motor vehicle sales, taxable retail sales in the Downtown Core declined by 15 percent over the 2000 through 2012 period. However, as noted in the Urban Decay Analysis, the changes in retail sales have been influenced more by macroeconomic trends than by factors such as the opening of Santana Row, as discussed on pages 42 and 43 of the Urban Decay Analysis:

Long-term trends in overall taxable sales in the Downtown Core from 2000 through 2012 are presented in Table 13. This period covers two major recessions and the opening in 2003 of Santana Row, a major perceived competitor for Downtown Los Gatos. As shown, in inflation-adjusted dollars, sales were higher in 2000 than in 2012. Sales declined from 2000 through 2003, but rebounded in 2004 even with Santana Row opening in 2003. Sales increased again in 2005, declined in 2006, increased to a post-2001 peak in 2007, and then declined as the recession took hold, reaching the low point of the decade in 2009. Since 2009, sales

have gradually increased each year. It appears that general macroeconomic regional trends were a greater factor influencing sales levels in the Core than the additional competition provided by Santana Row.

Much of the long-term decline, however, was not in the major retail categories for the Core, but instead in auto-related retail (dealers and service stations) and non-retail outlets (personal and business services). The key retail sectors combined showed smaller declines over the decade, and eating and drinking places showed much less variation over the 12 years.

2. It is not clear how the commenter has calculated that sales in the proposed project are 52 percent of Downtown's. Downtown had taxable retail sales of \$243 million in 2012 (Table 12, page 42). However, this number excludes non-taxable sales, which are not excluded from the estimate for the proposed project, and thus the numbers are not directly comparable. Rather than Downtown sales, the Urban Decay Analysis uses sales for the Retail Trade Area as a more relevant comparison. The leakage analysis finds that Los Gatos is a net attractor of shoppers, indicating that it is a regional draw, due in part to its attractive Downtown. The proposed project will also attract shoppers to the Town. Furthermore, while the Downtown Core is a pedestrian-oriented environment, it is not primarily pedestrian-accessed, but provides parking for customers on the streets and in several lots. The Urban Decay Analysis indicates that the proposed project would have a less-than-significant effect on Downtown sales and the continued viability of the Downtown shopping district.

3. The existing retail capacity was measured through analysis of sales results, and a review of vacancy levels in the Town. The commenter apparently assumes that all of the retail activity at the proposed project would be at the detriment of Downtown. As noted in the previous comment, BAE is not able to determine how the 52 percent was calculated, and in fact the BAE report does not provide adequate data to make this comparison. In any case, as also noted in the previous comment response, the relevant benchmark is the Retail Trade Area, which is much larger. The proposed project's projected retail sales are less than three percent of sales for the Retail Trade Area.

4. It is important to note that the map in Figure 2 (page 10 of Urban Decay Analysis) shows an estimated 10-minute drive time, but the actual Retail Trade Area extends beyond that drive time, as discussed in the Urban Decay Analysis:

When analyzing the demand for new retail development, it is critical to identify the population that can reasonably be expected to use the development in question, rather than just the population living in the immediate vicinity. Furthermore, for the purposes of an EIR, just as traffic, air quality, and other impacts can extend beyond the jurisdiction where the project is located, urban decay impacts can occur outside that jurisdiction.

For most consumers, the decision about whether or not to shop at a certain retail outlet is determined in large part by travel time and whether or not there is a comparable outlet that can be reached in less time. Since the potential retail outlets to be located on the site are still unknown, BAE has chosen a Retail Trade Area (the “RTA”) that reflects that the site is likely to draw from beyond Los Gatos itself. Since the larger West Valley area contains an abundance of retail opportunities, as a starting point [emphasis added] a 10-minute drive time was used in delineating the retail trade area. However, as shown in Figure 2, a geography based on drive time is highly irregular, skewed by the impact of freeways and geographic boundaries such as hillsides.

BAE has thus translated drive time into a corresponding group of Zip Codes in order to create an area for which demographic and retail sales data can be derived. Note that while some Zip Codes grossly expand the boundaries of the RTA beyond the 10-minute threshold, they encompass sparsely developed hillsides in the Santa Cruz Mountains. While residents of these areas may live beyond a 10-minute drive time, Los Gatos and the more urbanized portions of the RTA represent the closest available shopping opportunities (Page 8 of Urban Decay Analysis).

While rush hour traffic might result in longer drive times, most shopping occurs at other times. Furthermore, using MapQuest, BAE has confirmed that the estimated 10-mile drive time boundary (which is not the same as the Retail Trade Area boundary) is correct.

A shopping location such as the Proposed Project can serve local residents and also function as a regional draw, much as Downtown Los Gatos does currently. This site, at the intersection of and with access to two major regional freeways will draw shoppers from a broad region because of its location. For instance, a “market hall” tenant would be both a neighborhood and regional attraction, much as Market Hall in Rockridge (Oakland) is.

5. It is likely that the kind of detailed analysis the commenter seeks would not be possible for many of these areas, as it would be dependent on obtaining retail sales data for subareas of

cities, and this is generally not possible unless the jurisdiction is the client for the particular study. Nevertheless, BAE provides the following qualitative observations regarding listed areas where the firm has some familiarity with the location:

- Sacramento Railyards. This was a very large proposed project area adjacent to a much larger downtown than Los Gatos, and thus does not provide a relevant case study for Los Gatos. Furthermore, since this project has not been built, it cannot provide insights as a case study of actual urban decay impacts.
- Walnut Creek. Walnut Creek has a thriving downtown area which includes both a “Main Street” as well as Broadway Plaza, which is a major upscale regional retail destination, with a Nordstrom, Neiman Marcus, and many other retailers. This is not an area that has been afflicted with poor retail sales, high vacancies, or urban decay.
- Livermore. Livermore’s downtown is thriving, with a performing arts center, even though the city has a large amount of region-serving “big box” retail as well as a recently opened outlet mall.
- Pleasanton. This is another city that has both a successful downtown and substantial region-serving retail, including a major regional mall (Stoneridge).
- San Luis Obispo. San Luis Obispo has both a large and successful downtown as well as other region-serving retail.
- Palo Alto. The Urban Decay Analysis notes that downtown Palo Alto is currently thriving even as the city is also home to a major upscale regional mall.
- Bay Street, Emeryville. Bay Street is a “lifestyle” center similar in concept to Santana Row, albeit somewhat smaller. The Urban Decay Analysis notes that nearby older retail districts (e.g., Elmwood/Rockridge along College Avenue in Berkeley and Oakland) have not shown a substantial decline since Bay Street’s opening, and continue to thrive.

In summary, for cities listed with which BAE is familiar, none of them represent locales where urban decay has occurred; in fact, many of them demonstrate how older “main street” retail districts compete successfully with other retailers nearby.

6. According to the Specific Plan, the only restriction on retail space size is a 50,000 square foot limit for any individual commercial tenant. As noted on page 59 of the Urban Decay Analysis, “Because the project does not have any disclosed, committed tenants at this time, urban decay impacts have been assessed for a general mix of retail and other uses.” Aside from the 50,000 square foot cap, the Urban Decay Analysis makes no specific assumptions about the floorplates of individual tenants, but notes that floorplates of 10,000 square feet or more are in limited supply Downtown.

7. The comment addressed how the CEQA process fits with the Specific Plan development process. Although specific plans and their EIRs are often prepared through an iterative process (the specific plan revised prior to public release based on an administrative draft of the EIR) CEQA does not require this process.

This section refers to a recent court case (*Cal. Clean Energy Committee v. City of Woodland*) where the Urban Decay Analysis was found to be deficient. The Hudes Letter comments that “the following which could apply to the handling of the Urban Decay Analysis.” The subsequent discussion is not relevant to the Urban Decay Analysis. The court found that the urban decay mitigation measures in the Woodland case were insufficient. Since the Draft EIR has a finding of no significant urban decay impacts, there are no mitigation measures discussed or required.

8. The requirement applies to any residential development within the Plan Area that is along Los Gatos Boulevard.

9. The State Route 85 high occupancy toll lanes have been studied and determined to improve level of service conditions on the targeted segments of the highway. Nonetheless, this impact is determined to be significant and unavoidable.

10. Refer to the response to Comment 4 in Letter 9 from Nedom.

11. Southbound State Route 17 is separated from the Plan Area by two lanes of northbound State Route 17 and the highway median. State Route 85 passes beneath Los Gatos Boulevard/South Bascom Avenue and State Route 17, and is below the elevation of the Plan Area. From the northbound State Route 17 to Southbound 85 connector ramp, the ground slopes up to the base of the sound wall that borders the Plan Area.

12. Except at two driveways from Los Gatos Boulevard, views of the orchard trees are obscured by street trees and a row of trees just inside the fence along Los Gatos Boulevard.

13. The exact height of the commercial buildings has not been measured; however, based on review of photographs, the rear of these buildings stand at least 35 feet tall to the parapet, and slightly higher to roof-top equipment.

14. The LESA analysis worksheets are presented in Appendix C, which is referenced on DEIR page 3-17.

15. The Urban Decay Analysis was included in Appendix K.

16. The table is highlighted, but no comment is provided.

17. Downtown accounts for approximately half the Town's taxable retail sales. Note that this does not include non-taxable sales such as most grocery items. The basis for the statement is cited at the end of the paragraph.
18. Regardless of the type of retail, this project will attract shoppers from throughout the Retail Trade Area, in part due to its location adjacent to the intersection of two major region-serving freeways.
19. No assertion was made that this was a "study" of multiple downtowns. The Urban Decay Analysis in Appendix K provides another example, as cited on pp 64-65: the Rockridge district in Oakland in competition with Bay Street in Emeryville. While Los Gatos has a different demand pool than Palo Alto, the Town has very strong demographics, including high income levels in the Town and surrounding communities.
20. The data to support this assertion is found in the Urban Decay Analysis in Appendix K (pages 42 and 43). Refer to the response to Comment 1.
21. The data to support this assertion is found in the Urban Decay Analysis in Appendix K, in the descriptive sections describing Downtown Los Gatos and analyzing its retail sales (pages 23-26).
22. Refer to the previous response citing discussion of trends in taxable retail sales downtown on pages 42-43 of the Urban Decay Analysis. Los Gatos is a smaller municipality in a region with numerous large retailers nearby, and the downtown has survived and evolved in the face of this competition.
23. Supporting factors for this finding can be found in Appendix K in the Urban Decay Analysis, see pages 65-66 as follows:
 - a. As noted above, the sales impacts relative to the total current retail sales in the RTA is estimated at less than three percent, even at maximum buildout of the allowable commercial space as retail. This estimate conservatively does not include any capture of retail leakages from the RTA. The population increase in the RTA alone over the next five years would generate demand at a level greater than the projected sales in the Plan Area.
 - b. With the exception of the declining automotive sector, Los Gatos has a very strong retail sector. The Downtown, while impacted by regional and national economic trends, has remained a strong retail destination, bringing in shoppers from outside the Town. The Town is unusual in that it also attracts shoppers for everyday items such as groceries, due in part to the location of supermarkets and drugstores near the edges of Town and in part due to the lack of shopping in Monte Sereno, Saratoga,

and nearby unincorporated areas. The Downtown occupies a unique market niche, driven by small locally owned shops providing a shopping experience that will not be replicated by the proposed project. Furthermore, while some adjustments may result from competition with the proposed project's retail offerings, the continuing success of the Downtown following the opening of Santana Row indicates that the Downtown can evolve and withstand strong competition from large retailers in the region.

- c. Vacancies in the RTA and the region have been declining as the overall economy recovers, and are within normal ranges for the commercial/retail real estate market. Retail vacancies in Los Gatos itself are also reportedly low relative to the County overall.
- d. The low vacancy rates are one indicator that vacant spaces (which are a regular part of the business cycle in retail real estate) are being filled. As noted previously in this analysis, there are numerous examples of reuse of vacant retail properties in Los Gatos and throughout the RTA, including reuse of vacant auto dealer sites on Los Gatos Boulevard near the Proposed Project site and the renovation of the theater and the re-tenanting of Borders in Downtown Los Gatos. Elsewhere in the RTA, a closed Mervyns in Campbell has been taken over by Safeway; a Safeway space has been re-tenanted by a Walmart Neighborhood Market at Westgate Mall; Sprouts has replaced previous tenants in two locations; Orchard Supply Hardware replaced a former Mervyns space in the Princeton Plaza center in San Jose; and a former Home Depot Expo Design Center is now occupied by Walmart in the retail node at State Route 85 and Almaden Expressway.

24. The alternatives address a reasonable range of projects; since no significant impact was identified in relation to retail store size or adverse effects on the Downtown, that type of alternative was not considered. While the Specific Plan does not explicitly prohibit large retail stores, one condition the current Specific Plan places on commercial development is a maximum individual commercial tenant size of 50,000 square feet. This condition limits certain types of large retailers from locating in the Plan Area. Refer to Draft EIR Table 9, Average Store Size, which provides data on the average store size for representative chain stores and restaurants.

Moreover, including large retail outlets would not be consistent with the proposed project's objectives or the Town's vision for the Plan Area. The Town's vision for the Plan Area and the project objectives include providing a range of commercial uses (e.g., retail, restaurants, personal services, health club and entertainment, as well as office and/or hotel uses). Smaller, unique businesses support the intention for the Plan Area to look and feel like Los Gatos.

Also, since commercial development is limited to a specified number of square feet, including large retail stores within the mix would reduce the availability of buildable area for the provision of other types of commercial services, thus reducing the variability of business and services in the Plan Area.

The following comments refer to the Urban Decay Analysis, presented in Appendix K.

25. Regardless of the type of retail, this project will attract shoppers from throughout the Retail Trade Area, in part due to its location adjacent to the intersection of two major region-serving freeways. For instance, a “market hall” tenant would be both a neighborhood and regional attraction, much as Market Hall in the Rockridge shopping district of Oakland is.

26. The definition of urban decay is dictated by case law related to CEQA. CEQA is an assessment of physical impacts on the environment; store closures and “ability to thrive” are not direct physical impacts on the environment. Two of the guiding court decisions with respect to urban decay are *Bakersfield Citizens for Local Control v. City of Bakersfield*, *Panama 99 Properties LLC*, and *Castle & Cooke Commercial-CA, Inc.*, and *Anderson First Coalition et al. v. City of Anderson et al. and FHK Companies, et al.* The Bakersfield case makes clear that economic impacts alone are not a CEQA impact, stating that “the economic and social effects of proposed projects are outside CEQA’s purview.” Furthermore, only “if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts.”

27. It is important to note that the map shows an estimated 10-minute drive time, but the actual Retail Trade Area extends beyond that drive time, as discussed on page 8 of the Urban Decay Analysis:

Since the larger West Valley area contains an abundance of retail opportunities, as a starting point [emphasis added] a 10-minute drive time was used in delineating the retail trade area. However, as shown in Figure 2, a geography based on drive time is highly irregular, skewed by the impact of freeways and geographic boundaries such as hillsides.

BAE has thus translated drive time into a corresponding group of Zip Codes in order to create an area for which demographic and retail sales data can be derived. Note that while some Zip Codes grossly expand the boundaries of the RTA beyond the 10-minute threshold, they encompass sparsely developed hillsides in the Santa Cruz Mountains. While residents of these areas may live beyond a 10-minute drive time, Los Gatos and the more urbanized portions of the RTA represent the closest available shopping opportunities.

While rush hour traffic might result in longer drive times, most shopping occurs at other times of day. Furthermore, using MapQuest, BAE has confirmed that the estimated 10-mile drive time boundary (which is not the same as the RTA boundary) is correct.

28. The commenter appears to be stating that the sales drop cannot be attributed to the decline in motor vehicle sector sales. However, as shown in Appendix D to the Revised Draft Urban Decay Analysis (pp. 74-75), the actual drop in motor vehicle sector sales over the 2000 through 2008 period is approximately \$208 million on an inflation-adjusted basis, not \$20 million as stated by the commenter. As shown in that appendix, factoring out motor vehicle sales and other retail (to avoid including Netflix), inflation-adjusted sales declined by less than five percent from 2000 (the peak of the dot-com boom) to 2008 (when the recession was well underway) in the Town of Los Gatos.

29. The Urban Decay Analysis makes no assertion as to whether the Apple Store would remain downtown, and the findings are not dependent on such an assumption. Apple Stores are located in a variety of retail locations, and are frequently found in downtown or similar locations. In Berkeley, the Apple Store is on 4th Street, a retail environment of small stores along a walkable retail corridor, similar to Downtown Los Gatos. Apple has a store in downtown Palo Alto and in Stanford Shopping Center; conceivably, Los Gatos could have a store both Downtown and at the North 40. Another Apple Store can be found in downtown Burlingame. The Apple Store in Los Gatos also exemplifies how Downtown serves as a regional draw in addition to being local-serving.

30. The text does not make any statement comparing estimated North 40 retail sales to Downtown's. It is not clear how the commenter made this calculation. Downtown taxable retail sales in 2012 are approximately \$243 million (see Table 12), but since this excludes non-taxable sales such as grocery items, the two numbers are not directly comparable.

While the North 40 development is proposed to offer a mix of sizes of space, it is not directly comparable to Downtown. As noted in the Urban Decay Analysis (page 6) the "Specific Plan for the Proposed Project allows for retail store sizes of up to 50,000 square feet. Larger floorplates within this size range are in short supply in Los Gatos."

31. Other proposed development projects in the RTA are considered in the cumulative impacts analysis (found on page 65 of the Urban Decay Analysis). These projects are listed in Appendix C beginning on page 70 of the Urban Decay Analysis.

32. The drop in sales is almost entirely due to the decline in the motor vehicle sector. See responses to Comments 1 and 29.

33. The comment is not complete.

Comments to the Draft EIR North Forty Specific Plan

Planning Commission meeting on 5-14-14

I want to speak tonight regarding the impacts of building heights in the North 40 proposed development on the mountain views.

Fact:

1) In the 2020 General Plan Overlay Designation (page LU-18 and LU-19), it states that the North Forty Specific Plan will be based on the following general guidelines: one of the guidelines is to preserve Town character and views.

2) In the North 40 Draft Specific Plan under the Council Vision (section 2.1) one of the guiding principles to achieve the Council's vision of the North 40 development is to embrace hillside views, trees, and open space.

Comment 1 | 3) In the Draft EIR North 40 Specific Plan (Page 3-8 and 3-9), The North 40 Draft Specific Plan allows for a hotel at 45ft and all residential and non-residential buildings can be up to 35ft tall with a height limitation of 25ft on any building within 50ft of Lark Ave. A 10ft increase in height bonus up to 45ft for residential uses may be allowed in the Transition District but requires the development to be affordable housing or that an additional 5% open space be provided on the property. Then it goes on to say that an unspecified increase in height may be allowed for the office or residential uses in the Transition District and office uses in the Northern District. No minimum additional height is given for this exception and no additional open space is required for this exception. And an unspecified increase in height may be allowed for a hotel in the Transition District or Northern District. Again no minimum additional height is given for this exception.

4) In Draft EIR North 40 Specific Plan (Page 3-8) it states that building height exceptions cannot extend such that they significantly interfere with the views of the "ridgeline" and on (Page 3-9) it states that the Draft Specific Plan requires that building heights may not have a significant adverse effects on the "ridgeline" and the tops of buildings are expected to be below the "ridgeline." It goes on to state that the impact of building heights would be less than significant.

So there are no minimum additional height exceptions for the Transition District and Northern District and buildings are expected to be below the "ridgeline."

Comment 1,
cont.

Question:

- A) How does this preserve the hillsides views when there is not a limitation on how tall the buildings can be and it only requires the building to not have an adverse effect on the “ridgeline” and the building are expected to be below ridgeline?
- B) What does mean to embrace or preserve the hillsides views? If the hillsides are obscured 50% by the buildings, does that embrace or preserve the hillside views?

Fact:

1) When looking at the photos of the visual simulations in the Appendices It only shows the maximum height of the building at 45ft. The visual simulations are taken from 3 viewpoints with 3 different angles from each viewpoint. By taping the 3 different angles from each viewpoint together, you get a better picture of what you will actually see when you drive south on 17 towards Santa Cruz.

Question:

- A) If the Draft EIR North Forty Specific Plan states that there is a possibility of additional heights above 45ft., why isn't that reflected in the visual simulations?
- B) How do you know that there is not a significant impact when you don't know how high the buildings are going be and when you do not know where the buildings are going to be located?

Comment:

Comment 2

I believe preserving the hillside views is different than preserving the ridgeline.

Anne Robinson
201 Charter Oaks Circle
Los Gatos, CA 95032

408-410-5781

Response to Letter 12 from Robinson (May 14, 2014)

1. The height limits and parameters presented in the Draft EIR are taken from the Specific Plan. In addition to the specific height limits for residential and commercial buildings, the Specific Plan includes policies regarding protection of views, and all future development within the Plan Area is subject to Architectural and Site Review.

The size of the Plan Area in conjunction with the non-residential square footage limit precludes the possibility that development would completely block views of the hillsides from State Route 17. Non-residential development is limited to 580,000 square feet of floor area (including the existing commercial buildings), which is about 13.3 acres. Assuming all non-residential development were located in the Transition and Northern Districts, there would be about 29.5 acres on which to situate development. If all commercial buildings were only one story in height, more than half of the area within the two districts would be open space (about 16.2 acres). If all commercial buildings were three stories in height (about 45 feet), more than 80 percent of the area within the two districts would be open space (about 25 acres). So even if several buildings were constructed higher than the 45-foot height limit, the open areas between buildings would allow ample views toward the hills. In addition, Specific Plan policies require additional open space in exchange for additional height, thus resulting in additional gaps between buildings and less potential for blocking views.

As stated on Draft EIR pages 3-9 and 3-10, a building near State Route 17 at a height of about 80 to 110 feet would reach to the ridgeline as viewed from State Route 17. A building near State Route 17 at a height of about 35 to 55 feet would reach to the top of the lower vegetation line when viewed from State Route 17. Therefore, buildings up to 55 feet in height would not significantly impact views of the ridgeline. At locations within the Plan Area that are farther from the highway, a higher building height would be necessary to reach these view thresholds. Buildings that are at or below the vegetation line would not block hillside views at all. Buildings that visually extend above the vegetation line would begin to encroach on hillside views. As demonstrated above, building heights in excess of 35 feet will result in large areas with no buildings at all, thus resulting in significant gaps between buildings; therefore, significant blockage of hillside views is not possible. The visual simulations are based on the Specific Plan's stated height limit, without the exceptions. Some buildings could be built taller, but as explained, the gaps between buildings become increasingly significant as the height increases. In no case would there be continuous building across the visible width of the Plan Area when viewed from State Route 17. As a result, ridgeline views would not be significantly impacted.

2. The Draft EIR refers to the vegetation line and the ridgeline. The "hillside" is the area between the two. Building heights that reach the ridgeline (as viewed) would obscure the hillside.

Letter #13 from Barbara Dodson

From: Barbara Dodson <btdodson@aol.com>
Sent: Thursday, May 15, 2014 6:08 PM
To: Joel Paulson
Subject: Questions about the North Forty DEIR

Dear Mr. Paulson:

Please include these questions in reference to the DEIR for the North Forty project.

STATEMENTS OF FACT

- a. The project will generate revenues from residential development.

QUESTIONS

- Comment 1 | 1. How much revenue is projected for the residential developments?
2. Where does this revenue come from? (Fees? Other?)
3. How much of the revenue is ongoing?
4. How much of the revenue is one-time only?
5. Where does the revenue go? That is, how will this revenue be allocated within the Town?
6. Specifically, how much revenue from residential developments will go to the Los Gatos schools per year?

STATEMENTS OF FACT

- a. The project will generate revenues from non-residential development.

QUESTIONS

7. How much revenue is projected for the nonresidential developments?
8. Where does this revenue come from?
9. How much of the revenue is ongoing?
10. How much of the revenue is one-time only?
11. Where does it go? That is, how will this revenue be allocated within the Town?
12. Specifically, how much revenue from nonresidential developments will go to the Los Gatos schools per year?

STATEMENTS OF FACT

- a. The project will have 364 residential units.

- Comment 2 | b. The DEIR does not state the volume of traffic that these residential units will generate.

QUESTIONS

13. What volume of traffic is expected to be generated by the 73 cottage cluster units?
14. What volume of traffic is expected to be generated by the 73 apartments?
15. What volume of traffic is expected to be generated by the 218 condominium/townhouse units?
16. What formulas or calculations are used to determine these volumes?

STATEMENTS OF FACT

- a. One aim of development of the North Forty is to raise revenues for the Town.

QUESTIONS

- Comment 3 | 17. What are the current total revenues for Los Gatos?
18. How much more revenue is needed for the library?
19. How much more revenue is needed for the schools?
20. How much more revenue is needed for road maintenance?
21. How much more revenue is needed for police and fire protection?
22. How much more revenue is needed for employees?
23. How much more revenue is needed for other uses?
24. How much revenue is projected from just retail uses of the North Forty?
25. Are we overdeveloping the North Forty and generating more revenue than the Town really needs?

STATEMENT OF FACT

- Comment 4 | a. Most Los Gatos schools are over capacity.

Comment 4,
cont.

- b. The Town has always had neighborhood schools.
- c. The Town would have students who are considered “over capacity” bused to Lexington School, where there would be capacity.
- d. The Town is risking the quality of its schools with its continued building of residential units that contain children for whom there is no space in neighborhood schools.

QUESTIONS

- 26. How can the Town justify adding residential units that will add students to already overwhelmed schools?
- 27. Why is the Town willing to risk the quality of its schools?

Sincerely,
Barbara Dodson
239 Marchmont Drive, Los Gatos, CA 95032

Response to Letter 13 from Dodson (May 15, 2014)

1. Fiscal implications of the proposed project are not an environmental issue unless they lead to a physical impact that is an environmental issue.
2. Traffic generation by project component is presented in Table 20 and Table 21 in the Draft EIR (pages 3-214 and 3-215). Traffic volumes are estimated based on data published in the Institute of Transportation Engineers (ITE) Trip Generation, 8th edition, 2008
3. Refer to the response to Comment 1.
4. Refer to the Master Response on Schools.

Letter #14 from Jennifer Grewal

Jennifer Grewal – speaker during open commentary
Planning Commission Meeting
5/15/2014
RE: Lark 20 development within the North 40

Thank you to the Planning Commission for its **conservative recommendations** on the Albright Project. I am sorry the Town Council ignored it. I hope the Commission will, once again, make a conservative recommendation to the Town Council with regard to the Lark 20 portion of the North 40 development. I also hope that the Town Council will not disregard the wisdom of the Planning Commission again.

I am a resident of Charter Oaks. The Winchester/Lark/Los Gatos Blvd. is a series bad decision after another bad decision with no one having the courage to stop the insanity.

- Comment 1 | Some of the unique traffic hazards on the less than one mile stretch of Lark Avenue are listed below. None of this seems adequately represented in the studies put forth. These things **MUST** be considered extremely thoughtfully.
- 5 neighborhoods off Lark with only one way in/out via Lark Avenue.
 - 3 of these neighborhoods without a signalized intersection left to make extremely unsafe left turns out of their neighborhoods.
 - No access to 85 South from Winchester.
 - Albright development approved by TC exceeding the environmentally superior plan-EIR recommended.
 - 6 traffic lights on Lark Avenue – less than 1 mile long.
 - Coordination of traffic lights between the CalTran and Town agencies.
 - 17 North off ramp onto Lark Avenue right turn is a yielded merge, not part of the signaled intersection.
 - **No traffic study that encompasses the entirety of mass construction situation from LG Blvd and its arteries down Lark through to Winchester and its arteries.**
 - **Traffic studies ordered as part of the Town's approval on Albright that are not completed – do not know status.**
 - **Just brought to my attention at a meeting with the Lark 20 (North 40) developer that the responsibility for mitigation is only street surfaces fronting the developed land and no further. The implications for traffic generated by the development will have are far greater than just those roads that front the land.**
 - Developer was asked about control of the gas station at the corner of Lark/LGBlvd. Reply was that it is not beneficial to purchase due to setbacks only allowing that to be a small square of land at the back end after the roads are installed, so it will stay without an attempt to incorporate. This will create one more bottle neck where Lark cannot be widened all the way through and one more obstacle on Lark Avenue.
 - Car wash traffic backs up to 17, preventing a timely turn onto LG Blvd.
 - Dangerous merge at 17 South/Lark/Oka Road.
 - Overpass coming from LGblvd to Lark allows drivers to pick up speed to excess of the speed limit without.
 - Left turn from LG Blvd onto Lark during rush hour takes several light cycles to get through.
 - Merge lane created at COD and Lark Avenue is now becoming more dangerous as people are changing lanes heading from Winchester toward LG Blvd. unaware of those attempting to merge.
 - **Has consideration been given to creating a Hwy 17 entrance from the North 40 property on the back side to alleviate congestion on Town streets.**

Response to Letter 14 from Grewal (May 15, 2014)

1. The comment describes traffic congestion at various locations within the Town, and provides a bullet list of concerns relating principally to Lark Avenue. The traffic impact analysis does not directly address each individual point listed in the comment letter, but considers the end result of the various factors that affect traffic, including existing conditions on roadways and at intersections that could potentially be affected by the proposed project. Additionally, the effects of all known development, existing or future, is accounted for in either the Existing, Background, Project, or Cumulative traffic analysis scenario.

Providing direct on-ramps and off-ramps from State Route 17 directly to the Plan Area would be difficult, and would require extensive negotiation with Caltrans. An off-ramp would need to branch off the State Route 85 connector ramp, and an on-ramp would need to merge onto the existing elevated Lark Avenue on-ramp near the southwest corner of the Plan Area. Caltrans standard interchange spacing is one mile to allow sufficient room for vehicles to merge on and off the freeway. Adding a State Route 17 entrance on the back side of the Plan Area would violate the spacing standard and introduce an interchange very close to the Lark Avenue and State Route 85 interchanges, causing degradation to freeway operations. The transportation impact analysis did not identify the need for an additional on-ramp to State Route 17. A new freeway entrance was not considered for these reasons. Refer also to the Master Response on Transportation.

Letter #15 from Kimberly Bell

From: K Bell <kjbell7@yahoo.com>
Sent: Monday, May 19, 2014 3:05 PM
To: Joel Paulson
Subject: North 40 Project

Dear Mr. Paulson,

I'm writing about the North 40 project. I attended the meeting on May 14. I'm not as well versed in the project as the speakers at the meeting; however, as a resident, I would like to provide feedback as to the traffic situation in area. I'm against the project in general, I've grown up in the area and always loved the open, small town feel. Seeing yet another open space turned into more housing and stores is disappointing to say the least.

Comment 1

I live off Los Gatos Almaden Rd and Camino Del Cerro. In the mornings to get to highway 17, I take LG Almaden to Los Gatos Boulevard to Lark. The line of traffic waiting in the left lane down LG Boulevard in order to make the left on Lark can be down as far as the stop light to enter into the Trader Joes complex. I tried to take Carlton Avenue to Gateway Drive to LG Boulevard, but you can sit at Gateway Drive quite awhile to get into the left turn lane to Lark. Thus, I've started taking Lester Lane to Cam Del Sol; then take a left on Bascom, and a right on Lark. I see a lot of cars cutting through this residential area each morning. I also see a lot of vehicles drive straight on LG Boulevard and take the right turn lane to Cam Del Sol. As no right turn is allowed onto Cam Del Sol, they turn left, then left again on Bascom to get back to Lark. With the building of more housing and commercial buildings in the North 40, these residential streets will see more and more traffic cut through.

In the evening, I've totally given up driving home on south bound 17 to exit Lark. Besides the heavy southbound traffic on 17, to make a left off the freeway on Lark is extremely dangerous. Several of the drivers stay in the left turn lane (vs the right lane), as it's usually shorter; then cut over into the right lane as they near Los Gatos Blvd.

On the weekends, driving northbound or southbound on LG Boulevard can take quite awhile between LG Almaden and Samaritan Drive. Also, making a left turn from National Avenue to Samaritan Drive is very challenging. I've witnessed drivers make a right turn on Samaritan Drive, go a few feet, then make a u-turn to get back up Samaritan Drive to Bascom.

Even without the additional housing/commercial buildings, LG Boulevard, Lark Avenue, Bascom Avenue, National Avenue and Samaritan Drive areas need to have some serious changes to deal with the already heavy traffic flows. Please consider not moving forward with the North 40 project.

Thank you,

Kimberly Bell

Response to Letter 15 from Bell (May 19, 2014)

1. The comment describes traffic congestion at various locations within the Town. Refer to the Master Response on Transportation.

BERLINER COHEN
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May 19, 2014

VIA E-MAIL AND U.S. MAIL

Community Development Department
Attn: Joel Paulson
Town Hall
110 E. Main Street
Los Gatos, CA 95030
jpaulson@losgatosca.gov

Re: North Forty Specific Plan
Draft Environmental Impact Report (EIR)
Our File No.: 09247-065

Dear Mr. Paulson:

On behalf of Grosvenor Americas and SummerHill Homes, we submit these comments regarding the Town of Los Gatos North Forty Specific Plan Draft Environmental Impact Report ("DEIR"). We believe that the DEIR is adequate and in compliance with the California Environmental Quality Act, but do have several suggestions for clarifications and minor corrections to be incorporated into the final EIR. Our comments are as follows:

Comment 1 | Page S-18: The sound wall described on page S-18 extends much farther along Lark Avenue than is shown in the project related Acoustical Report, dated October 18, 2013, Figures 2 and 3, and which also states on Page 8: "The project will extend the existing highway noise barrier south along SR17 at a height of 14-feet above grade, stepping down in approximately 2-foot increments at the corner of SR17 and Lark Avenue. The final height along Lark

- Comment 1, cont. | Avenue (as shown in Figures 2 and 3 below) will be 8-feet above grade.” See our comment to Page 3-158, below.
- Comment 2 | Page S-24: TR1 and TR2: There is no reimbursement agreement in place in the Draft Specific Plan or elsewhere for future developers to pay their share. It should be noted that the Traffic Impact Analysis studied the addition of two right turn on-ramp lanes onto Northbound Highway 17 and triple lefts from Lark onto Los Gatos Boulevard which are not mitigations measures but are instead Town Capital Improvements.
- Comment 3 | Page 2-24: The DEIR states, “If increased height is permitted for buildings in the Transition District (from 35’ to 45’ height), then the green open space requirement increases to 25% for that property”. Per Draft Specific Plan section 2.5.3.c, the requirement for additional green open space is for 5% of the square footage of the building footprint that exceeds the height limit, not a comprehensive increase from 20% to 25%.
- Comment 4 | Page 2-24: In the Draft Specific Plan, both the Non-Residential/Mixed Use section and the Residential section state that additional height (above 45 feet) may be granted upon approval of a Conditional Use Permit; in this section it is implied that this is only true in “non-residential” uses. Clarification should be provided that residential uses in the Transition District can exceed 45 feet with a Conditional Use Permit to be consistent with the Draft Specific Plan
- Comment 5 | Page 2-24: Sidewalks, paseos, and plazas can be 10% of the Plan Area, but it should be clarified whether they are required to be a minimum of 10% of the Plan Area.
- Comment 6 | Page 2-28: The DEIR discusses a plan for water transmission lines for the project. The size, location, and length of the water lines are subject to change based on final design and recommendations from the Santa Clara Valley Water District. In addition, a reimbursement agreement should be established for the first developer to complete these improvements when future developers connect to this new system.
- Comment 7 | Page 2-35: A reimbursement agreement should be established for the offsite storm drainage improvements.
- Comment 8 | Page 2-35: The DEIR states: “A detention basin would be located within the Plan Area.” Since it may be preferable to use multiple, small basins, instead of one large one, suggest rewording to state: “One or more above- or below-ground detention basins would be located within the Plan Area.”
- Comment 9 | Page 2-35: Under “Off-Site Changes,” reference is made to a median designed to prevent left turns at several intersections. It should be noted that with respect to one of these, Noddin Avenue, the future median may or may not have a break in it. It is currently listed as not having a left turn opportunity, but this may change, depending on the development proposal for the Northern District. This comment also applies to page 3-216, where the same statement is made about the median.

- Comment 10 | Page 2-37: Figure 13 – This figure will be subject to change based on final design.
- Comment 11 | Page 2-43: Project Objective #2 implies that 20% of the total number of units must be affordable. The example on page 3-183 suggests that it is 20% of the number of market rate units that must be affordable, which is consistent with the Town’s BMP program. We suggest re-wording and clarifying Project Objective #2 to make it consistent with the Town’s BMP program.
- Comment 12 | Page 3-8: This page states that there is no limit on the height of “architectural features” such as towers, cupolas and roof pitches of 8:12 or greater. This statement is not consistent with the Draft Specific Plan, which limits the architectural features to be up to 30% of the length of the parapet on any given façade. (Specific Plan page 2-25).
- Comment 13 | Page 3-13: The first paragraph addressing building heights is confusing. It references building heights that are “similar,” “taller,” and “less than” existing buildings. We suggest clarifying the language in this paragraph.
- Comment 14 | Page 3-14: Under AES-1, the perimeter buffer is referenced as a vegetative buffer. However, in the Draft Specific Plan, the perimeter buffer is not required to be a vegetative buffer. The buffer’s use is not specified other than that no structures are permitted, such as residential or commercial structures. Please see section 2.5.6 of DSP (p. 2-15) that states “d. No building shall be located within 30 feet of a property line adjacent to the freeway.” This does not preclude roadways, paths, etc., or require this to be exclusively a vegetative buffer.
- Comment 15 | Page 3-43: TCM D-1 Bicycle Access – There will be a multi-modal path on the property frontage on Lark and a bike lane on the south side of Lark Avenue as per the Traffic Impact Analysis. A future bike lane will be built as the long-range vision for Los Gatos Boulevard once properties on the east side of Los Gatos Boulevard develop. In the meantime, the property frontage will provide a multi-modal path.
- Comment 16 | Page 3-48: The delineations in Figure 15 of the AQ health risk areas appear to be based on the graph prepared by Illingworth and Rodkin in the appendix, but it’s somewhat schematic. We suggest the word “generally” be added to the sentence referencing Figure 15, so it would read: “The location of health risks in excess of thresholds is identified generally on Figure 15, Health Risks.”
- Comment 17 | Pages 3-158, 3-159, and 3-160 (Figures 20 and 21): The reference regarding the distance the sound wall extends along Lark Avenue is inconsistent with the Noise Report. This wall should only extend approximately 100 feet; therefore, Figures 20 and 21 are not consistent with the Noise Report findings.
- Comment 18 | Page 3-163: Mitigation NOI-1: The recommended sound wall height should be taken from the future roadway or grade elevation, as the grades of the property are not uniform. The height of the wall may fluctuate slightly based on grade.

- Comment 19 | Page 3-168: The first sub-bullet on this page states, “No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet.” Table 16 on the page 3-167 indicates that certain equipment will exceed this noise level. The first sub-bullet on page 3-168 should be made consistent with Table 16.
- Comment 20 | Page 3-170: The DEIR states, “Note that the closest public elementary school to the Plan Area is the Union School District’s Carlton School, located east of Los Gatos Boulevard about one-half mile from the Plan Area.” A reference to the closest Los Gatos Union School District school should be added.
- Comment 21 | Page 3-200: The DEIR states, “There are continuous sidewalks on the west side of Los Gatos Boulevard and both sides of Lark Avenue in the vicinity of the Plan Area.” In fact, there are not existing sidewalks on both sides of Lark Avenue in the vicinity of the Plan Area. There is only an existing sub-standard paved area on the project frontage.
- Comment 22 | Page 3-201: Please note that according to the VTA website, the referenced Valley Transportation Authority Plan 2040 has not yet been adopted and is expected to be heard and possibly adopted in Fall 2014 (not March 2014, as the DEIR states).
- Comment 23 | Page 3-216: The TIA does not actually say that the existing left turn lane onto Highland Oaks Drive is to be removed in favor of a left turn lane into the Plan area; there are a number of traffic constraints that may be factors in modifying movements at this intersection.
- Comment 24 | Page 3-220: Mitigation measure TR-1 requires the first project developer within the Northern District to widen Burton Road and make certain improvements at the Los Gatos Boulevard/Burton Road intersection. However, this mitigation relies upon the willingness of several property owners to make their land available for such improvements. There are alternative ingress/egress options along Los Gatos Boulevard that could be studied if the Burton Road widening cannot occur. We suggest that (i) the mitigation be tied to development of the Burton Road area, not just anywhere in the Northern District; (ii) that in the event that the land cannot be made available, then future development in the area would require the implementation of suitable alternative mitigation along the Los Gatos Boulevard frontage; and (iii) that there be put in place a reimbursement mechanism for this improvement if this improvement were in fact to be done by the first project developer within the Northern District, since there are multiple property owners in this District.
- Comment 25 | Page 3-230: The Street A cross-section reference is outdated and should be updated as per the TIA. This section does not apply to the entire Lark District. Also, the statement that the A-Street cross-section in the Transition District and Northern District cross section has two 11- to 13-foot travel lanes with sharrows is inaccurate.
- Comment 26 | Page 3-231: In the first paragraph addressing emergency access, we suggest allowing flexibility for the Fire Department Any reference to specific widths may be modified to state

Joel Paulson
May 19, 2014

- Comment 26, cont. | that the final design of roadway width is subject to the Santa Clara County Fire Department approval. These standards change over time and should be at their discretion.
- Comment 27 | Page 3-239: A WSA was prepared for this project that indicates there is an adequate water supply. Yet the final paragraph on this page implies a shortfall. The DEIR should be consistent with the WSA.
- Comment 28 | Page 3-246: The first paragraph under "Adequate Wastewater Treatment" should read 250 gallons (not 70) and 236,000 gallons (not 131,600).
- Comment 29 | Page 4-12: The line below CUM-TR-2 states that "Traffic Impacts at the National Avenue/Samaritan Drive intersection would remain significant and unavoidable, as described in Section 3.13 Transportation and Traffic." Section 3.13, however, does not state this. Rather, Section 3.13 includes Mitigation Measure TR-3 which requires the developer of the Northern District to pay a pro-rata traffic impact fee to mitigate this intersection, and the conclusion is that this mitigation reduces the impact to a less than significant level. Presumably, this would also be true for the cumulative impact at this same intersection.

As stated above, none of these comments points to any inadequacy in the DEIR. If you have any questions or need further input from us, please do not hesitate to call.

Very truly yours,

~~BERLINER COHEN~~



ANDREW L. FABER

E-Mail: andrew.faber@berliner.com

ALF:tah

cc: Don Capobres
Wendi Baker

Response to Letter 16 from Law Offices of Berliner Cohen (May 19, 2014)

1. Refer to the response to Comment 17.
2. Reimbursement agreements may be necessary for the roadway improvements described in TR-1 and TR-2 if various parties construct improvements to the benefit of other parties, as noted later in the comment letter for water and storm drainage improvements. If the Town constructs the improvements as part of the capital improvement plan, the developer(s) may or may not be required by the Town to reimburse for those improvements. Refer also to the response to Comment 18.
3. The comment is noted. The Draft EIR is corrected to clarify the Specific Plan open space requirements regarding increased height. Additional open space is required in either case, and the environmental analysis is not affected.
4. The comment is noted. The Draft EIR is corrected to clarify the Specific Plan allows increased heights for both residential and non-residential buildings. Additional open space is required in either case, and the environmental analysis is not affected.
5. Paved open space areas are not required to be ten percent of the Specific Plan area.
6. The comment is noted.
7. The comment is noted.
8. The comment is noted. Multiple detention basins and/or percolation areas could be developed within the Plan Area, and multiple basins are more probable under current low impact development standards. The environmental analysis is not affected.
9. The comment is noted. The Draft EIR relies on the information provided in the Specific Plan and traffic impact analysis. The Draft EIR states that the median along Los Gatos Boulevard would have one break for left turns midway between Burton Road and Lark Avenue. The Specific Plan does not state that there will be a break at this location, but does refer to this as a key access point.
10. Figure 13, Conceptual Backbone Stormwater Infrastructure, is understood to be preliminary and conceptual.
11. Under the Town's Below Market Price affordable housing program, the correct method is 20 percent of the market rate homes, which works out to about 16.7 percent of the total. The Draft EIR is corrected to clarify that the requirement is to provide affordable units at the rate of 20 percent of the market rate units.

12. The comment is noted. The Draft EIR is corrected to clarify that architectural features in excess of the height limit may not exceed 30 percent of the length of the parapet on the given building façade. The environmental analysis is not affected.
13. The discussion on page 3-14 is intended to compare the height of proposed buildings within the Plan Area to the existing buildings in general terms.
14. Mitigation Measure AES-1 does not refer to a vegetative buffer. Vegetative buffers are described following the mitigation measure.
15. The comment relates to the discussion of Air Quality Plan Measure TCM-D-1. The discussion does not include a reference to the proposed multi-modal pathway along Lark Avenue, but the conclusion of consistency would not be affected.
16. Figure 15, Health Risks was prepared based on data points presented in the Illingworth and Rodkin report (Draft EIR Appendix D), and revised per comments received prior to preparation of the Draft EIR. The line is as accurate as possible for a map at the scale provided in the Draft EIR.
17. The Draft EIR calls for extending the wall about 100 feet farther to the east than does the noise report. The Draft EIR has been corrected and Mitigation Measure NOI-1 revised. The environmental analysis is not affected.
18. Since the reference point for measuring wall height is not specified, it is assumed to be measured from grade at the wall location.
19. The second sub-bullet point in Mitigation Measure NOI-8 allows equipment to operate in excess of 85 dBA as long as that level is not exceeded at the property line.
20. The locations of the Los Gatos Union School District's schools that would serve the Plan Area are described in detail in the Draft EIR (pages 3-170 to 3-174).
21. The comment is noted. There is not a formal sidewalk along Lark Avenue beyond the gasoline station; however, there is a curb and an area paved with asphalt for walking.
22. The Draft EIR was prepared for production in late March, before the adoption date for the *Valley Transportation Authority Plan 2040* was revised. The Draft EIR has been revised to reflect an updated anticipated adoption date.
23. Transportation impact analysis Table ES-3, page vii (Draft EIR Appendix M) proposes that the westbound approach be reconfigured to three through lanes and one right-turn lane. This will remove the existing left-turn lane onto Highland Oaks Drive from Lark Avenue.

24. The comment is noted and Mitigation Measure TR-1 has been revised to reflect alternative mitigation in the event that Burton Road widening cannot occur with initial development within the Northern District. In the event that the Burton Road widening cannot occur prior to initial development within the Northern District, it is possible that alternative and adequate ingress and egress can be provided at another location within the Plan Area. Supplemental analyses would need to be conducted for future development applications to demonstrate that adequate access can be provided by other routes.

25. The cross-section for Street A varies as it traverses the Plan Area, and its configuration is summarized in the Draft EIR. The Specific Plan provides the full description of the street cross-sections.

26. The discussion is based on current standards adopted by the Santa Clara County Fire Department. The discussion cannot speculate on future changes to the standards.

27. The discussion relates to region-wide water supplies as cited in the Draft EIR.

28. The Draft EIR presented incorrect numbers relating to wastewater generation on this page (page 3-246). The numbers cited in the letter are included correctly elsewhere in the Draft EIR. The Draft EIR has been corrected to state that wastewater generation would be 250 gallons and 236,000 gallons rather than 70 gallons and 131,600 gallons.

29. The cumulative traffic section incorrectly refers to a significant and unavoidable project-level impact at this location. The Draft EIR has been corrected.

Letter #17 from Robert Buxton

From: Robert Buxton <rabcars@yahoo.com>
Sent: Monday, May 19, 2014 5:52 PM
To: Joel Paulson
Subject: Comments on the DEIR for the North 40 Specific Plan

Dear Mr. Paulson,

There is no sense restating the Mission Statement for the North 40 for those of us who are passionate about the planning of the project; we have it memorized. Is it being adhered to by the DEIR?

The DEIR does not address in detail the following:

Comment 1 | Traffic/safety impacts and it does not provide specific mitigation for all of Lark Avenue nor does it address the cumulative traffic impact for the entire day.

Comment 2 | Impact on schools: it does not report and list known figures for the number of students from Bluebird, Laurel Mews, Blossom Hill/Los Gatos Blvd complex and the North 40.

Comment 3 | It does not address the downtown and it's impact i.e.how not to compete.

It is time to once again go back to the drawing board and allow the citizens of the Town of Los Gatos to dictate our future, not the developers.

Thank you for considering and passing along our concerns to the Planning Commission.

Yours very truly,

Bob and Susan Buxton
(Residents of Los Gatos for 40 years)

Sent from my iPad

Response to Letter 17 from Buxton (May 19, 2014)

1. Refer to the Master Response on Transportation. The transportation impact analysis (Draft EIR Appendix M) was prepared in accordance with Santa Clara Valley Transportation Authority guidelines. The analysis focuses on the time periods when the existing traffic volumes plus traffic generated by the proposed project would be highest and potential impacts would be most severe. This occurs during the morning and evening commute periods.

2. Refer to the Master Response on Schools.

3. The economic and urban decay studies found in Appendix K address impacts on the Downtown. This information is also summarized in Draft EIR section 3.10 Land Use and Planning. For example, see pages 8-10 in the Market Study & Business Opportunities Assessment, which discusses strategies for developing uses complementary to downtown. In the Urban Decay Analysis, see pages 6, 23-27, 41-43, 63-64, and 65-66.

Letter #18 from CalTrans

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Serious Drought.
Help save water!*

May 19, 2014

SCLVAR030
SCL/VAR/PM VAR
SCH# 2011122070

Mr. Joel Paulson
Planning Division
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Dear Mr. Paulson:

North Forty Specific Plan General Amendment – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Specific Plan referenced above. Please also refer to Caltrans' comments on the Notice of Preparation in letters, dated December 22, 2011, and March 6, 2013. We have reviewed the DEIR and have the following comments to offer.

Traffic Impact Analysis (TIA)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. Caltrans has the following comments regarding the TIA:

- Comment 1 | 1. **Freeway Segment Operational Analyses:** Caltrans recommends the Town of Los Gatos (Town) include freeway segments analyses for State Route (SR) 17 and SR 85 for all scenarios in the TIA and DEIR. A list of freeway segments was provided in the TIA overview (p. 4) and was referenced in the DEIR (p. 3-197), with an analysis for Existing Conditions (TIA, p. 32) and an analysis for Existing Plus Project (TIA, p. 67). However, detailed analyses for Cumulative (No Project), Cumulative Plus Project, Cumulative 2 (No Project), or Cumulative 2 Plus Project were not provided in the TIA or the DEIR.
- Comment 2 | 2. **Ramp Metering:** The proposed project is likely to have impacts on the operations of the following metered freeway on-ramps:
 - Northbound (NB) SR 17 Lark Ave. diagonal on-ramp;
 - NB SR 85 Bascom Avenue diagonal on-ramp;

Mr. Joel Paulson/Town of Los Gatos

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Page 2

Comment 2,
cont.

- NB SR 85 Winchester Boulevard diagonal on-ramp;
- Southbound (SB) SR 85 Bascom Avenue diagonal on-ramp; and
- SB SR 17 Lark Avenue diagonal on-ramp (planned to be metered in the future).

During the ramp metering hours, the existing on-ramp queues will likely be lengthened with the additional traffic demand by this Specific Plan, and they may impede onto the local streets affecting their operations. Caltrans recommends the Town consider providing additional storage on the on-ramps/local streets for the freeway on-ramp traffic to avoid such impacts.

Any proposed metering rate adjustment will require analyses for their effects including but not limited to the freeway segments. Therefore, Caltrans requests that the sentence in the TIA (p. V) stating, "The additional queue resulting from adding project traffic can be accommodated within the existing vehicle storage length and by adjusting the metering rate to appropriately meter traffic such that queues would not impact Lark Avenue" be modified or removed.

Comment 3

3. Forecasting: Appendix M, Table 28 – Pending Projects (p. 109) provides traffic under Cumulative Conditions including existing volumes and traffic generated by approved and pending development projects. In order to reflect long-term traffic impacts, Caltrans recommends that the completion year for the approved and pending projects' Cumulative Conditions should adopt the year of approval or 2035, whichever is later. Please revise the 2035 Cumulative, Cumulative Plus Project Conditions and the associated analyses accordingly, once the TIA is revised to reflect the 2035 traffic model.

Comment 4

Lead Agency

As the lead agency, the Town is responsible for all project mitigation, including any needed improvements to State highways. Fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the Town work with the applicants and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Comment 5

Vehicle Trip Reduction

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as

Mr. Joel Paulson/Town of Los Gatos

May 19, 2014

Page 3

Comment 5,
cont.

a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

We also encourage you to develop Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees, among others. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

In addition, please ensure secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures are analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Comment 6

Cultural Resources

Caltrans requires that a project's environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State ROW. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with California Environmental Quality Act (CEQA), Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser/vol2/vol2.htm>).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW; these requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Comment 7

Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Comment 8

Voluntary Contribution Program

State Route 17, SR 85 and other State facilities near the site are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and

Mr. Joel Paulson/Town of Los Gatos
May 19, 2014
Page 4

Comment 8,
cont.

recreational traffic and are among the most congested regional facilities. Given the scale and location of this Specific Plan and the traffic generated, along with other projects in the vicinity, this proposed Plan will have a cumulative significant regional impact to the already congested State Highway System.

Caltrans encourages the Town to participate in Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions would be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion, improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Comment 9

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Should you have any questions regarding this letter, please contact Brian Brandert of my staff at (510) 286-5505 or brian.brandert@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy
Robert Cunningham, Santa Clara Valley Transportation Authority (VTA) – electronic copy

Response to Letter 18 from Caltrans (May 19, 2014)

1. The transportation impact analysis was conducted following guidelines of the Town of Los Gatos and the Santa Clara Valley Transportation Authority. The Valley Transportation Authority encourages all agencies within the Santa Clara Valley to follow its TIA Guidelines for non-CMP facilities and directs the use of the TIA Guidelines for all CMP-designated facilities, including freeway segments. The Town sees real benefit in following a traffic analysis methodology used by its sister agencies and VTA in the larger region, and therefore the Town exercised its discretion to follow VTA's approach to assess the significance of impacts rather than the approach suggested by Caltrans. The traffic impact analysis included those freeway segments applicable to project trip distribution and these were studied in accordance with the referenced guidelines. According to these guidelines, freeway impacts are addressed by comparing the amount of traffic added by the project to the existing freeway volumes. A project-related impact is identified when a) added project traffic would cause a freeway segment to operate at LOS F, or b) when a project would add traffic equal to more than one percent of capacity to a freeway segment that is already operating at LOS F.

2. The transportation impact analysis evaluated the freeway ramps that the project would most likely affect, based on proximity and likely travel routes. For example, the northbound State Route 17/Lark Avenue diagonal on-ramp was evaluated and the results showed that the existing on-ramp storage area could accommodate the added traffic. As indicated in the transportation impact analysis, the proposed project is projected to add small amounts of traffic to the northbound State Route 85/Winchester Boulevard diagonal on-ramp and southbound State Route 17/Lark Avenue diagonal on-ramp, and therefore would not significantly impact operations at those locations.

The comment regarding adjustments to metering rates is acknowledged. Changes have been made to the summary of the transportation impact analysis to better reflect the content within the body of the transportation impact analysis (Appendix M to the Draft EIR). The conclusion of the analysis in the transportation impact analysis is not affected.

3. The transportation impact analysis was conducted following guidelines of the Town of Los Gatos and the Santa Clara Valley Transportation Authority. According to these guidelines, and consistent with CEQA, cumulative conditions include traffic from all reasonably foreseeable development projects, including approved (but not yet constructed) and pending projects. This is the same technical approach used for most impact analyses for development projects throughout Santa Clara County and therefore there is a preponderance of support for it. It relies on actual identified proposed land use changes as opposed to speculative projections and therefore provides more certainty. As a result, the analysis adequately addresses the proposed project's cumulative impacts.

4. As lead agency, the Town of Los Gatos will oversee the implementation of all mitigation measures, including timing and responsibility. A mitigation monitoring program has been prepared and will be adopted by the Town in conjunction with certification of the EIR. Some of the traffic mitigation measures call for improvements within the Plan Area, and are to be implemented by the initial developer. If the improvements benefit future development within the Plan Area, reimbursement agreements would be developed to equitably share the funding. The Town also has a traffic fee program that off-sets the cost of Town-wide street improvements that are identified within the Town's capital improvement program.

5. The Specific Plan places both residential and commercial uses within the Plan Area, and provides a circulation system that allows for pedestrian, bicycle, and vehicle travel within the Plan Area. The land use arrangement and circulation system also provide access from within the Plan Area to the adjacent Lark Avenue and Los Gatos Boulevard. The presence of a major state highway interchange (State Route 17 and State Route 85) precludes direct access to the future Vasona light rail station.

The Specific Plan contains a menu of transportation demand measures that, per *Town of Los Gatos 2020 General Plan* Policy TRA-3.13, would be required of commercial uses developed within the Plan Area (Draft EIR page 3-223). Refer to the Master Response on Transportation.

The transportation improvements required by mitigation measures would not significantly reduce bicycle or pedestrian safety. Bicycle safety would be most affected along Lark Avenue, where two westbound right-turn lanes onto northbound State Route 17 would require bicyclists to cross two right-turn lanes to continue across the bridge over State Route 17. The VTA Bicycle Design Guidelines advise against this situation, but if unavoidable, recommend a minimum of 15 foot lane width for the lanes to allow side-by-side operation of bicycles and motorized vehicles, or the use of sharrows.

6. The Draft EIR cites a records search conducted for the Plan Area. The proposed project does not propose to construct improvements within a Caltrans right-of-way.

7. The Town's traffic impact fee program is described on Draft EIR page 3-209. Specific fee requirements for development projects are not stated because the Draft EIR is program level and the details of future development are not currently known. However, when development plans/building permits are processed by the Town, the traffic impact fees will be collected.

8. The comment does not specifically discuss impacts or mitigation related to the proposed Specific Plan. The comment suggests that the Town participate in the Santa Clara Valley Transportation Authority's voluntary contribution program. Such a payment could be used to partially mitigate the significant and unavoidable impact identified on State Route 85 segments.

A mitigation measure has been added to at least partially mitigate those impacts by requiring a fee payment to off-set physical or operational improvements on segments of State Route 85 affected by the proposed project's traffic.

9. The comment is noted.

Letter #19 from Georgia Crowder

From: Georgia Crowder <gcrowder12@yahoo.com>
Sent: Monday, May 19, 2014 5:18 PM
To: Joel Paulson
Subject: Environmental impact of North 40 project

Mr. Paulson

I've lived on Lilac Way for past 40 years & have been involved in many community efforts to keep " The Boulevard" a lovely place to live & raise a family. It seems to be the ugly step-child of downtown Los Gatos.

Comment 1 | We don't want or need more traffic congestion & overcrowded schools. We already have all the building at Paul Swanson ford. How will that impact us? We don't have an answer to that & you are already adding hundreds of housing units & more commercial buildings & all that comes with it. I think the Planning Commission should table this project & find solutions to the problems it will create, before going forward.

Thank you

Mrs Georgia Crowder
802 Lilac Way

Sent from my iPhone

Response to Letter 19 from Crowder (May 19, 2014)

1. The traffic impact analysis accounted for existing and projected trips from all existing and planned development. These trips are accounted for in the Existing and Background traffic scenarios, which are the basis for the Project and Cumulative scenarios. See Master Response on Schools and Master Response on Transportation.

Letter #20 from David Field

From: David Field <dfield@stanford.edu>
Sent: Monday, May 19, 2014 3:17 PM
To: Joel Paulson
Subject: North 40

Hello,

I live in Los Gatos on Lester Lane near its intersection with Carlton Avenue and I would like to share my thought on the North 40 project. I have several concerns about the project:

- Comment 1 | 1) Such a major development will unalterably change the character of the current town of Los Gatos. Large, premium retail/mixed use projects lend themselves to generic feeling “downtown” areas that will pull substantial business from the existing downtown area. Smaller, unique merchants, that help give a location real character, have a much more difficult time affording rent/lease in such high-end environments. It also entails great risk of the San Jose syndrome – San Jose declined to help Macy’s locate in downtown San Jose more than half a century ago. That decision led directly to the development of Valley Fair shopping center and the death of downtown San Jose as a livable community and shopping destination. This decision “killed” downtown San Jose as a destination and it is just now starting to recover. Bifurcating Los Gatos with this project could easily produce similar results.
- Comment 2 | 2) Traffic – general. The current traffic mitigations are wildly insufficient for this project. Surface streets (Lark Avenue, Los Gatos Blvd., National, Good Samaritan Drive, on/off ramps for Highway 17 and 85) are already heavily impacted. Adding a large mixed use community will increase that concentration immensely and create additional traffic issues for local residents evenings when the retail environment is at its height along with rush hour not to mention heavily impacting weekend traffic.
- Comment 3 | 3) Traffic – event and pass through. As a Lester Lane resident, we already have a lot of traffic “cutting through” on Lester Lane to short circuit LG-Almaden traffic headed to LG Blvd. The spillover effect of this project will inevitably escalate the already busy (and sometimes dangerously speedy) use of this residential street. Additionally, when the project inevitably hosts special events, traffic will gridlock surround streets and our residential street parking will be in short supply as drivers flock to find event parking in surrounding neighborhoods.
- Comment 4 | 4) The lack of school planning (we’ll just send the kids to a different district) is a little appalling. Although I do not have school age children, I always support our schools as wise investment in our society as a whole and in our local property values. Parents of children in the new development need to have “skin” in the game for the schools their children will be attending. Assuming that the number of children will be relatively small and, consequently, not a big issue is fanciful at best unless you can guarantee the population of children will remain as low as estimated for at least the next 20 years.
- Comment 5 | 5) Although not an objection to the project per se, the brochure that was delivered to us several weeks ago was so completely NON-informative as to be misleading. As a community outreach and education piece, I found it highly disingenuous; a straight piece of fluff without substance. Such uninformative fluff leaves me suspicious of the purported merits of the project.

In light of these problems, I will not support the project; it should be sent back to the drawing board for a fresh concept and thorough reconsideration.

Sincerely,

David Field
178 Lester Lane

Response to Letter 20 from Field, D. (May 19, 2014)

1. The example of downtown San Jose losing Macy's to Valley Fair is of questionable relevance. First, San Jose has a much larger downtown, and larger downtowns throughout the U.S. suffered from the departure or loss of major department stores to malls in the 1960s and later. Downtown Los Gatos has never had or been a suitable location for such a large retailer. Furthermore, Los Gatos is part of the same regional retail landscape as San Jose; there are numerous malls, including Valley Fair, that are accessible to Los Gatos residents, but downtown Los Gatos has survived in the face of this competition. Downtown's strength is the "smaller unique merchants that help give a location real character." These merchants may be unlikely to move to the North 40, and thus the Downtown will preserve its character and attraction. Urban decay is discussed in Section 3.10, Land Use and Planning in the Draft EIR. See also responses to Comments for Letter 11 from Arzie.

2. The traffic impact analysis determined that impacts to local streets and intersections would be mitigated to a less-than-significant level. The transportation impact analysis (Draft EIR Appendix M) was prepared in accordance with Santa Clara Valley Transportation Authority guidelines. The analysis focuses on the time periods when the existing traffic volumes plus traffic generated by the project would be highest and potential impacts would be most severe. This occurs during the weekday morning and evening commute periods.

3. Only a small amount of North 40 traffic would be added to Lester Lane – a portion of the 5 to 10 percent of project traffic going to and from the east on Los Gatos-Almaden Road. Lester Lane provides access to the project site via Camino Del Sol, which is one-way (eastbound) at Los Gatos Boulevard. Given the existing street grid, it is unlikely that outbound vehicles would travel via Lester Lane. It is estimated that 1/3 of all inbound trips traveling from Los Gatos Almaden Road could use Lester Lane. Therefore approximately 10 vehicles could be added to Lester Lane from the project during the AM peak hour and 20 vehicles during the PM peak hour. Trip distribution is summarized on page 3-213 of the Draft EIR and presented graphically on Figure 7 in the transportation impact analysis (Draft EIR Appendix M). Special events are not planned to occur on a frequent basis and therefore were not evaluated as part of the Draft EIR analysis. If special events did occur they would likely happen outside of the peak hours when traffic volumes on the surrounding roadways are lower. Moreover, the impacts of special event traffic would be temporary and would not rise to the level of significance under CEQA.

4. Refer to the Master Response on Schools.

5. The comment is noted.

Letter #21 from Dave and Karol Field

From: Dave and Karol Field <field.d@comcast.net>
Sent: Monday, May 19, 2014 4:56 PM
To: Joel Paulson
Subject: North 40 Development

Dear Mr. Paulson:

I was present at the Council Meeting on May 14 regarding the development of the North 40. I am **NOT** in favor of seeing this property built out as currently planned. I do hope the Council is listening – the traffic situation on Lark and Los Gatos Blvd is horrendous!

Comment 1

We currently have new growth in the forms of the Stanford Cancer Center at the corner of Los Gatos Blvd and Branham Lane along with the new medical building on Los Gatos Blvd and Gateway Place. These two new structures alone will bring additional traffic to the already bursting-at-the-seams Los Gatos Blvd and Lark Avenue road ways.

We live on Lester Lane. To access Los Gatos Blvd, we have a few different choices depending on where we're going:

1. Continue down Lester Lane and make a left on Camino del Sol. This takes you out to Los Gatos Blvd about a good sized block past Lark Avenue. In other words, it dumps you right in front of the proposed North 40 development. We typically travel this way to access 85 although if it's "off commute" time, we may go this way and take a left onto LG Blvd to access Lark Avenue.
2. Turn left onto Carlton Avenue and right onto Gateway. This puts us on LG Blvd right in front of the Union 76 gas station by Ace Hardware. Attempting to travel this way in the morning can be the cause of a long wait just to access LG Blvd. The line of cars waiting to get onto Lark Avenue is typically past this light and waiting on the other side. People waiting on Gateway who want to get into the turn lane onto Lark will sit and wait until they can clearly get into the turn lane before they turn out of Gateway onto LG Blvd. This holds up the line of traffic for the rest of the people who may want to go straight on LG Blvd. We've had numerous accidents at this intersection for people speeding through or sitting in the middle of the intersection because they don't want to wait for the light...once again...so they can turn onto Lark. Also, you'll notice a number of cars cutting through Ace's parking lot in order to circumvent Gateway altogether. Typically, if we're headed towards Lark to access 17, we'll go this way.
3. If we go out Lester Lane the opposite direction to Los Gatos-Almaden Road, we can access LG Blvd at Nob Hill and is the typical path to go into downtown Los Gatos.

The additional issue on Lester Lane is this:

1. National Avenue takes you from Los Gatos-Almaden Road to Branham Lane to LG Blvd.
2. Lester Lane takes you from Los Gatos-Almaden Road to Camino del Sol to LG Blvd (right in front of the North 40 project).

Comment 1, cont. 3. And the next direct path to LG Blvd from Los Gatos-Almaden Road is to go directly to LG Blvd from Los Gatos-Almaden Road.

So, Lester Lane has become a great bypass road for commuters and other people who want to bypass going directly up to LG Blvd off Los Gatos-Almaden Road. Thankfully, the Town put in a stop sign on Lester Lane by Live Oak Manor Park which helps, but people still speed and people still travel Lester Lane for a “cut through.” My concern is that this North 40 project will add **additional** traffic on Lester Lane for people wanting to go to the North 40! We don’t need additional traffic on our street! Has the Town and development company really taken into consideration the impact on the smaller streets around LG Blvd and Lark Avenue?

Comment 2 We are a small town. We must address these traffic issues **before** complicating the situation by adding more housing, more retail, more traffic....and more traffic...and more traffic. Having a Los Gatos version of Santana Row in our backyard isn't appealing especially if it is at the cost of our smaller-town atmosphere and the potential decline of downtown Los Gatos.

It would have been nice to see downtown LG business owners at the Council Meeting to hear their opinions about placing a huge retail structure at the edge of town. Downtown Los Gatos is a small community place where families go, friends meet, businesses thrive... Please, let's keep it that way....

Say “NO” to the North 40 as it currently stands. Thank you for your time.

Thank you,
Karol Field
178 Lester Lane
LG

Response to Letter 21 from Field, K. (May 19, 2014)

1. The comment describes traffic congestion at various locations within the Town, particularly on Lester Lane. Refer to the response to Comment 3 in the letter from Field D.
2. The comment is noted.

From: Janice Fok <jgdfok@gmail.com>
Sent: Monday, May 19, 2014 12:28 PM
To: Joel Paulson
Subject: North 40 DEIR Comments and Questions

Hello Mr. Paulson,

pls include these questions in reference to the DEIR for the North 40 project.

Statement of Fact:

In Section 2.0 PROJECT DESCRIPTION, on page 2-2 "Project Vicinity Existing Conditions" states "To the northwest of the Plan Area lie the State Route 17 freeway, an orchard, a private school, a tennis/swim club, a small number of houses, apartments, a mobile home park, Los Gatos Creek, and the Los Gatos Creek recreation trail."

Questions:

Comment 1

1. Why is the Addison-Penzak JCC of Silicon Valley referred to only as a "private school"?
2. How was the impact of the Yavneh Day School calculated?
3. Was the true impact of the JCC calculated?
4. Where is the reference to the fact there are two large fitness/swim clubs on Oka Road (the JCC and LG Swim and Racquet)?

Statement of Fact:

Figure 6 in Section 2.0 "Project Vicinity Existing Conditions" specifically notes Yavneh Day School as a nearby school. Figure 6 also shows Carlton Elementary as a nearby school.

Questions:

5. Why are these schools selected for the map?
6. Why is Carlton Elem listed, when no part of the North 40 parcel is served by the Union Elem school district?

Statement of Fact:

In Section 3.0, item 3.12 Population, Housing, and Public Services, Carlton Elementary is listed as the nearest school.

Questions:

Comment 2

7. What schools are closest to the project in the districts providing services (Los Gatos and Campbell)?

8. How far away are the project serving schools away from the project?

Comment 3

9. What are the traffic conditions between the project site and the district schools?

10. What accommodations are being made for Safe Routes to School for students living on the project area?

Statement of Fact:

In Section 3.0, item 3.12 Population, Housing, and Public Services, page 3-173 states "Already approved new housing within the school district (Guadalupe Mines, Riviera

Terrace, South Bay Honda, Swanson Ford, and Thrash House) would add about 70 additional students, most in the relative near-term."

Questions:

- Comment 4
11. What are the actual student counts generated by each of these projects?
 12. Has the Town, Project Developer, or EMC Planning asked the impacted school districts for actual counts of students from each of these projects?
 13. Since all these projects have been completed by the time this DEIR was written, why are estimates used rather than actual data?

Statement of Fact:

In Section 3.0, item 3.12 Population, Housing, and Public Services, page 3-184 states "Although the Draft Specific Plan does not dictate the residential distribution within the Plan Area, almost all of the commercial development is directed to the northern half of the Plan Area, and this analysis assumes that 80 percent of residential units would be developed within the southern portion of the Plan Area served by the Los Gatos Union School District and Los Gatos-Saratoga Joint Union High School District."

Questions:

- Comment 5
14. Will there be any requirement that the Specific Plan distribute the housing in this manner?
 15. Where did this assumption come from?

Statement of Fact:

In Section 3.0, item 3.12 Population, Housing, and Public Services, page 3-184 states "The effects of student generation would be gradual, as new residential development replaced undeveloped land, and residential or commercial re-development replaced existing residential uses over an expected period of about 20 years."

Questions:

- Comment 6
16. When has a new development in Los Gatos not fed additional students into our school district for 20 years after construction?
- Comment 7
17. Since recent new developments have been completed, can the DEIR include actual impacts and timing of those impacts? (see questions 11-13 above)

Statement of Fact:

In Section 3.0, item 3.13 Transportation and Traffic, states "The transportation impact analysis studied 31 intersections. [Table 18, Study Intersections Existing Levels of Service](#), presents the current AM and PM peak period delays and levels of service at these intersections."

Questions:

- Comment 8
18. What study was done on the mid-peak time of student pick up at our local schools? This occurs between 2pm and 3:30pm.

Thank you,

Janice Fok

Response to Letter 22 from Fok (May 19, 2014)

1. The project vicinity setting is described in general terms, in compliance with CEQA. The impact of existing land uses is accounted for in that each existing land use currently contributes to the existing conditions. For example, automobile trips from the Jewish Community Center are represented in the existing traffic counts for intersections near that use. Figure 6 shows land uses near the Plan Area, which includes Carlton School. The public facilities map (Draft EIR Figure 22) attempts to show all existing nearby public services, such as schools, fire stations, and parks. It is possible that some of these features were not included, but those that are pertinent to the analysis within the Draft EIR are included. Private recreational facilities are not shown on the map.
2. The schools nearest the Plan Area are illustrated on Draft EIR Figure 22. The schools serving the Plan Area are not necessarily the closest. Each school serving the Plan Area, and the distance from the Plan Area, is described on Draft EIR pages 3-170 through 3-174.
3. The traffic impact analysis focuses on intersection operations. In general, direct routes to the schools serving the Plan Area involve travel on Los Gatos Boulevard/South Bascom Avenue for a portion of the trip, and 14 intersections on this street between and including Los Gatos-Saratoga Road and Camden Avenue were included in the traffic impact analysis. Most of the intersections operate at an acceptable level of service, but this street does carry a high volume of traffic. Safe Routes to School are discussed on Draft EIR page 3-227 and Mitigation Measure TR-6 requires that the designs for residential development along Lark Avenue include direct access from the residential area to the corner of Lark Avenue/Los Gatos Boulevard. From this intersection, a route along Los Gatos Boulevard leads to a series of residential streets, which connect with an existing Safe Route to School for the elementary and middle schools.
4. Refer to the Master Response on Schools.
5. The Specific Plan indicates that most housing is planned for the Lark District at the south end of the Plan Area. The Specific Plan does not mandate this distribution, but the mix of allowed uses within each of the three districts makes it likely that residential development would be concentrated to the south. The other two districts allow residential uses, but residential uses are secondary to the commercial uses in those districts.
6. The comment appears to be mis-interpreting the Draft EIR. The Draft EIR assumes that development would take place over time, and therefore, that student generation from within the Plan Area would increase over time as new housing units are completed and occupied.

7. The Draft EIR compares impacts of the proposed project to the existing conditions at the time the NOP was released. The effects of all known development, existing or future, is accounted for in either the Existing, Background, Project, or Cumulative scenario.

8. The transportation impact analysis did not include a mid-afternoon peak scenario. The transportation impact analysis was prepared in accordance with Santa Clara Valley Transportation Authority guidelines, which do not require study of this scenario. The analysis focuses on the time periods when the existing traffic volumes plus traffic generated by the project would be highest and potential impacts would be most severe. This occurs during the morning and evening commute periods. Therefore no study was conducted during the mid-peak time of student pick up when overall volumes would be lower. Generally, school peak traffic impacts are concentrated during a 15-minute period immediately before and/or after school begins or ends.

May 19, 2014

Via Email

jpgaulson@losgatosca.gov

Town of Los Gatos
Community Development Department
Attention: Joel Paulson
110 E. Main Street
Los Gatos, CA 95030

Re: *Draft EIR – North Forty Specific Plan*

Dear Mr. Paulson:

On behalf of the Yuki Family, I am submitting the following technical comments, regarding Section 3.7 Hazards and Hazardous Materials of the above referenced DEIR.

- Comment 1 | 1. Appendix I suggests there are seven monitoring wells located in the Plan Area. The Plan Area Maps and Figures should reflect the four monitoring wells within the Plan Area and three monitoring wells south of the southern boundary. As currently depicted, there are seven monitoring wells located in the Plan Area.
2. Figure 17 should be revised to reflect the foregoing comments. Additionally, there is a concern that this Figure conflates the TPHg and benzene data. The TPHg and benzene impacts should be assessed, and depicted, separately.
- Comment 2 | 3. With regard to the potentially hazardous material impacts identified in the Plan Area, associated with the release from the Lark Avenue Custom Car Wash site, it should be noted that the potential contamination is at an approximate minimum depth of 50' and therefore not likely to be disturbed during, or to impact construction activities.
- Comment 3 | 4. With regard to Mitigation Measure Haz 1;
- a. The Area to be encumbered by any similar Mitigation Measure should be clearly identified, or accurately depicted on an exhibit.
 - b. The phrase 'Immediately adjacent areas' should be clearly defined so as to avoid any potential ambiguity.
 - c. The standards for soils impacts that construction workers can work in, and that may need to be managed specially, is not necessarily 'no contamination'

Joel Paulson
Town of Los Gatos, Community Development Department
May 19, 2014
2 | Page

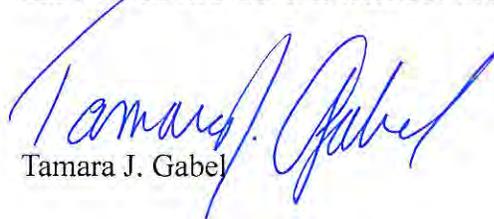
Comment 3, | as proposed in the draft response. An appropriate 'construction worker'
cont. | standard should be inserted in lieu of the "no contamination standard".

The following comments address Section 3.9 Hydrology and Water Quality:

Comment 4 | 1. With regard to the 'Less-than-Significant Impact with Mitigation' on excess
| pollution storm water runoff, it is not clear that project development activities will
| encounter soils impacted from releases associated with the Lark Avenue Custom
| Car Wash. As noted above, the evidence does not indicate that there are impacts
| within the soil, at, or near the surface in the Plan Area.

Your attention in this matter is appreciated. Should you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,
LAW OFFICES OF TAMARA J. GABEL


Tamara J. Gabel

Response to Letter 23 from Law Offices of Tamara Gabel (May 19, 2014)

1. Figure 17 shows the presence of both contaminants and is intended to provide an overview of potentially contaminated soils or groundwater within the Plan Area. Detailed information on contamination is available from the County of Santa Clara Department of Environmental Health (DEH), and consultation with DEH will be required for any work within potentially contaminated areas.

Figure 3 in the February 2013 report prepared by Geocon for the Lark Avenue Car Wash contamination clean-up, cited in the Draft EIR, shows six or seven monitoring wells within the Plan Area (MW-5, MW-6, MW-11, MW-12, MW-14, and MW-15). A seventh well (MW-4D) is symbolized as a co-extraction well, but given an MW designation.

2. The main area of groundwater contamination is nearer the source to the south of Lark Avenue. Groundwater contamination within the Plan Area is both less concentrated and at a greater depth. Nonetheless, the DEH requires measures to address the contamination within the Plan Area.

3. Mitigation Measure HAZ-1 will be carried out in consultation with DEH, which is very familiar with the history and location of contaminants at the site, and with appropriate safety standards.

4. The comment is noted. Refer to the response to Comment 2.

Letter #24 from Jeff Harlan

From: jeff harlan [<mailto:jeff.harlan@yahoo.com>]

Sent: Monday, May 19, 2014 8:24 AM

To: Planning

Subject: North 40 DEIR Feedback

Thanks for the opportunity to speak last week. Here are my notes/estimates on the DEIR.

* jeff harlan

** native los gatan

** family here since 1965

** raising two children with my wife in the house where i grew up

Comment 1 | * amazing school system already over capacity
** people cheat and lie to get their kids into our schools
** full time employee to detect fraud in school enrollment

* estimates from developers on school impact have proven inaccurate
** bluebird lane est 30% - 20 units/6 students - actually 170% - 34 students
** north 40 est 26.6% - 364 units/97 students - likely 170% - 619 students

"DEIR flaws"

* significantly underestimated student population

** likely 522 more

** worst case each student will cause an additional am and pm trip

Comment 2 | * traffic report
** estimated trips
*** alt a - 685 am, 1526 pm - est 1200 am, 2050 pm
*** alt b - 470 am, 1488 pm - est 1000 am, 2010 pm

** gaps in traffic sampling

*** no samples on los gatos blvd between roberts road and highway 9 - "gridlock"

*** no samples on east main st - "gridlock"

*** no samples on univerty ave between west main st and lark ave - "gridlock"

Comment 3 | regional housing needs allocation (RHNA) - "2x higher than current census"
association of bay area governments (ABAG) 10%
apply more pressure to adjust in line with the department of finance (DOF) 5%

Comment 4 | north40 estimate \$1.9 million for schools - \$19,600 per student - likely \$3069 per student
national average for one student \$8626
likely student scenario - (\$5560) or (\$3.44 million) net cost to our town

Comment 5 | Suggestion for a more reasonable use of this land:

Comment 5, - build a new junior high and high school to accommodate state mandated growth
cont. - limit housing units to 50

Thank you,
Jeff

Response to Letter 24 from Harlan (May 19, 2014)

1. Refer to the Master Response on Schools. Vehicular trips to schools are accounted for in the traffic generation rates. See also response to Comment 2 and the Master Response on Transportation.

2. The amount of traffic generated by the proposed project is estimated by applying rates published in the Institute of Transportation Engineers (ITE) Trip Generation, 8th edition, 2008 that are based on surveys of similar uses. This is in accordance with professional practice and with the TIA preparation guidelines published by the Santa Clara Valley Transportation Authority. Santa Clara Valley Transportation Authority TIA guidelines call for the study of intersections. The traffic analysis includes the evaluation of those intersections anticipated to be impacted by the proposed project. The study locations included in the traffic impact analysis were intersections identified as likely to be affected by project vehicle traffic based on proximity to the project site, current intersection operations, and the amount of added project traffic. Specifically, intersections on East Main Street and on University Avenue south of Lark Avenue were not included in the analysis because substantial project-related traffic is not predicted to travel along these streets during peak hours. During the PM peak hour, the project is predicted to add between 20 and 25 northbound and 20 and 25 southbound vehicles to Los Gatos Boulevard between State Route 9 and Roberts Road. These vehicles are not anticipated to have a substantial effect on the intersections in between State Route 9 and Roberts Road.

The study intersections were reviewed and approved by Town staff and during the peer review process of the transportation impact analysis. Refer also to the Master Response on Transportation.

3. The comment is noted. The proposed project would add up to 364 residential units, with affordable units under the Town's Below Market Rate program equaling 20 percent of the market rate units, which would contribute towards the Town meeting its regional housing needs allocation.

4. The Draft EIR considers environmental impacts and does not address fiscal impacts. Refer also to the Master Response on Schools.

5. The Specific Plan identifies public and private schools as conditionally permitted uses. However, the school districts serving the Plan Area have not planned for construction of a new school within the Plan Area at this time. Based on California Department of Education standards, a middle school would occupy approximately one-quarter to one-third of the Plan Area and a high school would occupy approximately three-quarters to the entirety of the Plan Area. Therefore, placement of either type of school within the Plan Area would preclude many

or all of the uses anticipated in the Specific Plan for the site and would not meet the objectives for the project. The Draft EIR studied a reasonable range of alternatives as required by CEQA. Also refer to response to Comment 1.

Limiting the number of housing units to a total of 50 would not be consistent with the Town's vision for the Plan Area, which identifies the Plan Area as a location to "address the Town's residential and/or commercial unmet needs." Additionally, the project objectives include development of the Plan Area in a manner consistent with the General Plan. The density of housing in the Specific Plan area would be less than half that considered in the *Town of Los Gatos 2020 General Plan*. The General Plan and the General Plan EIR assumed that the Plan Area would include up to 750 residential units, although the General Plan acknowledges that this would be the maximum residential capacity and the specific plan may be approved with lower densities (page LU-18 in the General Plan). Therefore the housing density proposed in the Specific Plan is consistent with the General Plan; reducing the total number of housing units would not be consistent with the project objectives or the General Plan. Refer also to the response to Comment 1 in Letter 4 from Dallas.



To: Joel Paulson
Planning Manager
Town of Los Gatos, CA

Date: 19th May °14
Sent: email

RE: North Forty Property & Specific Plan
Subj: Comments on the Draft Environmental Impact Report (Draft EIR)

Dear Joel,
Thank you for your time and dedication to this project. I have been reviewing the North 40 Specific Plan and the Draft EIR documents. The following comments are being provided during the Public Review Period.

Overall Comments
Conceptual Backbone Circulation Plan (Figure 10, p. 2-29)

Comment 1 ♦ Burton Road should NOT be allowed to be extended or connected to the proposed 'A' St that then connects to Lark Ave. The intersection at Los Gatos (LG) Blvd, Samaritan Drive & Burton Rd. needs to be re-evaluated. The DEIR's Traffic Study does not reflect the major problems with the existing conditions.

- The traffic impact to this existing intersection is already at Level F and can barely handle the current traffic.
- The proposed change of Burton Rd. to become a Major Vehicular Corridor will create an even worse situation and will drastically impact traffic on the surrounding communities, their roads and streets.
- Currently the existing LG Blvd. & Samaritan intersection is Severely Impacted by cars trying to park in the front parking lot of the Building on the north corner of the Site. When just (1) car backs up on Burton, the entire intersection comes to a halt. The graphic below is taken from Fig. 15 in the Traffic Report. As you can see the Red car waiting to get into the parking lot blocks access to Burton Rd.
- The LG/Samaritan/Burton is only 200' from Hwy 85's southbound off-ramp, which does not meet Caltrans Design Guidelines for corner site distances along Freeways.



Citation: Caltrans Table 405.1A, Corner Sight Distance (7-1/2 Second Criteria) Design Speed (mph) Corner Sight Distance (ft) Chart, States that even at the slowest speed of 25 mph, the minimum distance

North 40 Draft EIR & Specific Plan Town of Los Gatos, CA

- Comment 1, cont.
- between intersections is 275 ft. At 30 mph the distance is 330 ft. and at 35 mph the distance is 385 ft. and at 40 mph the distance is 440 ft.
 - With a speed limit of 35 mph, the closest intersection to the southbound off-ramp needs to be min. of 385 ft. south of the off-ramp.
 - Based on the above information, a new Circulation Plan needs to be developed and evaluated.
- ◆ Lark Ave & LG Blvd. Intersection has not been properly evaluated because the northwest corner, where the gas station is located, restricts the ability to create a new free right turn when heading south on LG Blvd.
- Fig. 16 of the Traffic Study shows a new free right turn lane for traffic heading southbound on LG Blvd, turning right onto Lark Ave. The lane then turns into a new on-ramp lane for northbound Hwy. 17.
 - All new improvements of the on-ramps have to be reviewed and approved by Caltrans. Without their approvals, construction of the proposed Traffic Improvements can not occur.
 - The Report does not adequately evaluate a Phased Scenario, where the Lark District is built before the Highway on-ramps and new lanes can be built. This is currently happening. The developer has submitted a Vesting Tentative Map showing the Lark District build-out without the creation of a southbound free right turn lane.
 - Based on the above information, a new Circulation Plan needs to be developed and evaluated.
- ◆ LG Blvd's proposed width of street improvements exceeds the actual width of the exiting street ROW, as such; the DEIR does not adequately evaluate the Traffic Impacts of a Phased Scenario, where the east side of LG Blvd. is not built out before the Site is developed.
- The exiting APN Maps show that LG Blvd. has ROW width of only 76 ft. There is 43 ft. to the centerline on the Site's side of the street and only 30 ft. on the east side. Fig. 4-7 on p. 4-14 shows a roadway with of 96 ft. Where's the 20 ft. coming from?
 - The Specific Plan, p. 10, Item 4.1.3.1 Lark Ave. stated that the ROW will be extended into the Site, but p. 4-14, Fig.4-7 only identifies the existing ROW line. The roadway and pathway design does not work without an additional 20 ft. ROW.
 - Based on the above information, a new Traffic Study that addresses a Phased Scenario and a Scenario where the roadway is not widened needs to be developed and evaluated.

Specific Comments on Draft EIR for North 40 Specific Plan

Table of Contents (no page number)

- Comment 2
- Appendix N – Utilities is not listed in the TOC
 - Appendix N is on the Town's website, labeled 'Utilities'
 - The title of the document online is 'Update on Sewer Impact Evaluation'
 - The Full Utilities Report is not included on the City's website nor has it been available at Planning Desk.
 - Where is this Full Analysis of the Utilities?
-

**North 40 Draft EIR & Specific Plan
Town of Los Gatos, CA**

Table S-1 ~ Significant Impacts & Mitigation Measure Summary (pages S-4 thru. S-18)

- Comment 3 | Page S-5
- The page is incomplete. The text runs off the page.
- Comment 4 | Page S-10
- Biology, Tree Protection, BIO-5 ~ Less than significant
 - What is the Mitigation Ratio for replacement of Protected Trees that may be removed?
 - Without the total number of trees that will be removed, how can this be considered 'Less than Significant'?
- Comment 5 | Page S-16
- Hazards and Hazardous Materials, HAZ-1 ~ currently listed as 'Less-Than-Significant'
 - This should be changed to 'less than significant impact with mitigation'
 - Appendix I – Hazards states there is a contaminated plume traveling north of Lark Ave onto the Site
 - The hazards reports states that remediation is needed prior to development of the site.
 - The requirement for remediation makes the Residual Impact to include Mitigation Measures.
- Comment 6 | Page S-24
- Transportation/Traffic, TR-1 ~ currently listed as 'Less-Than-Significant'
 - This should be changed to 'Significant and Unavoidable Impact'
- Comment 7 | Page S-27
- Transportation/ Traffic, Cumulative Traffic Impacts, CUM-TR-1 ~ does not summarize the residual Impacts.
 - Shouldn't this be 'Significant and Unavoidable Impact'?

Specific Plan Comments

- Comment 8 | ♦ The proposed width of only 8 ft. for the Multi-Modal Path along Lark Ave. is inadequate to accommodate the high demand there will be for this pathway and does not meet State standards for this type of pathway.
- Per state standards, a Class 1 Bike Path is to be a min. of 8 ft. wide, but 10 ft. is preferred, with additional 2 ft wide shoulders. The preferred width is a min. of 14 ft.
 - Why doesn't the pathway continue along LG Blvd. creating access to the northern district?

Please respond to my comments in the Final EIR.

Thank you for your consideration.

Sincerely,



Susan M. Landry, Environmental Architect

Designing Spaces Between The Natural & Built Environment[™]

Response to Letter 25 from Landry (May 19, 2014)

1. The Burton Road/Samaritan Drive/Los Gatos Boulevard intersection is an existing intersection. The proximity to the State Route 85 ramps was created when Caltrans constructed State Route 85. The traffic analysis shows that the intersection is currently operating at an overall LOS C; however, some approaches and turning movements operate at a worse LOS than the intersection as a whole. The eastbound and westbound approaches operate at LOS D during the AM and PM peak hours. The northbound left-turn movement operates at LOS D during both AM and PM peak hours, as does the southbound left-turn movement during the PM peak hour. With mitigation measures presented in the Draft EIR, Burton Road will accommodate project traffic. The transportation impact analysis did not identify an issue in regard to the proximity of the intersection to the State Route 85 ramps.

At the Los Gatos Boulevard/Lark Avenue intersection, the additional right-turn lane can be added within the existing curb-to-curb width, as shown on the traffic impact analysis' Figure 16 (Draft EIR Appendix M), and is therefore feasible.

Los Gatos Boulevard would ultimately be widened on the east side (opposite the Plan Area). This improvement would not affect Caltrans' freeway on-ramp. Note that a tentative map cannot be approved until the EIR is certified and the Specific Plan is approved. A tentative map will need to be found consistent with the Specific Plan and will be subject to implementation of applicable mitigation measures. Refer also to the Master Response on Transportation.

2. Appendix N was inadvertently left off the Table of Contents, but is referenced on Draft EIR page 3-233, and included within the appendices. Appendix N consists of only the report on the sewer system. The Table of Contents has been corrected. Refer to Section 4.0 Changes to the Draft EIR.

3. A production error resulted in Mitigation Measure AQ-4 in the Summary Table not wrapping correctly to the next page. The full wording of the missing text is provided on Draft EIR pages 3-47 and 3-48. This cell of the Summary Table has been corrected. Refer to Section 4.0 Changes to the Draft EIR.

4. The Draft EIR assumes that all of the trees would be removed by the proposed project. The arborist reports account for all of the non-orchard trees in the Plan Area that are subject to the tree protection ordinance. The orchard trees with trunks less than 18 inches in diameter are not subject to the tree protection ordinance. Tree replacement ratios are based on the Town of Los Gatos tree protection ordinance (Section 29.10.0985) which in most cases requires replacement by at least two trees for each tree removed. Only one tree may be required if the canopy of the tree that is removed is less than 10 feet across. The tree removal and replacement would be in accordance with the Town's ordinance.

5. The fifth column in the Summary Table lists the residual impact, after mitigation is applied, and correctly states Less than Significant. Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level.
6. The Summary Table is correct as presented on page S-24. This impact is mitigated to a less-than-significant level. However, the Area of Concern column on the second row on page S-26 should be filled with "Transportation/Traffic." This cell of the Summary Table has been corrected. Refer to Section 4.0 Changes to the Draft EIR.
7. Draft EIR page 4-11 indicates that the cumulative mitigation measures reduce this cumulative impact to a less-than-significant level. This cell of the Summary Table has been corrected. Refer to Section 4.0 Changes to the Draft EIR.
8. The Caltrans standard requires eight feet of pavement and an additional two-foot shoulder area to each side in addition to the stated width. The Specific Plan design is consistent with these requirements. The pathway, as illustrated in the Specific Plan, is intended to provide access only along Lark Avenue.

From: Jeff Loughridge <lokrij@comcast.net>
Sent: Monday, May 19, 2014 4:59 PM
To: Joel Paulson
Subject: North 40 Draft EIR Comments

Joel,

Here are my comments:

North 40 Traffic

By Jeff Loughridge

The North 40 project has some elements that I believe Los Gatos is lacking right now. Specifically, the more diverse planned housing will provide much needed components to our town's housing mix.

I AM concerned that our current traffic situation, without the future effect of new developments, results in a very low Level of Service, or LOS. Levels Of Service at intersections across town are now on the edge of our lower LOS limit rating of D. But it is particularly significant in the North end of town since that is where both Albright and the North 40 are either approved or planned.

The traffic portion of this Draft EIR, by itself is a whopping 1836 pages. It is filled primarily with traffic counts at various intersections that were chosen. Not all affected intersections were included. What was missing, until late this afternoon, was an illustration that shows the proposed traffic flow in and around the development, specifically on both Los Gatos Boulevard and Lark Avenue. This afternoon a new version of the Tentative Map Application was posted onto the North 40 website. There is traffic mitigation proposed, but in order to assess whether these suggested mitigations make sense, one would need to see how the traffic would flow both North and South on Los Gatos Blvd as well as East and West on Lark Ave.

Comment 1 Of the intersections that were illustrated, the South Street entrance into the development would have a right turn in, a left turn in, across Lark traffic and a right turn out. This would block Highland Oak resident's current left turn out. Highland Oaks would be a right turn in and right turn out only. Plus the right turn out from South Street onto Lark Ave, would require drivers to merge rapidly across two fast moving, freeway onramp lanes to be able to continue West on Lark, across the bridge towards Winchester Blvd.

Piecemeal residential and traffic development on Lark Avenue has resulted in nine separate intersections with traffic lights at six. Some are spaced so closely together that they do not meet the State's standards. Since this is one of only four ways across town and will be hit with the majority of both Albright and North 40 traffic, automobile, pedestrian and bicycle safety concerns need to be addressed for the full length of Lark Avenue, not just the portion bordering the development. The proposed traffic flow will eliminate Bicycle paths on Lark. They propose both East and West bicycle movement on the north-side sidewalk bordering Lark, yet propose nothing once a Westbound bicyclist reaches the Lark Avenue bridge over highway 17.

The traffic mitigation outlined in this draft EIR is inadequate, short sighted, and skewed to the new North 40 residents at the expense of their existing neighbors.

The North 40 should reflect the special nature of our hometown, but doesn't. It should celebrates our history, agricultural heritage, hillside views, and small town character, but doesn't. The North 40 should be seamlessly woven into the fabric of our community, complementing other Los Gatos residential and business neighborhoods, but isn't. It should be respectful of precious community resources and offer unique attributes that enrich the quality of life of all of our residents, but doesn't.

Guiding Principles to achieve this vision:

- The North 40 will look and feel like Los Gatos. How does this LOOK like Los Gatos?
- The North 40 will embrace hillside views, trees, and open space. HOW does it EMBRACE view, trees and open space while providing the opposite?
- The North 40 will address the Town's residential and/or commercial unmet needs. Yes, it will do this at the price of school impacts and more traffic.
- The North 40 will minimize or mitigate impacts on town infrastructure, schools, and other community services. Please explain how this will happen.

Jeff

Jeff Loughridge

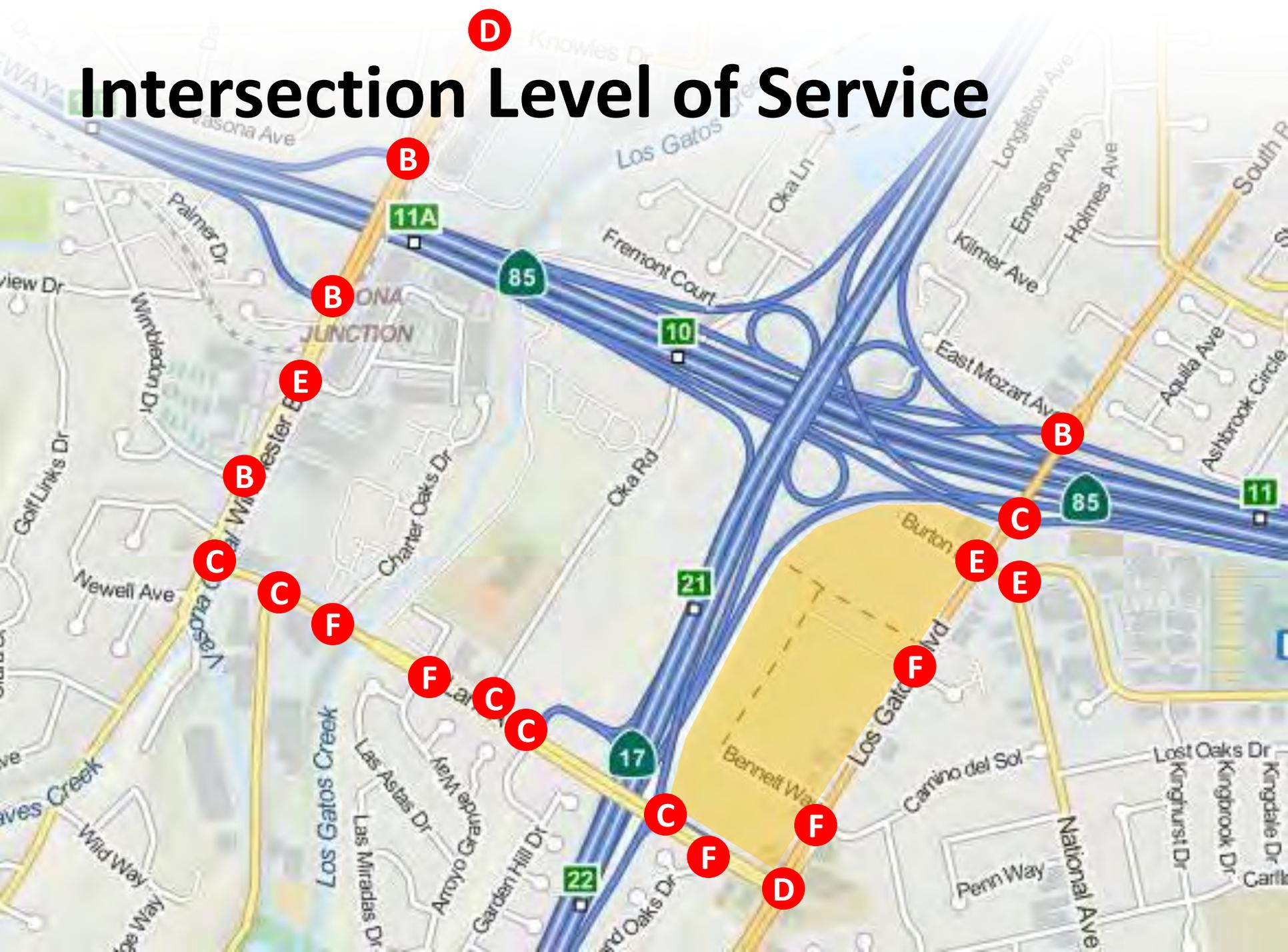
Office:+1 408 358 1470 | Cell: +1 408 781 2209 | Fax: +1 408 358 1642
lokrij@comcast.net

Letter #26b from Jeff Loughridge

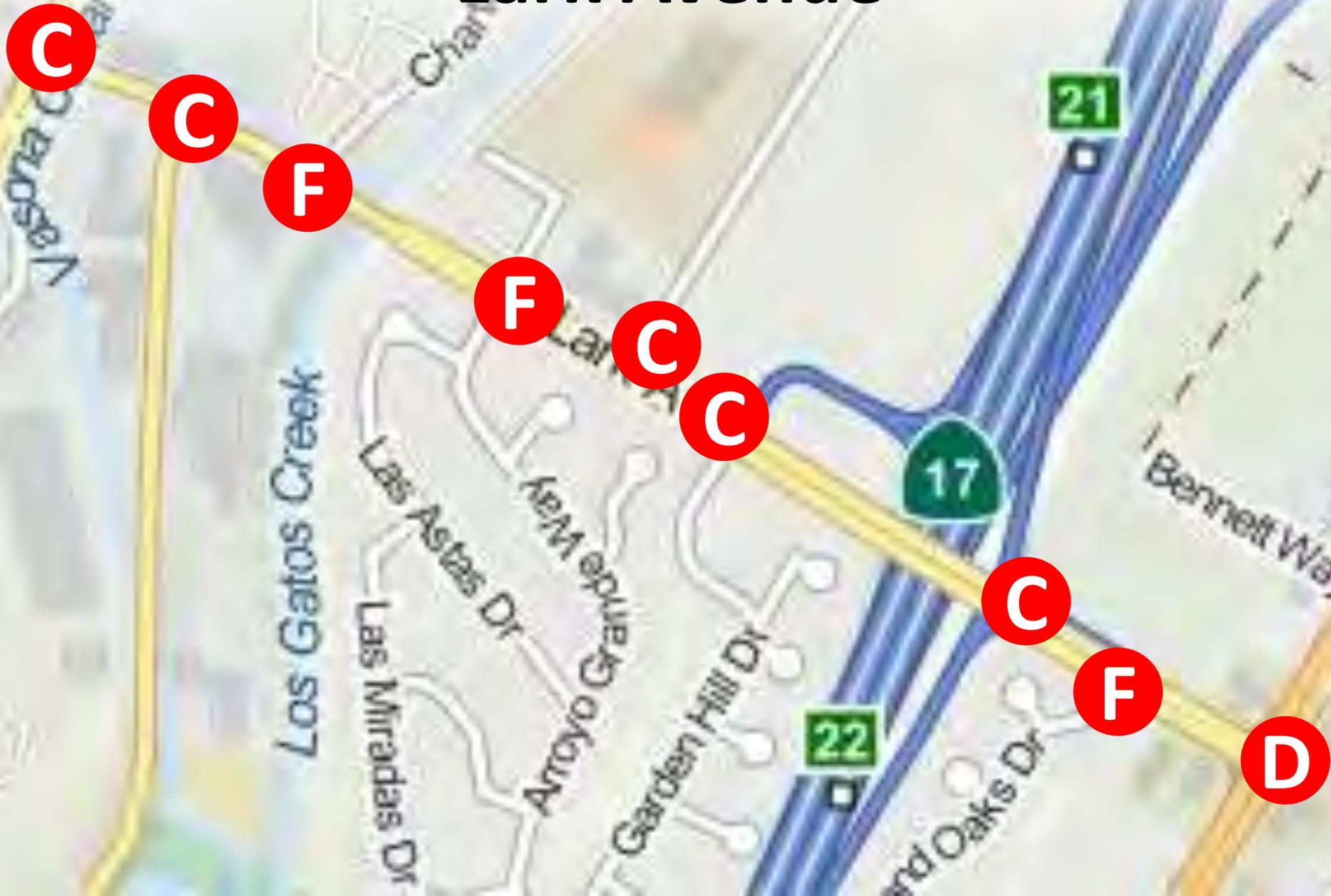
North 40 Traffic

Mitigated?

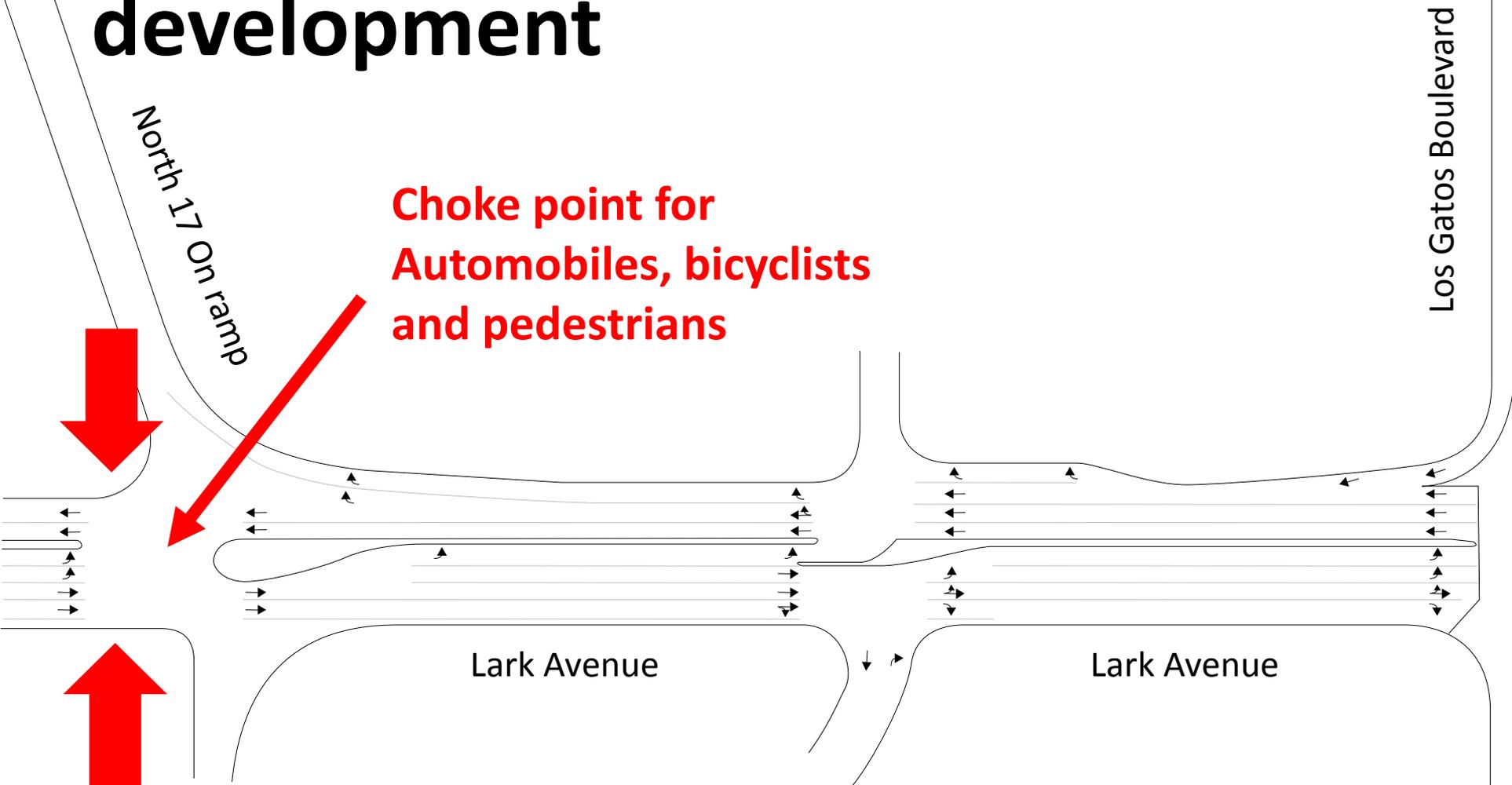
Intersection Level of Service



Lark Avenue



East end of Lark Avenue traffic flow around development



Response to Letter 26 from Loughridge (May 19, 2014)

1. With the project, Highland Oaks residents will only be allowed to make a right turn onto Lark Avenue from Highland Oaks Drive. Eliminating the left turn out for Highland Oaks residents will reduce potential conflicts and improve intersection safety. Left turns out of Highland Oaks are currently not allowed from 4 PM to 7 PM on weekdays, a period which includes the PM peak hour analyzed in the Draft EIR. Under the current configuration, drivers making a right turn from Street A (from the Plan Area) onto Lark Avenue will need to weave across one lane to the left to continue heading west on Lark Avenue since the nearest lane directs traffic in that lane onto State Route 17 only. With project implementation, the reconfigured westbound departure lanes at Highland Oaks/Street A/Lark Avenue will be one through lane, one through/right-turn lane, and one right-turn lane. The reconfigured westbound approach at State Route 17 northbound Ramps/Lark Avenue will be two through lanes and two right turn lanes.

Refer also to the Master Response on Transportation regarding other issues relating to Lark Avenue, and to the response to Comment 5 in Letter 18 from Caltrans.

Letter #27 from Hans Mattes

Hans Mattes
14831 Los Gatos Boulevard
Los Gatos, CA 95032
(APNs: 424-070-063 & 424-070-054)

May 19, 2014

Joel Paulson, Principal Planner, via *Electronic Mail* (jpaulson@losgatosca.gov) and *USPS Delivery*
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: Town of Los Gatos North Forty Specific Plan EIR – Not Included on Distribution List

Dear Mr. Paulson:

I am a landowner in the North Forty Specific Plan and my property is analyzed in the Draft Environmental Impact Report (“DEIR”) that recently became available for public review (See Attachment A).

Comment 1 | Unfortunately, I was not aware of the availability of the DEIR until very recently. I was not provided with any notice of the availability of the DEIR and was not included in the Distribution List even though the report includes my property. In addition, I am told that other landowners within the EIR’s scope were not informed of the Public Draft’s availability.

Additional time is necessary to allow me and my neighbors, whose properties are also included, adequate time to obtain and fully review and comment on these documents.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:

Jane Mattes as Trustee for H. Mattes Trust

BE0465F68708481...

cc: Neighboring Landowners in EIR’s Coverage Area

Attachment



TOWN OF LOS GATOS

NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT NORTH FORTY SPECIFIC PLAN

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

TOWN OF LOS GATOS, CALIFORNIA
110 E. MAIN STREET
LOS GATOS, CA 95030
(408) 354-6872

DATE: April 4, 2014

SUBJECT: A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NORTH FORTY SPECIFIC PLAN HAS BEEN PREPARED BY THE TOWN OF LOS GATOS.

PROJECT LOCATION:

The plan area comprises approximately 44 acres located at the northern extent of the Town of Los Gatos, bordered by State Route 17 and State Route 85 freeways to the west and north, Los Gatos Boulevard to the east, and Lark Avenue to the south. APN 424-07-009, 010, 024 thru 027, 031 thru 037, 052 thru 054, 060, 063 thru 065, 070, 081 thru 086, 090, 094 thru 096, 099, 100, 424-06-115, 116 and 129.

PROJECT DESCRIPTION:

North Forty Specific Plan

General Plan Amendment GP-14-001

Zoning Code Amendment Z-14-001

Environmental Impact Report EIR-10-002

Consider adoption of a Specific Plan for the North Forty Area (area bounded by Lark Avenue, Los Gatos Boulevard, Highway 85 and Highway 17). The adoption of the Specific Plan includes the approval of General Plan text amendments and a new Zoning designation for the area.

LEAD AGENCY: Town of Los Gatos

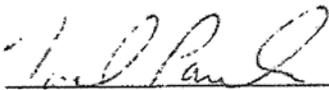
PUBLIC REVIEW PERIOD: April 4, 2014, through May 19, 2014

The Draft Environmental Impact Report (DEIR) is available for review on-line at <http://www.losgatosca.gov/N40DEIR> and in the Community Development Department and Town Clerk's office at 110 East Main Street, Los Gatos, CA 95030, and in the Town Library at 100 Villa Avenue, Los Gatos, CA 95030.

The public comment period for the DEIR is 45 days from the date of this notice and will expire on **Monday, May 19, 2014, at 5:00 p.m.** Comments should be submitted in writing to Joel Paulson at the Community Development Department, at the above address or e-mailed to jpaulson@losgatosca.gov.

A Public Hearing to receive comments on the DEIR is tentatively scheduled to be held on **May 14, 2014, at 7:00 p.m.** in the Town Council Chambers at 110 E. Main Street. Future notice of public hearings will be provided in accordance with Town noticing requirements. If you have any questions on this matter, please contact the Community Development Department at (408) 354-6874.





Joel Paulson, Planning Manager

4/4/14

Date

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- Santa Clara Valley Water District
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- West Valley Recycling and Collection
- Metropolitan Transportation Commission
- Association of Bay Area Governments
- Bay Area Air Quality Management District
- State of California Clearinghouse (15 CDs and Executive Summary)
- State of California Department of Transportation
- US Army Corps of Engineers
- Verizon
- Southbay Cablevision
- Pacific Gas & Electric
- San Jose Water Company
- Comcast of CA/CO/WA, Inc.
- West Valley Sanitation District
- Grosvenor

Response to Letter 27 from Mattes (May 19, 2014)

1. The letter asserts that notification of the availability of the EIR was not provided within the Plan Area. The Notice of Availability was distributed as required under CEQA. The Notice for the Draft EIR was sent to trustee agencies and members of the public who provided written and/or verbal comments as part of the EIR scoping process and to organizations and individuals who have previously requested such notice. The Town also published legal notice in the Los Gatos Weekly-Times in the form of a 1/8-page legal ad and a half-page display ad. Additionally, the Town sent the Notice to the North Forty Interested Citizen e-mail list.

Letter #28 from Linda Schneider

From: Linda Robles <linrobles@gmail.com>
Sent: Monday, May 19, 2014 10:33 PM
To: Joel Paulson
Subject: Environmental Impact of North 40 project.

Dear Mr. Paulson,

Comment 1 | I've owned a home near Blossom Hill School for the past 37 years and am very concerned about the traffic generating developments recently built or planned for Los Gatos Blvd. Los Gatos Blvd. is already congested and some of the approved developments are not yet in place. Now with the proposed North 40 project there will be even more traffic, and demands on the schools, fire and police. Also, there are the 17 parcels that will be developed on the property owned by the Sisters of the Holy Name. Some of that traffic will flow down Los Gatos Blvd.

What will all of this mean to the residents who live in the vicinity of Los Gatos Blvd. and Blossom Hill Road? I strongly suggest delaying the approval of new developments until the city can analyze **the actual impact** of developments already approved. Overdevelopment will destroy the small town charm of Los Gatos and will negatively impact the quality of life of area residents.

Thank you,

Linda Schneider
111 Fairmead Lane

Response to Letter 28 from Schneider (May 19, 2014)

1. The Draft EIR considered the cumulative effects of the proposed project and other planned or recently approved projects on traffic, schools, and public services. Refer to the discussions in Section 4.0 Cumulative Impacts. Cumulative traffic analysis was based on the transportation impact analysis prepared for the proposed project. Cumulative traffic impacts were identified for two locations, but mitigation measures were presented to reduce the impacts to a less-than-significant level.

The Draft EIR considered the cumulative effect on schools, fire, and police services based on comparison of the proposed project to the development planned for the Plan Area in the *Town of Los Gatos 2020 General Plan*, and on analysis in the *Town of Los Gatos 2020 General Plan EIR*. Based on this analysis, the proposed project would result in approximately half as many residential units as anticipated in the General Plan and reduced impacts on schools, fire, and police services compared to those described in the General Plan EIR. The General Plan EIR concluded that development impact fees would reduce school impacts to a less-than-significant level. The General Plan EIR found significant effects on fire and police services, which would be mitigated through the provision of additional building space. Additional building space has been obtained since adoption of the General Plan, and therefore, there would be no cumulative impact on fire or police services.



File: 25933
Almaden Valley Pipeline

May 19, 2014

Mr. Joel Paulson
Community Development Department
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Subject: North Forty Specific Plan DEIR

Dear Mr. Paulson:

The Santa Clara Valley Water District (District) has reviewed the North Forty Specific Plan DEIR received by the District on April 7, 2014.

Based on our review of the proposed project as shown on the above referenced plans we have the following comments:

- Comment 1 | 1. Development of the plan area will include utility construction and improvements to Burton Road that will occur within the District's easement for Almaden Valley Pipeline, a 72-inch diameter raw water transmission pipeline. Additionally, it is likely that road improvements will require modification of the pipeline's telemetry cable, similar to what was required for the road improvements made in conjunction with the development on the north side of the street. At such time that road improvement or other work, such as utility installation, occurs the project proponent will be required to obtain a District permit for all work within the District's easement or that may impact the pipeline.
- Comment 2 | 2. The DEIR notes on page 3-36 state that this work will occur near riparian habitat, but will are not expected to disturb the habitat. The work, unless it can be done completely from within the existing pipe, will require work within the creek and the riparian habitat; and therefore, may require regulatory permits in addition to the District permit. The DEIR should note that these additional permits may be required and include additional information regarding how this work will be performed in order to properly assess its potential impacts.
- Comment 3 | 3. The DEIR notes in a number of places (pages 3-108, 3-120, 3-132) that the site is located outside of the dam inundation area for Lexington Reservoir as the inundation area is limited to the west side of Hwy 17. Based on the District's inundation map for Lexington Reservoir a portion of the site would be subject to inundation. The site would not be subject to inundation from Vasona Reservoir.
- Comment 4 | 4. Page 3-130 notes that the hydro-modification analysis assumed "90% impervious, which is a conservative assumption, given the requirement for 30% open space within the Plan Area."

Mr. Joel Paulson

Page 2

May 19, 2014

- Comment 4, cont. This statement should refer to the 20% green open space requirement, not the 30% total open space, which includes 10% hardscape since hardscape areas are impervious.
- Comment 5 5. The analysis for development of the Plan Area indicates impacts to flooding and capacity of Los Gatos Creek are insignificant. Please note however, the District has raised concerns in the past regarding the adequacy of the flood study and mapping completed after construction of Highway 85, including associated channel improvement and mitigation, including the fact that the floodwall and levee upstream of Highway 85 are uncertified but appear to contain flows on the flood maps. We suggest the Town consider completing a study of this area of Los Gatos Creek in the future to determine the adequacy of the flood mapping. Also, previously the project proponent proposed increasing the floodwall height at the mobile home park by 1 foot to make it consistent with the adjacent levee on the Yuki property. Please indicate if this item of work is still proposed.
- Comment 6 6. District records show 4 wells located on the project site. To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with the District and either be maintained or destroyed in accordance with the District's standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, requires a permit from the District prior to construction. Property owners or their representative should contact the District Wells and Water Measurement Unit at (408) 630-2660, for more information.

Please forward a copy of the Final EIR when available. If you have any questions or need further information, you can reach me at (408) 630-2322.

Sincerely,



Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippets, C. Haggerty, M. Martin, File

25933_56793ch05-19

Response to Letter 29 from Santa Clara Valley Water District (May 19, 2014)

1. The comment is noted. The location of Santa Clara Valley Water District pipelines and other facilities was presented in the Draft EIR (Figure 24 Santa Clara Valley Water District Facilities).
2. The work involves removing a cap from an existing drainage pipe, and installing a flap gate in its place. It is anticipated that the work could be completed without working directly within the banks of the creek, and that a permit would not be required.
3. Both the *Town of Los Gatos 2020 General Plan EIR* (Figure 4.8-2) and the Association of Bay Area Government maps indicate that flooding from failure of the dam at Lexington Reservoir would not result in inundation within the Plan Area. However, mapping prepared by the Santa Clara Valley Water District contradicts this information, and the ABAG maps have been removed from their website since research for the Draft EIR was conducted. Therefore, the Draft EIR has been revised to acknowledge that the Plan Area is within the inundation area of the Lexington Reservoir. Lenihan Dam was upgraded within the past five years to strengthen its seismic resistance, and dams are regularly inspected by the state to assure safety, so the impact would be less than significant.
4. The comment is noted. The Draft EIR has been revised to note that the Specific Plan requires 20 percent green space (pervious), rather than 30 percent open space. In either case, the 90 percent impervious assumption used in the hydrology report is conservative.
5. The comment is noted. An increase in the height of the flood wall at the Bonnie View Mobile Home Park adjacent to Los Gatos Creek will be required, if needed.
6. The comment is noted. The Draft EIR acknowledges the presence of the four monitoring wells (page 3-108). Removal of wells is subject to standard regulations.

Letter #30a from John Shepardson

From: John Shepardson [<mailto:shepardsonlaw@me.com>]

Sent: Monday, May 19, 2014 3:47 PM

To: Greg Larson

Cc: Mike Wasserman; Rod Diridon

Subject: DEIR No. 40 (20)

Dear Greg:

Comment 1

Please include the below comments in the DEIR for the No. 40. The rate of traffic increase should be factored in some fashion into the anticipated impacts. I also think we need to get as clear as picture as possible of whether the VTA light-rail line will be extended to Los Gatos, and when.

John Shepardson, Esq.

59 N. Santa Cruz Ave., #Q

Los Gatos, CA 95030

(408) 395-3701

http://www.mercurynews.com/traffic/ci_24486581/traffic-jams-paralyzing-bay-area?IADID=Search-www.mercurynews.com-

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Traffic jams paralyzing Bay Area

[By Gary Richards](#)

ggrichards@mercurynews.com

Posted: 11/10/2013 12:01:00 AM PST

Updated: 11/10/2013 05:42:31 PM PST

Quoting from article:

San Jose had the 13th worst congestion in the nation in 2010, but now ranks fifth, according to Inrix, which monitors traffic nationwide.

"We are only experiencing the tip of the Silicon Valley congestion iceberg," said Rod Diridon of the Mineta Transportation Institute. "Since what we knew of as full employment before the Great Recession, government has been unable to invest significantly in highway capacity expansion." (emphasis added)

He says Silicon Valley will soon bump against "terminal gridlock" like the kind that occurred in Beijing six years ago when commuters were trapped in their cars for days. (emphasis added)

"The capital of China was nearly paralyzed for almost seven days while that massive traffic jam was cleared," Diridon said. "That crisis doesn't happen gradually. There is no quick fix."

<http://www.nbcbayarea.com/news/local/San-Jose-Traffic-Doubles-Worst-Increase-In-Country-231481091.html>

San Jose Traffic Doubles; Worst Increase In Country

California drivers spend 62 hours in traffic per year -- and it may be getting worse.

By [Chris Roberts](#)

| Monday, Nov 11, 2013 | Updated 6:25 PM PDT

San Jose saw the biggest jump in traffic congestion of any city in the United States over the past year, according to reports. Kris Sanchez reports.

San Jose saw the biggest jump in traffic congestion of any city in the United States over the past year, according to reports.

Regular traffic jams throughout the South Bay are doubling drives and making San Jose the country's fifth-most congested city, up from 13th-most congested in 2010, [according to the San Jose Mercury News](#).

[MORE: Bay Area Traffic Map](#)

An improving economy is putting more drivers behind the wheel to go to work -- and in San Jose, they have no choice but to drive, according to transit experts -- and it's also putting more big rig trucks out on the roads to haul goods, according to the newspaper.

Honolulu, Hawaii, is still the country's most-congested city, followed by Los Angeles, San Francisco-Oakland (considered one city for traffic purposes) and then San Jose, the newspaper reported.

Drivers quoted by the newspaper reported driving four miles in 35 minutes -- and considering it good -- and seeing regular evening rituals of hourslong slogs.

[TWITTER: Follow NBC Bay Area Traffic Guy Mike Inouye](#)

Even the experts marvel at San Jose's rapid rise.

"That's incredible, to have such a huge increase so quickly," said Jamie Holter of Inrix, the firm which crunched the numbers and quantified the time spent in traffic jams.

<http://www.ci.campbell.ca.us/DocumentCenter/View/2059>

The Dell Avenue development project in Campbell is just down Winchester outside of Los Gatos. There is linkage in traffic between Winchester, Lark and Los Gatos Blvd.

Jose Mercury News

100 \$1.50

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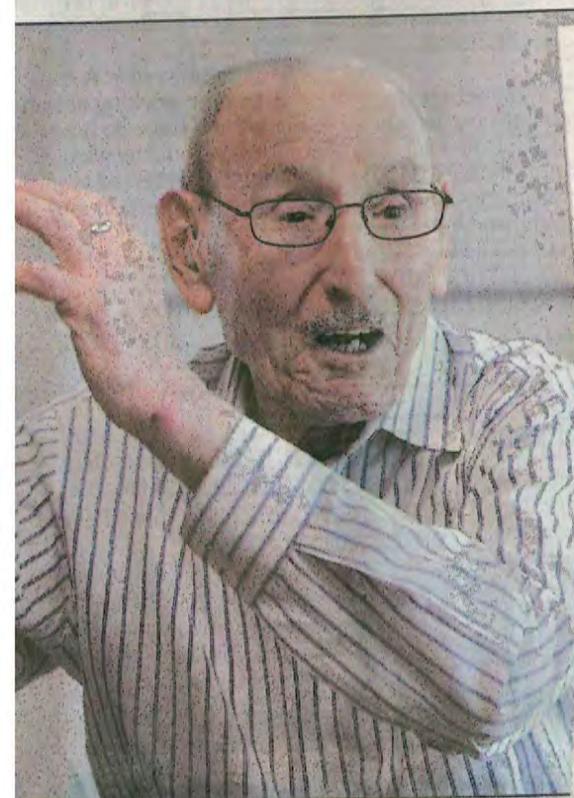
WEEKLY IN PRINT AND ONLINE

Monday, November 11, 2013

VETERANS DAY

WAR WORTH MEMBERING

Famous Bataan death march during World War II finds national holiday after the birth of his great-grandson



ROSENSTRAUCH/STAFF PHOTOS; RIGHT: COURTESY OF THE COSTA FAMILY
a, 93, of Concord speaks about his World War II experience. Right: Costa in 1945, after being released as a Japanese propaganda photo shows Costa and his fellow prisoners of war, even though they were tortured.

ry Peterson
yareanewsgroup.com
years, Anthony Costa rarely
ities he witnessed and suf-
h march survivor and POW
it memories he had, he kept



DAILY COMMUTE

Traffic is bad, getting worse

Job growth conspires with other factors to create huge jump in Bay Area congestion

By Gary Richards
g-richards@mercurynews.com

Bay Area commuters are getting a sinking feeling as we see firsthand what economic recovery looks like — miles of brake lights on commutes so congested we're wasting hours a week inching to work and back.

It almost makes you miss the recession.

Commuters say trips that took 30 minutes a year ago now may take 60 or more. It's happening on Highway 85 in the South Bay, Highway 101 along the Peninsula, Interstate 880 through the East Bay and Interstate 680 from the Sunol Grade to the Benicia Bridge.

Forget talk about Twitter stock. When people gather around the office water cooler, it's often to

ONLINE EXTRA

For more transportation coverage go to www.mercurynews.com/traffic.

See **TRAFFIC**, Page 5

DEVASTATION IN PHILIPPINES



Traffic

Continued from Page 1

gripe about traffic, traffic, traffic.

San Jose had the 13th-worst congestion in the nation in 2010 but now ranks fifth, according to Inrix, which monitors traffic nationwide. Delays are also growing through San Francisco and Oakland, which are counted together and are considered the country's third-most-congested city, a spot it has held for years.

"It's gotten noticeably worse, even in the last two weeks," said KQED traffic reporter Joe McConnell. "Every morning has been nightmarish.

"Something may have tipped, but it could be like trying to connect any particular stormy day to climate change or just bad weather."

Mostly, experts say, the congestion is a testament to the growth in jobs in Silicon Valley, San Francisco and the East Bay as the economy recovers from the Great Recession. And that has exacerbated problems that were already worse here than elsewhere.

Where drivers nationwide spend about 38 hours a year stuck in traffic, drivers in California's most-urban areas waste 62 hours a year, says the Texas Transportation Institute.

"It takes me 1.5 to 2 hours to drive 30 miles from San Jose to Livermore each evening," said Sean Lamson of his I-680 trek.

If Brenda Nguyen hears a crash reported along her route from San Francisco through the Caldecott Tunnel, her 22-mile drive can turn into two hours. "Bank on it," she said. "It used to be maybe 50 minutes at its worst."

Chris Lee, of San Jose, just wants to get her kid to class on time at Archbishop Mitty High School in West San Jose.

"In the past few months, we have noticed

nation's most congested city, followed by Los Angeles, San Francisco-Oakland, Seattle and San Jose. New York is No. 6.

Through the early part of this year, 61 of America's top 100 cities with the worst congestion saw delays worsen compared with the year before — and San Jose's jump is at the top of the list. In 2012, only six cities experienced increases.

"That's incredible, to have such a huge increase so quickly," said Jamie Holter of Inrix. "San Jose people really have no choice but to drive."

Traffic delays dropped by more than 22 percent during the recession year of 2008, says Inrix, making any increase now seem unbearable. But make no mistake, traffic officials say, delays are on a rapid spiral upward and might be a sample of what is down the road as highway work wraps up and state transportation dollars dwindle.

"We are only experiencing the tip of the Silicon Valley congestion iceberg," said Rod Diridon of the Mineta Transportation Institute. "Since what we knew of as full employment before the Great Recession, government has been unable to invest significantly in highway capacity expansion."

He says Silicon Valley will soon bump against "terminal gridlock" like the kind that occurred in Beijing six years ago, when commuters were trapped in their cars for days.

"The capital of China was nearly paralyzed for almost seven days while that massive traffic jam was cleared," Diridon said. "That crisis doesn't happen gradually. There is no quick fix."

Not unless we have another recession.

Contact Gary Richards at 408-920-5335.

Four dead in crash of small plane

U.S. citizens believed killed in Bahamas

NASSAU, Bahamas (AP) — Four people, all believed to be U.S. citizens, died Sunday in a small plane crash off the Bahamas' northernmost island, said police in the archipelago off Florida's east coast.

Police Superintendent Stephen Dean said the single-engine plane crashed in waters a few miles off Grand Bahama island and all four people aboard were killed.

"All are believed to be Americans. It is thought they were on some kind of sightseeing tour," Dean said.

Emrick Seymour, assistant police commissioner for Grand Bahama, said the Cirrus 22 plane crashed minutes after takeoff from the island's international airport. He said the pilot radioed that the plane was "experiencing some engine problems."

A statement from the Royal Bahamas Police Force said the aircraft was destroyed.

Information about the victims' identities was not immediately provided by Bahamian authorities. Seymour said police were "right in the middle of the investigation."

45-DAY

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Response to Letter 30 from Shepardson (May 19, 2014)

1. The Draft EIR includes a chapter on transportation and traffic, based on a traffic impact analysis that was prepared to estimate project-generated vehicle trips and their impacts on the road network. Draft EIR page 3-199 notes that the light rail extension and station is planned but that no timetable has been established for construction. No funding has been identified to extend the Winchester-Mountain View light rail line south to Los Gatos. The Supplemental EIR for the Vasona Corridor light rail extension, which would extend light rail to the planned Hacienda Avenue and Vasona Junction, was certified by the VTA Board of Directors on March 6, 2014.

Letter #31 from Jak Vannada

From: jak vannada <jvannada@gmail.com>
Sent: Monday, May 19, 2014 3:42 PM
To: Joel Paulson
Subject: Questions on the DEIR and Specific Plan for the North 40.
Attachments: North 40 Specific Plan and DEIR Comments.docx

Good afternoon Joel,

pls include these questions in reference to the DEIR for the North 40 project. I don't think there is enough time given to us to really go through roughly 2500 pages of DEIR and the Specific Plan and would like for the town to consider extending the time to reply on this one in particular.

Thanks,

Jak

North 40 Specific Plan and DEIR Comments at the Planning Commission Meeting.

In general, I am for the North 40 development. I will follow up this speech with the data that generates my comments and send to the Planning Commission. In 3 minutes, you can't comment on a DEIR and a Specific Plan that numbers about 2500 pages. I will say that I would like to see a more complete, more defined EIR and Specific Plan. There are too many loopholes.

My 3 minutes tonight is only to express that the Albright and North 40 developments will remove the gray mist between the definition of a small town and that of a small city. No small town that I call a small town has an 7-8 lane arterial. Call us what makes you feel good, but we're no longer a small town and need to act more like a small city.

Comment 1 | These two huge developments within .8 of a mile of one another, plus two new large medical buildings almost next door, will, in my non-professional opinion, give us gridlock during the commute hours. And for what, for tax dollars that will go to the schools and the town that will be eaten up as the cost of services increases while the property taxes inch upwards. It looks good on the front end, but we're only looking at today and not looking at what our kids and grandkids will inherit in the future.

Comment 2 | If we have to be a small city, then I recommend that we soften the hard edges of heavy traffic with better planning for the vast number of people who either live here or come here to bike, hike or walk. We have a plan to put a bike lane on Lark with this new development, but it, like so many things, is like vaporware. It may or may not happen, and likely won't because they're evidently putting in a wider than necessary median hoping that the bike lane will somehow come to fruition later. Small towns have safe bike lanes; small cities have kamikaze lanes, or nothing at all - as is the case with the Lark plan.

Comment 3 | I find it disturbing that there are numerous references to buildings with undefined heights (ref North Forty Specific Plan EIR, aka, NFSPEIR section 3.0 Pg 3.8) that can change with the topography or by CUP. The Specific Plan is very unspecific, leaving it open for more design as you go planning.

Comment 4 | A group of us has stuck with the development process for the past few years feeling that the traffic and the schools would suffer with the increase in development. We are concerned that the town relies on potentially bad data. For instance, we did our own survey on students that came from Laurel Mews vs the number of students that were

Comment 4,
cont.

projected by using formula numbers. The actual students from those two projects were off by 100%. In other words, twice as many were generated as were predicted. If the North 40 is going to have as many as 327 units with at least 1000 sq. ft, there is a great potential to overwhelm the schools. I raised two kids in 1100 sq. ft until they were of high school age. I don't think the parents that are concerned about the number of students in class realize the potential of the future increase of students per teacher. Most disturbingly, I don't think anyone is following up by matching the predictions vs the reality.

Comment 5

I went to the town engineering office to obtain traffic counts on city streets. I was told that only old traffic counts were on line, but if I gave them some intersections, they would send me the data. I haven't received the data for 10 days. However, the same engineer told me that I did not need to be concerned as the projections were very conservative and there had been negligible traffic increases in the past 10 years. With that said, I asked him if anyone followed up the projections with an analysis of projected vs actual. The town does not do that.

Comment 6

For two such critical numbers, I would like to see the town quit using the data generated from manuals and adjust the student counts accordingly so that the schools can better plan their future. I would like to see the engineering department do traffic

Comment 7

counts a year after a project is occupied to see how accurate the traffic engineers were with their projections. I simply do not believe what we're being told by the professionals anymore.

Jak Van Nada

North 40 DEIR and Specific Plan

Comment 8 **Pg 14 - pass by reduction of 25%**

Does the traffic count take into account the fact that the development could be a large destination draw to people outside of the immediate neighborhoods, similar to Santana Row? It seems that the ITE is based on averages across the United States, whereas, Santana Row is well above average as a draw and I would guess that the North 40 will be likewise.

Comment 9 **Pg - change the design on the sound walls to more appealing look**

Can the sound walls have a more aesthetic look? Sound walls are becoming much more attractive than the ones I see in the rendering of the development

Comment 10 **Pg 44 - North Forty Specific Plan TIA -**

I don't understand how east bound traffic on Lark will or even should be able to make a left turn onto "South A" street of the new development. They will be crossing 3 lanes of traffic that will be generated by three left turn, northbound lanes on LG Blvd. and 1 rt turn, southbound lane from LG Blvd, plus cars coming out of the gas station and from the Office Depot building.

Highland Oaks/Lark Avenue:

- o Add one eastbound left-turn lane on Lark Avenue allowing left-in access to the project site;
- o Remove the existing westbound left onto Highland Oaks Drive (retaining access for fire vehicles);
- o Add right-out stop-controlled project driveway out of the project site;
- o Permit westbound vehicles on Lark to turn right into project site;
- o Restrict northbound movement from Highland Oaks Drive to right turn only.

Comment 11 **Pg 3-188 "Significant and Unavoidable Traffic Congestion Impacts due to funding constraints....."**

Are we putting the cart before the horse just as they have done at Santana and the Westfield Malls? It is well over 10 years before the traffic congestion was even worked upon. Why create a problem that has no fix? The Community Benefit of the tax revenues will be more than offset by the costs of the lengthened commute. This will be a high pollution area; people will add significant time to their lives with the extraordinary confluence of traffic in the area; and the town will lose what little is left of it's "small town feel" without a significant increase in pedestrian and bike friendly paths.

Comment 12 **Pg 3-9** Building Heights are allowed to 45 for affordable housing. All living units should be limited to 35 feet. Additional Height = additional traffic for which you do not have the funds to construct the proper sized roads in the first place. Why make the residents of Los Gatos suffer when we have a problem without a solution? Because there is no solution, is this problem being passed off to the next group(s) of Council people?

Comment 13 Why is there no specified increase of building heights for office, motel or residential in the Transition and Northern Districts ? It's not right to leave this large planning gap to be filled at a later date.

Comment 14 **Pg 3-43 - TCM D-1** Los Gatos is known for the people that hike, bike, walk and run. However, there is only a mention of a bike lane on Lark Avenue, and that for a very short distance. With the two huge developments at each end of Lark, and Los Gatos losing it's small town stature, to become a small city, the edges could be smoothed by embracing the environment and building a more hike,bike, walk, run city.

Not only would we like to see a designated, safe bike lane on Lark, but we would like for the town to consider using the combined Community Benefit funds from Albright and the North 40 to purchase a bike pathway connecting the two large developments. This would give road less access to the employees of Netflix as well as the residents of Charter Oaks and those living as far as Quito Road. It would be a fine way to tie the north end of town together to give them a similar identity such as the south end has.

Jak Van Nada

165 Euclid Ave.

Los Gatos, Ca. 95030

Response to Letter 31 from VanNada (May 19, 2014)

1. Refer to the Master Response on Transportation. The transportation impact analysis (Draft EIR Appendix M) includes a cumulative traffic analysis that considers the effects of approved and pending future projects near the Plan Area.
2. The Town determined that later development of the Lark Avenue bike lanes was appropriate. A Class I multi-modal path to accommodate bicycle and pedestrian circulation would be constructed within the Plan Area along Lark Avenue concurrent with development of the Lark District. Additionally, the Lark Avenue right-of-way adjacent to the Plan Area is sized to accommodate future bike lanes.
3. The Draft EIR cites the height standards presented in the Specific Plan. Also, refer to the response to Comment 1 in Letter 12 from Robinson.
4. Refer to the Master Response on Schools.
5. According to the Town's Traffic Engineer, based on historical traffic counts, the actual traffic increases on Town streets have been lower than the estimated traffic increase in traffic impact analysis reports for past private development projects.
6. Refer to the Master Response on Schools.
7. Refer to the response to Comment 5.
8. Traffic generation is based on standard generation factors that equate to the proposed development. Refer to the Master Response on Transportation.
9. Mitigation Measure NOI-1 requires a design or vegetative treatment to improve aesthetics.
10. The eastbound left-turn pocket at Highland Oaks Drive/Lark Avenue would be used by vehicles entering the residential portion of the project site. Therefore most of the vehicles would be generated by residents who would be familiar with traffic patterns in the vicinity of the Plan Area and who would make adjustments to their travel routes based on ambient traffic conditions. The projected volumes are fewer than 50 vehicles during the AM peak hour and fewer than 100 vehicles during the PM peak hour. Gaps in westbound traffic caused by the traffic signal at the intersection of Lark Avenue and Los Gatos Boulevard are anticipated to accommodate these turning vehicles. The left-turn movement is forecasted to operate at LOS C, an acceptable level, during both the AM and PM peak hours under future Cumulative + Project conditions.

11. Refer to the Master Response on Transportation. The reference to “significant unavoidable traffic congestion impacts due to funding constraints” is from the General Plan EIR’s evaluation, not for the proposed project.

12. Given that the number of residential units is capped at 364 within the Plan Area, additional height will not lead to additional units and vehicle trips. Higher density housing has a lower trip generation rate per unit than low density housing.

13. Building height limits and exceptions cited in the Draft EIR are taken from the Specific Plan. Building height is a potential aesthetic issue discussed in the Draft EIR. The Draft EIR considered the potential aesthetic effects of the allowed buildings and determined these buildings would have a less-than-significant impact. Refer to the response to Comment 1 in Letter 12 from Robinson regarding building heights in excess of 45 feet.

14. The *Town of Los Gatos 2020 General Plan* plans for a bicycle lane on Lark Avenue. A bridge over State Route 17 from the project site to the Los Gatos Creek Trail was considered but the Town determined that it was not feasible.



May 19, 2014

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

Attention: Joel Paulson

Subject: North Forty Specific Plan

Dear Mr. Paulson:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for a specific plan for 364 housing units, 400,000 square feet of commercial space, 125,000 square feet of office space, and a 125,000-square foot hotel/conference center on 44 acres for an area bounded by SR 17, SR 87, Los Gatos Boulevard, and Lark Avenue . We have the following comments.

Comment 1 | Land Use

VTA supports the overall approach the Town is taking in the Specific Plan process, of providing a fine-grained mix of land uses arranged within a pedestrian-friendly circulation system. While this site is not located in an established core or transit station area, the Town's approach will help ensure that this development is oriented to pedestrians and bicyclists, and will help reduce internal automobile trip-making.

Comment 2 | Pedestrian and Bicycle Accommodations

VTA commends the Town for proposing numerous improvements to pedestrian and bicycle accommodations within the vicinity of the site, including the addition of a signalized intersection at a project driveway on Los Gatos Boulevard, the addition of a landscaped center median to Los Gatos Boulevard between Samaritan Drive and Lark Avenue, the addition of sidewalks and a landscaped buffer on the north side of Lark Avenue, widening existing sidewalks and adding landscaping on the west side of Los Gatos Boulevard, and the addition of a cycle path or shared-used path within the project site to accommodate bicyclists traveling south on Los Gatos Blvd (TIA, pg. 138). VTA is pleased to see that a multimodal level of service analysis using the HCM 2010 methodology was included in the TIA to assess the effects of the project on pedestrian, bicycle and transit modes (TIA, pgs. 136-139).

Comment 3 | Site Design

The DEIR and TIA do not include a detailed site plan of the proposed development. When project phases reach the site planning stage, VTA recommends that the project's Los Gatos Boulevard frontage should be designed to provide an engaging pedestrian experience to

Comment 3, cont. encourage walking, with buildings oriented to provide a consistent active frontage with entrances facing the street.

Comment 4 Freeway Analysis

The DEIR and TIA contain conflicting information regarding freeway analysis. The DEIR states that a significant impact would occur on the southbound SR 85 mixed flow lanes from Winchester Boulevard to SR 17 in development scenario B, but not in development scenario A (pg. 3-222). However, the TIA states that there would be a significant impact to this segment in both development scenarios, based on project traffic causing the segment to deteriorate from LOS E to LOS F (pg. 67 and Tables 14 & 15). In addition, the DEIR states that this freeway segment already operates at LOS F. However, Table 19 of the DEIR (pg. 3-198), Table 8 of the TIA (pg. 33), and the 2012 CMP Monitoring and Conformance Report all show this segment currently operating at LOS E. Please correct the DEIR to match the analysis shown in the TIA.

The DEIR finds this impact significant and unavoidable, and does not identify any mitigation measures for the impact. VTA notes that the implementation of SR 85 Express Lanes would provide operational and efficiency improvements to the freeway that would help mitigate this impact. VTA notes that certain cities in Santa Clara County have identified contributions to Express Lanes and other regional improvements as mitigation measures for significant freeway impacts. VTA recommends that the Town include voluntary contributions to regional improvements in the project vicinity, including SR 85 Express Lanes, as a mitigation measure for this significant impact.

Comment 5 Transportation Demand Management/Trip Reduction

The TIA notes several TDM measures under the categories of “Developer-Led TDM Measures” and “Tenant-Led TDM Measures” (pgs. 179-182), including transit fare incentives, parking management measures, shuttle services, bicycle facilities, and rideshare incentives. The TIA further notes that, “Since future tenants and have not yet been identified for the North 40 Specific Plan area, trip reductions for TDM measures are not included in the trip generation for this analysis.” (pg. 179) VTA notes that the Specific Plan represents an opportunity to form a Transportation Management Association (TMA) for the area and set trip reduction targets for future project occupants, with a monitoring and enforcement component. VTA recommends that the Town consider requiring these measures as enforceable conditions of approval for the project.

Comment 6 Bus Service

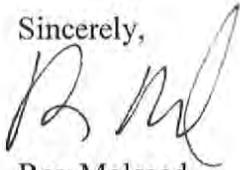
VTA provides bus service along Los Gatos Boulevard in the project area. We recommend providing Modified Bus Stop Duckouts at existing bus stops along the west side of Los Gatos Boulevard. Each bus stop should include a bench and a solar bus stop light mounted on a VTA

Town of Los Gatos
May 19, 2014
Page 3

Comment 6, | bus stop pole with an ADA compliant activation button. In addition, landscape plants should be
cont. | placed outside of bus stop loading zones.

Thank you for the opportunity to review this project. If you have any questions, please call me at
(408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Erik Alm, Caltrans
Brian Brandert, Caltrans

LG1103

**Response to Letter 32 from Santa Clara Valley Transportation Authority
(May 19, 2014)**

1. The comment is noted.
2. The comment is noted.
3. The comment is noted. As noted in the comment, the project is a Specific Plan and does not have the detail of a development project.
4. The Draft EIR incorrectly characterizes the existing condition on this freeway segment (LOS E) as below acceptable standards. The Draft EIR has been corrected to indicate that LOS E is an acceptable level of service on this freeway segment. The Draft EIR identified one of the State Route 85 segments as experiencing significant and unavoidable impacts for only one of the development scenarios; both scenarios are so affected. As requested by the commenter, the Draft EIR has been corrected to match the analysis in the TIA.
5. Refer to the response to Comment 5 in Letter 18 from Caltrans and the Master Response on Transportation.
6. The comment is noted. The Specific Plan anticipates that the existing bus stops along Los Gatos Boulevard will be retained, and that the sidewalks serving those bus stops will be enhanced.

Letter #33a from Robert Murtfeldt

From: bmurtfeldt@aol.com
Sent: Tuesday, May 20, 2014 4:14 PM
To: Joel Paulson
Subject: North 40 Project

Dear LG Planning Commission,

I am writing you today as a result of your recent hearing for the North 40 project. While I believe that Los Gatos can benefit from well-designed, high quality development projects in line with the City's building codes, I am concerned about the recent building trends in our community. Many new projects are seeking, and have received, multiple variances for lot splitting, set-backs, roof-to-lot ratios and height restrictions that have resulted in the densification of our city. The North 40 project appears to be one of these. It adds 364 residences to our community. How will the City provide necessary municipal services to these additional 364 families? Is there a plan to add additional electrical, natural gas, water, sewage and telecommunications services to accommodate the increased demand, or should I expect more brownouts, lower water pressures and more telecomm interruptions in the future? How will our already overcrowded school classrooms deal with an additional 7 - 800 children that this development may bring to our community and still maintain a top-notch reputation for secondary education here? How can our town provide expanded thoroughfares and additional parking to handle 7 - 800 additional automobiles that will appear on our streets?

Comment 1

Comment 2

In previous communities in which I've lived, real estate developers have been responsible for enhancing the infrastructure of a community to accommodate its new residents. I would suggest that the developers on the North 40 project be held responsible for more than just providing the City with an EIR. They should provide additional financial resources to the City in the form of escrows for specific purposes - building new schools, treatment plants, expanded roadways and parking areas, etc.

Thank you and sincerely,

Robert Murtfeldt
226 Bella Vista Avenue
Los Gatos

Letter #33b from Kathy and Bob Murtfeldt

Dear Planning Department,

I attended the unofficial meeting held by the developer Grosnevor several weeks ago to better understand the North Forty development plans. I stayed the 3 1/2 hours to hear the details. I also attended the Planning Department hearing about community comments on the North Forty Specific Plan. Clearly we and many in the community are very concerned about important shortcomings of the new plan. The increased students added to the public schools, major traffic issues on Lark and Los Gatos Blvd, and plans for new buildings that do not fit the current height restrictions are all red flags that need to be better addressed. Many also worry how new commercial development will affect the downtown businesses already paying premium rents to be in Los Gatos.

While I think the developer is very respected and highly recommended, I believe the plan that has been developed by the group in the community is flawed.

The EIR is a large document that most in Los Gatos will never read. What we like about the community is what needs to be preserved as this large parcel is developed.

Comment 3 | The recent developments that have been approved and built have started a wave of new development that is pushing new boundaries on what future development in Los Gatos looks like. The developer showed much taller buildings including plans for a five story empty nester building , multi unit buildings for young adults with one bedroom and senior housing with underground parking that includes 4 stories. These are not the kind of housing projects that currently make up the community. Does Los Gatos need a Santana Row type multi story development?

Comment 4 | The public schools are now at capacity. Plans in the EIR for schools do not address how the additional students will be safely handled. Sending students to Lexington should not be the answer to overcrowding of our local schools. Neighborhood schools are the draw that brings in new families to this community. The EIR formulas for projecting additional students to the district of this new specific plan are flawed. The school district should be asked to provide actual numbers of students that have been added to the district based on new developments like Bluebird Lane and the recent development on Los Gatos Blvd.

Comment 5 | The traffic studies in the EIR need to be updated to reflect the increased traffic that new development has already created. The intersection of Los Gatos Blvd and Blossom Hill Road now reflects how the additional traffic will look like in the future. When finding parking spaces at Walgreens or Whole Foods at anytime of the day now has become challenging, we know the population of Los Gatos is increasing.

Development is important for Los Gatos. But why change the standards that have created the community that is so endeared to the Silicon Valley. We need to find developers that want to build projects that meet the current standards of height limits and density requirements.

I have included the words from a Joni Mitchell song that remind me of the importance of careful development of the precious undeveloped farm land of the North Forty.

Sincerely,
Kathy & Bob Murtfeldt, 226 Bella Vista Ave, Los Gatos, CA 95030

"Big Yellow Taxi"

They paved paradise
And put up a parking lot
With a pink hotel, a boutique
And a swinging hot SPOT
Don't it always seem to go
That you don't know what you've got
'Til it's gone
They paved paradise
And put up a parking lot

They took all the trees
And put them in a tree museum
Then they charged the people
A dollar and a half just to see 'em
Don't it always seem to go,
That you don't know what you've got
'Til it's gone
They paved paradise
And put up a parking lot

Hey farmer, farmer
Put away that DDT now
Give me spots on my apples
But LEAVE me the birds and the bees
Please!
Don't it always seem to go
That you don't know what you've got
'Til its gone
They paved paradise
And put up a parking lot

I said
Don't it always seem to go
That you don't know what you've got
'Til it's gone
They paved paradise
And put up a parking lot

They paved paradise
And put up a parking lot
They paved paradise
And put up a parking lot

Response to Letter 33 from Murfeldt (May 20, 2014)

1. Electrical, natural gas, and telecommunications services are provided by private commercial entities, which fund capacity increases with service fees collected. Existing capacities are generally suitable for new development, and expansions within already developed areas do not generally require extensive work that results in environmental impacts. The Draft EIR analyzed the potential impacts on publically provided water and wastewater. Refer to Draft EIR Section 3.12 Population and Public Services.
2. Refer to the Master Response on Schools. The comment appears to tie an increase of 700 to 800 new students to an increase of 700 to 800 new cars on the streets. The Draft EIR estimated a much lower student generation rate, and traffic associated with students is not a direct one-to-one correlation. Traffic associated with the new students is accounted for in the trip generation estimates, as a part of the total per-unit trip generation factor.
3. Refer to the response to Comment 1 in Letter 12 from Robinson.
4. Refer to the Master Response on Schools.
5. According to the traffic consultant, traffic volumes from recent traffic counts conducted in the area are very similar to the volumes used in the Existing Conditions therefore reinforcing the Existing Conditions analysis. The transportation analysis includes traffic estimates for approved and pending development projects to account for new development that occurs during the project planning and approval process.

Letter #34 from Rathman

Comment 1

I will focus my comments on the Urban Decay section of the huge EIR report. A report by the way that was funded by the proposed developer, Grovensner. That said, I have several points to make about the Urban Decay Analysis which concludes through a series of flawed assumptions that the downtown of Los Gatos will not be hurt by the North 40 development.

The yardstick for a successful downtown should be that our downtown exhibits an intense vitality not whether buildings are vacant which seems to be the yardstick used in the report. The measure should be: are the streets full of shoppers and diners; are the stores and restaurants prosperous, not are they just getting by. The report does not mention the square footage of the downtown, only the 400,000 square ft of retail in the North 40. The best guesses I have seen are that the core area of the downtown has around 230,000 sq ft. The North 40 then is almost twice the size of the downtown, close to the size of Santana Row; it is projected to do \$225 million in sales; it will have an undetermined amount of small retail and restaurants that will clearly compete with the downtown; it will be beautifully landscaped with attractive walking pathways; it will have ample parking in contrast to the downtown which clearly has a parking problem, and it is located conveniently right off the freeway; yet this report defies common sense and concludes that the No 40 will not cause harm to the vitality of the downtown. How is that possible?

The report continually referred to the large RTA, (retail trade area) as the source for all the new customers that will support the North 40 and somehow keep the downtown healthy. The RTA includes a large part of Santa Clara County. The mandate though for the North 40 from the North 40 Draft Specific Plan of Aug 2, 2012 states clearly that the North 40 retail, eating and drinking establishments "... are intended to serve North 40 residents, adjacent neighborhoods and nearby employment centers" The North 40 is not intended to appeal to the massive RTA, but rather to the local neighborhood. The RTA should never have been used as the base of customers for this analysis. The North 40 has always been intended as a neighborhood center not a regional draw, yet somehow the urban decay report looked at it as a regional center. Who instructed them to do that? The RTA used in the Urban Decay Report missed the point of the type of center the No 40 is supposed to be and clearly ignored the instruction of the Draft Specific Plan. Is it a regional center like Santana Row, or a small neighborhood center?

There are potential uses for the North 40 that fit into the towns vision statement: "the north 40 will address the Town's residential and /or commercial unmet needs " First the report clearly states that the town is losing sales dollars to other cities because Los Gatos does not have large General Merchandise stores like a Target and does not have any large building materials store. This is clearly as the report states an unmet need. Small retail and restaurants which the developer wants to build is a met need by the downtown and other parts of Los Gatos. The developers desire to build small retail clearly contradicts the towns vision statement for the North 40, and the conclusions of the EIR concerning the type of sales we are losing to communities outside of Los Gatos.. Is the town's vision statement for the North 40 to be ignored?

Comment 1,
cont.

The EIR was concluded before the developer has introduced their idea of a Phase 1 and Phase 2 of construction. Phase 1 is 66,000 ft of small retail and also housing. Phase 2 will be an additional 334,000 ft of retail and a hotel. Is the Planning Commission being asked to approve only Phase 1 leaving Phase 2 vague and for the future? How could the EIR have done an accurate study of Urban Decay if they did not know if Phase 2 is big box stores or all small retail? The PC must consider both of these projects together. How can you approve Phase 1 if you do not know what Phase 2 is?

In conclusion, the report concludes to the delight of the developer that the North 40 will not harm the downtown's economic vitality. But what if the report is wrong? The north 40 will risk destroying the signature feature of Los Gatos: it's beautiful, vibrant downtown. It is time to ask ourselves and especially those who are entrusted to lead us, why take that risk?

Response to Letter 34 from Rathman (undated)

1. While there are different ways to measure the “success” of a retail center or district, the definition of urban decay is dictated by case law related to CEQA. CEQA is an assessment of physical impacts on the environment; store closures and “intense vitality” are not direct physical impacts on the environment. Two of the guiding court decisions with respect to urban decay are *Bakersfield Citizens for Local Control v. City of Bakersfield, Panama 99 Properties LLC, and Castle & Cooke Commercial-CA, Inc.*, and *Anderson First Coalition et al. v. City of Anderson et al. and FHK Companies, et al.* The Bakersfield case makes clear that economic impacts alone are not a CEQA impact, stating that “the economic and social effects of proposed projects are outside CEQA’s purview.” Furthermore, only “if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts.”

The Urban Decay Analysis, while considering these economic issues, only does so in the context of assessing the potential for physical impacts on the environment. Additionally, it should be noted that the Urban Decay Analysis estimates retail sales at approximately \$215 million annually, not \$225 million.

Regardless of the type of retail, the proposed project will attract shoppers from the new and existing adjacent neighborhoods and throughout the Retail Trade Area, in part due to its location adjacent to the intersection of two major region-serving freeways.

The Draft EIR studied a Specific Plan for development of the Plan Area over a period of 20 years, and phasing of development in some form is anticipated. For the Urban Decay Analysis, BAE used the best information available at the time of analysis, when specifics of phasing had not been proposed. BAE conservatively assumed the entire retail portion of the project would be open and operating under current market conditions. Any phasing would lessen any impacts, as the overall region grows. According to the Specific Plan, the only restriction on retail space size is a 50,000 square foot limit for any individual commercial tenant. As noted on page 59 of the Urban Decay Analysis, “Because the project does not have any disclosed, committed tenants at this time, urban decay impacts have been assessed for a general mix of retail and other uses.” Aside from the 50,000 square foot cap, the Urban Decay Analysis makes no specific assumptions about the floorplates of individual tenants, but notes that floorplates of 10,000 square feet or more are in limited supply downtown.

To: Joel Paulson
From: Lee Quintana
Subject: North Forty Specific Plan DEIR.

The following are my comments on the North Forty Specific Plan. Thank you for the opportunity to comment.

OVERALL COMMENTS:

The purpose of an EIR is to give the public and government agencies the information needed to make informed decisions, thus protecting “not only the environment but also informed self-government.” ‘ ([Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553,] 564.)” While the DEIR may meet the technical legal requirements for adequacy it is not user friendly and therefore may not meet this intent. A few examples of how it is not user friendly are listed below.

Comment 1 | 1. This is probably the rare EIR where it is easier to understand the project, the projects potential impacts, and the proposed mitigation by reading reports in the Appendices rather than the DEIR text itself. This is particularly true for the following appendices:

- Appendix B - Visual Simulation
- Appendix D - Air Quality and Greenhouse Gas Emission Assessment
- Appendix G - Historic Resources Reports, 2011 and 2013
- Appendix M - Transportation Impact Analysis.

Comment 2 | 2. Table S-1 Significant Impacts and Mitigation Measures

- The description of impacts listed in the Significant Impact column are too general. It does not provide a summary of the impact for which the mitigation is provided.
- Summary Summary table does not summarize the Significant Impact column the actual impact for which the mitigation is proposed. Nor does the table indicate which mitigation measures are currently included in the Draft Specific Plan.

Comment 3 | 3. Alphabetical organization: The alphabetical organization of Section 3.0 Environmental Effects.

- The alphabetical order results in three major concerns raised by the public,(traffic, school, and economic impacts to the Downtown), being placed at the end of this long 250 page section (Sections 3.13, 3.12 and 3.10).
- The alphabetical organization splits the integrated discussion of Air Quality and Greenhouse Gas Emissions found in Appendix D into two non-contiguous sections (Sections 3.3 and 3.7). and

Comment 3, cont.

- The alphabetical order places the discussion of Noise (Section 3.11) prior to Transportation and Traffic (Section 3.13), even though a large part of the analysis of noise impacts is dependent on the results of the traffic analysis.

Comment 4

- 4. Tables, Figures and Graphics:** The DEIR text does not take full advantage of lists, tables, figures and graphics to summarize information, data and conclusion of the technical reports to make the information readily understandable to the reader.
- This is particularly true for Section 3.13 Transportation and Traffic which has the task of summarizing a vast amount of information and technical data from Appendix M.
 - The text of Appendix M contains over 175 pages of text with 26 figures, numerous graphics within the text, and 45+ tables. The appendices to Appendix M add an additional 1500+ pages of technical data.
 - In contrast the DEIR includes 24 pages of background information (Environmental Setting, Policy and Regulations, and Standards of Significance) 20 pages of analysis (Analysis, Impacts and Mitigation) with a total of 1 figure and 9 tables. (Also refer to comments on Section 3.13 Transportation and Traffic)

Comment 5

- 5. Summary of Appendix in DEIR Text:** Section 3.5 does not accurately summarize the two Historic Resources Reports in Appendix G. In addition, Section 3.5 reaches a different significance conclusion and contains different mitigation measures

Comment 6

- 6. Few references within the DEIR text to Appendices**

Comment 7

- 7. Section 7.2 does not web links or specific page references**

HISTORIC RESOURCES:

Comment 8

Historic Resources (DEIR Section 3.5): The technical reports on historic resources in Appendix G (Phase I Historic Evaluation and Final Historic Resources Technical Reports) are not accurately or adequately summarized in the Draft EIR nor are the conclusions reached in the DEIR text supported by the technical reports.

Historic Resources Appendix G

Appendix G includes two historic resources reports.

- Both reports identify a potential historic district, however they are different districts based on different associations and periods of significance.
- Both reports conclude that no individual structure is eligible as an historic resource under federal, state or local criteria.
- Both identify a limited number of structures as contributors to the historic district, but they are not necessarily the same structures.

Comment 8,
cont.

- Both conclude that the implementation of the Specific Plan would have a significant adverse impact on historic resources.

Section 3.5 Cultural Resources (Historic Resources) Summary

The entire DEIR Analysis, Impacts, and Mitigation discussion a little more than three pages.

The DEIR identifies six buildings as potentially eligible as state historic resources associated with the peak period of agricultural production in Santa Clara Valley. It states that two of the structures are in good condition, four in fair condition and all have some level of modification affecting their historic integrity.

On page page 74 the DEIR states “The walnut orchard, although dating originally to the era, has been re-planted, re-configured, and reduced in size as development has encroached on all sides. At approximately 27 acres, the orchard provides some feel of the historic agricultural past, but houses, commercial buildings, freeways and sound walls are visible from any point within the orchard, and these significantly detract from the historic setting. The orchard is not listed the as a potentially historic resource (Table 5) or included in Figure 16 as a potential Historic Resources. The DEIR then (page 3-77) concludes removal of potentially historic resources would be a significant adverse environmental impact despite provisions in the Draft Specific Plan, the condition and integrity of some of the structures.

The DEIR finds that the Specific Plan will have a Lee-than-Significant adverse change to historical resources.

Reconnaissance Survey Historic Resource Evaluation Report (November, 2011) (Phase I) Summary

FINDINGS

The majority of the properties within the Plan area do not appear to exhibit the level of architectural merit to make them eligible for listing on national or state registers, even at the local level of significance. Additionally, the historical information revealed by preliminary archival research does not indicate that most buildings within the North 40 have associations with important events or people.

The exception is a grouping of eight buildings at the heart of the large agricultural parcel, appear to be potentially eligible for the California Register as contributors to a potentially-eligible California Register historic district. They may be significant for their association with fruit farming and post-war Japanese American settlement in Santa Clara County, the locally prominent Yuki family, and agricultural building types and styles of the time and geographic

Comment 8,
cont.

region. Although the buildings do not appear to be individually significant or eligible for historical designation, they may represent an intact grouping that could be eligible as a small district. (2011, p.21)

The Study Matrix (2011, p. 6 - 16) determined the preliminary historic status and determined the integrity of pre-1960 structures in the Plan Area.

POTENTIAL IMPACTS

Based on this preliminary finding, and that the proposed project would remove all the the contributory buildings, implementation of the Specific Plan would have a significant adverse impact on historic resources (2011, p.22.)

RECOMMENDATIONS

Additional research to verify construction dates should be done to verify, th construction dates of all the buildings, aid in further research. Determining how these buildings functioned in the operation of the fruit farm, as well as what members of the Yuki family inhabited which houses (if any did), would create a better context for the grouping of buildings and make official a determination of their eligibility as a district.

The 2011 Report also recommended exploring the wider historic context of fruit farming and Japanese American history from which a more concise historic context statement for Nikkei farming in the Santa Clara Valley can be prepared. This is essential for evaluating the significance of the historic district (2011, p.22).

North 40 Specific Plan Historic Resources Technical Report (November, 2013) (Final) Summary

SIGNIFICANCE AND EVALUATION

As with the 2011 report, the 2013 report also found the majority of the properties in the Specific Plan Area would not be eligible for listing as historical resources on national, state or local registries.

However, seven properties related to the orchard maintain a strong association with Santa Clara Valley's peak era of horticultural production from 1910-1929 and together form a historic district potentially eligible for listing in the CRHP at the local level of significance.

Based on the historic context statement focusing on Postwar Japanese American Farming in the Santa Clara and extensive archival research **the 2013 Technical Report identified six pre-1941 structures and the existing orchard as historic resources with sufficient integrity to qualify as contributors to a potentially eligible district historic within the North 40.** However, this district is associated with the peak era of horticultural production in the Santa Clara Valley, rather than the potential district associated with Post war Japanese American resettlement in the Valley (p.17)

Comment 9 The orchard has been scaled down in size, primarily by the construction of the Highway 17 which divided the once larger property north to south. Further, both Burton Road and Bennett Way were developed postwar with small residences that replaced some of the original orchard lands. More recently a significant amount of commercial development has occurred along Los Gatos Boulevard that has changed the character of sections of the property. **Overall however the orchard itself appears to maintain sufficient integrity in order to convey its original feeling, design, association, and setting as related to the significant period of horticultural growth in the Santa Clara Valley from 1910-1929.**
(p.25)

CONCLUSION

The walnut orchard on the North 40 site is one of the only remaining properties within the Santa Clara Valley that maintains its physical heritage from the Valley's era of peak horticultural production. Orchards covered the Valley prior to World War II and the abundant crops were shipped nationwide. Postwar most of the Valley's agricultural land was developed into commercial areas and housing subdivisions. The North 40 property has remained an active orchard for a century and several period buildings that were initially associated with small family orchards from the 1910s and 1920s remain extant on the site. Those buildings that maintain integrity and appear to be associated with the early family orchards include: (A) 16399 Lark Avenue, (B) 14849 Los Gatos Boulevard, (C) the red barn at 14917 Los Gatos Boulevard, (D) 14919 Los Gatos Boulevard, (E) 14975 Los Gatos Boulevard, and (F) 15111 Los Gatos Boulevard, (G) the walnut orchard is a historic resource integral to the understanding a potential historic district (p. 28).

Comment 10 As the physical destruction or demolition of a historic resource is a substantial adverse change in the significance of an historical resource, the proposed project would have a significant effect on the environment under CEQA (p. 36).

The proposed mitigation measures (documentation, relocation and/or rehabilitation) would not reduce the impact to less than significant, and therefore the impact would remain significant impact under CEQA

However, given that a portion of the proposed project site property does appear eligible for listing on the California Register of Historical Resources, the specific site would be considered suitable for landmark or LHP overlay designation under Town regulations, and thus, would also be deemed a historical resource for purposes of CEQA (p.28).

Questions:

- Comment 11 **1. Where in the public record is substantial evidence provided to support the conclusion that the orchard has experienced a significant loss of integrity due to replanting, reconfiguration or reduction in size? ¹**
- Comment 12 **2. Where in the public record is there substantial evidence to support a Less-Than-Significant conclusion?**
- Comment 13 **3. How can a walnut orchard be maintained for more than one hundred years without replanting trees given the productive life of a walnut tree is between 25 and 40 years?**
- 4. While the size of the orchard has been reduced how has the configuration of the orchard changed? There are two configurations for the planting of walnut orchards. The first is an approximately 25'-30' grid pattern. The second spaces the trees much closer together to form a "hedge row" that can be mechanically pruned. The Yuki orchards use the former, more historic method, as is evident from aerial photographs, with the smaller dots being younger trees.**

Suggested Revisions to the DEIR:

- Comment 14 **1. Accurately summarize findings and conclusions of the 2011 Historic Resource Evaluation Report and the 2013 Historic Resource Technical Report in Appendix G)**
- 2. Summarize the differences between the 2011 and 2013 reports.**
- 3. Provide substantial evidence to support the conclusions reached in the DEIR text.**

DEIR 3.1 AESTHETICS

SCENIC RESOURCES BACKGROUND

DEIR

- Comment 15 **1. On page 2-2 the Environmental Setting section of for Aesthetics states that within the Plan Area views of the hillsides are obscured in many locations by development and plantings within the area and by street trees and the clearest views of the hillsides are from southbound Highway 17.**
- 2. The DEIR states that building exceptions cannot extend such that they significantly interfere with views of the ridgeline. The DEIR assumes that this applies to views from offsite (page 3-8). This is not consistent with the Specific Plan (page 2-25 and page 2-29), which requires a buildings be located to provide view corridors at key locations. Note: Since the key locations are not identified and framed views are not defined it is possible major portions of the existing hillside views and the ridgeline could be obscured from both on and off site. It is also not clear whether this applies to both private and public views.**
- 3. There is no specific maximum height for exceptions that can be granted by a CUP, nor is there any criteria to limit the number of exemptions (page 3-9).**

¹ The 2013 Technical Report in Appendix G states that the orchard retains sufficient integrity under California criteria to be a contributor to the historic district. The average productive life of a walnut tree is 25 - 40 years. It would not have been possible maintain the orchard for over 100 years that over without replanting. While the size of the orchard has been reduced the configuration of the orchard has not. The orchard retains the classic grid configuration as can be seen from the aerial photo of the Plan Area. The planting configuration has not been converted to the newer "hedge row" configuration where trees are planted closer together to allow for mechanical pruning.

- Comment 16 4. The DEIR states that each height exemption requires an A&S review, but only height exceptions requiring a CUP require findings be made (page 3-9)
5. The above statement is inconsistent with f.iii page 2-25 and 2-29 of the Draft Specific Plan. The Specific Plan states that, "All heights exceptionsmust be found consistent with the following findings" (page 3-10).
- Comment 17 6. The DEIR states "The effect of Plan Area buildings on scenic vistas cannot be precisely determined without specific building design. (page 3-9).
- Comment 18 7. DEIR Figure 14 shows the mountain ridge line and "vegetative line," which divides the foreground from the background. The DEIR states that foreground buildings that break the vegetation line will appear to interrupt views towards the mountains, that the vegetative buffer along Highway 17 will eventually obscure the structures and that the simulations in Appendix B indicate future development is likely to obscure the lower slopes of the mountains, but not the higher portions of the mountains above the buildings (page 3-10).
- Comment 19 **General Plan**
8. The Vision Statement (VIS-2) states: "When residents drive south on Highway 17, cross over Highway 85, and see the beautiful Town of Los Gatos *nestled at the base of the Santa Cruz Mountains*, they know they are home." (emphasis added). Clearly hillside views are important to defining Los Gatos and its "sense of place".
9. There are numerous other references in the General Plan to scenic resources, landscape vistas, hillside views including, but not limited to the following: Policy CD14.4, Policy CD14.6, Policy CD 15.1, Policy CD 16 and Goal CD-16.
10. Only Policy 14.4 references ridgelines. But, this policy is specific to prohibiting hillside structures from projecting above the ridge line as seen from the valley floor.
11. The General Plan identifies preserving town character and views as one of the thirteen general guidelines for the development the North 40 Specific Plan (page LU-19) and the vision statement on page VS-3 ties the preservation small town character to among other things to preservation of views of the hills.
- Comment 20 **Specific Plan**
12. One of the four Guiding Principles of the Specific Plan (page 1-1), the North 40 Vision Statement celebrates the town's history, agricultural heritage, hillside views and small town character (p.2-1), Open Space Policy O1, protects views of the hillsides and scenic resources, and pages 2-15 and 2-29 protects view corridors within the Specific Plan Area. The Specific Plan states "Framed views of the hillside ridgeline shall be protected by locating buildings to provide view corridors at key locations. (page 3-7) These view corridors should be strategically located within the neighborhood, within common areas such as a park, plaza, or specific location on a primary street corridor."
13. The Specific Plan exempts mechanical equipment from inclusion in the calculation of a structures height (page 2-29 f.)

Questions/Comments:

Comment 21

1. How or why did protection of views, of hillsides, of hillside views, of landscape vistas and scenic resources all morph into view corridors to frame views of the hillside ridgeline?

Comment 22

2. Why weren't the areas within the site that have existing views of the hillsides identified?

Comment 23

3. Why are the findings for an exemption to height standards defined by preserving framed views of the ridgeline from within the Specific Plan site? Why only the ridgeline. Why not a finding to preserve offsite (public) views of the hillsides as well as onsite views?

Comment 24

4. Neither the Specific Plan or the DEIR include significance criteria to define an adverse impact to scenic resources.

Comment 25

5. A scenic resource, landscape vista, or scenic vista capture an entire view visible from a given point. In this case the vista from Highway 17 includes the foreground, the mid-ground (the vegetation line shown on Figure 14) and the background (the view of the hillside). The DEIR does not include any vistas from on site.

Comment 26

6. Significance criteria should consider the impact to the entire vista including the vista below the vegetation line obscured by the development, the portion of the hillside view that will be lost, projection above the ridgeline and whether the impact will be short term or long term.

7. When structures obscure existing visible vegetation at the mid-ground they impact the existing foreground of vista.

8. The information/analysis in the DEIR is insufficient to determine whether individual structures or the project as a whole, will have a significant impact on scenic resources.

Comment 27

9. Figure 14 represents only one viewpoint. Unlike Appendix B the figure in the text does not indicate heights above ground level or the heights of potential structures across the site.

Comment 28

10. The simulations in Appendix B do not show a 55' height line. Nor does it allow one to see the vista being blocked by the structures.

Comment 29

11. The exemption for mechanical equipment (DEIR page 3-8) is consistent with the Specific Plan, but inconsistent with General Plan Policy CD 3-7, which includes mechanical equipment in the calculation of maximum height

12. The required finding required to grant a height exception (f.iii. page 2-15 and 2-29) exemption to height with a CUP is not consistent with the broader vision, goals and policies for preservation of scenic resources of the current General Plan. (also see Questions/Comments under Building Heights below)

Conclusion:

Comment 30

1. **Implementation of the Specific Plan remains a potentially significant impact.**

2. **It is not possible to conclude that the Specific Plan will have a Less-than-Significant impact given, but not limited to the following:**

- There is no maximum on the height allowed with a CUP,
- There are no identified criteria for what constitutes a substantial effect on a scenic resource and

- It is not possible to determine the effect on scenic vistas without specific building designs (DEIR page 9).

Comment 31

VISUAL CHARACTER

1. The DEIR does not address whether or how the implementation of the Specific Plan will have an impact on the character of the Specific Plan Area itself. For example replacing existing orchard use with more intense urban land uses. How is this not a significant change to the visual character of the site?
2. The analysis focuses on the consistency of proposed Specific Plan development with the existing development within the site, the surrounding areas, the Town as a whole, the adjacent jurisdiction and urbanized Santa Clara.
3. Historic Resources Technical Report (2013), regarding the existing character of the large agricultural parcel and how that will change in character.

Questions:

1. Why doesn't the Draft EIR conclude that this is a significant change in the character of the site from a primarily agricultural site to a site developed an intensity that is generally greater than what is found in Los Gatos?

Comment 32

SMALL TOWN CHARACTER

2. The Draft EIR states that the success of the implementation of General Plan Policy LU-1.8 (which is also a policy of the Specific Plan) is difficult to ascertain, that emulating "small town character" in new development is a potentially-elusive endeavor and that it depends on the quality of the development plans and the judgement of the design process (DEIR page3-16).

Questions:

1. How is it possible to conclude that there will be no conflict with small town character until the plans for a specific project are submitted and reviewed?

Comment 33

BUILDING HEIGHTS:

2. On page 3-16 the DEIR states that the General Plan establishes building height limits of 35 to 50'
3. On page 3-16 the DEIR states "The Draft Specific Plan, as a subset of, and an amendment to the General Plan *may*, establish a height limit within the boundaries of the Plan Area (emphasis added).
4. The DEIR then concludes that, "*If* the Town Council adopts the Draft Specific Plan with the proposed height limits, the new height limits would automatically be consistent with the 2020 General Plan policies (emphasis added).

Questions/Comments:

5. Don't the General Plan height limits range between 30' and 45'?
6. If the Council approves the increased height limits within the Specific Plan Area, they will be de facto consistent with the General Plan. That is not the issue. The issue is whether the proposed height are consistent with the overall Goals and Policies of the General Plan as it currently exists.

3.13 TRANSPORTATION AND TRAFFIC

General Comments and Suggestions:

Comment 34

I found it difficult to understand this section of the DEIR especially with respect to project related traffic impacts and cumulative traffic impact.

The following three suggestion, by themselves would be a significant help to readers.

1. Add separate summary tables of significant impacts for Alternative A and Alternative B including sections for signalized intersections, freeway segments, freeway ramps with the following columns (all this information is available in the Appendix)
 - Existing conditions
 - Background conditions
 - Existing plus project conditions
 - Background plus project conditions
 - The various cumulative categories
2. Add a summary table including significant impacts to transit, bicycles and pedestrians
3. Include small graphics of existing and proposed intersections for both improvements assumed to be included in the project and mitigation measures for impacts as are included in Appendix M. One example is on page 97 of the Appendix.

Comment 35

Additional suggestions to make this section more reader friendly. (but are applicable to other sections of the DEIR as well.

4. Don't interrupt text sections with figures or tables. Place figures and tables at the beginning or end of a text segment. Example: The list of Street and Highways starting on DEIR page 3-190 is divided by Figure 23 and Table 18.
5. Repeat table title and column headings at the top of each page for multi-page tables. Example: Table 18.
6. When text includes a series of information use bullets to make the information readily understandable. Examples trip distribution on DEIR page 3-213, the discussion of entry points on DEIR page 3-15, Project Related Street Network Changes DEIR page 3-215-216.
7. Provide more figures and or graphics. Example: DEIR page 3-316 add graphics of existing and project related changes to street network.
8. Provide specific references to where information is found in Appendix M (text pages, tables, figures).
9. Provide figures or reference to specific figures in Appendix to aid understanding. Examples would include adding a figure for the trip distribution with the discussion on DEIR page 3-213.

Specific Comments, Questions and Suggestions:

Comment 36

10. Appendix M shows the original date as July, 2013 and two revision dates (November, 2013 and Final Version March 2014).
11. Why does the DEIR differ from that in Appendix M??

- Comment 37 12. How and why do the revisions differ from the original report?
13. Why aren't the peer reviews referenced in the DEIR and included in Appendix M?
- Comment 38 14. Unusual traffic generators:
15. Why was no analysis done of unusual mid-afternoon traffic by unusual generators - (schools and hospitals)?
16. Does the end of the school day overlap with the afternoon change of hospital shifts? Does this effect LOS during that period?
- Comment 39 17. DEIR pages 3-214 and 215, Table 20 and Table 21:
18. Does the trip generation for the hotel assume a conference center?
- Comment 40 19. DEIR page 3-216: Add an analysis of the potential for project related street network changes to result in "cut through traffic in adjacent neighborhoods.
- Comment 41 20. DEIR page 3-216: Clarify that non-signalized intersections are included in the list of studies intersections but are not the LOS for non-signalized intersections are not considered when determining unacceptable intersection LOS and explain why.
- Comment 42 21. DEIR pages 3-220: Add graphic for existing condition and proposed mitigation TR-1 and TR-2.
- Comment 43 22. DEIR page 3-226: Mitigation Measure TR-4:
1. How does "working with" ensure that the objective will be met? i.e. there will be a shuttle service, Light Rail will be built.
- Comment 44 23. DEIR page 3-229 : Mitigation Measure TR-7:
1. How does 30 miles per/hour and marking for shared bike lane mitigation haza
- Comment 45 24. DEIR page 3-221: Add graphics of different options for National and Samaritan Drive.
- Comment 46 25. Suggestions:
26. DEIR page 3-199: Add corresponding study intersection numbers from Figure 23 to the list of Streets and Highways.
27. DEIR page 3-213: Changing the text section heading from Project Trip Generation to Project Trip Generation and Trip Distribution. This sections discusses both. Also suggest adding figures to visually show the distribution (first choice) or reference figure in Appendix M (2nd choice)

Response to Letter 35 from Quintana (undated)

1. The comment is noted.
2. CEQA Guidelines requires that effects be identified, along with mitigation to reduce the effects, but does not provide specific direction on how to word the effects. The wording in the summary table is taken from the impact statements presented in the body of the draft EIR. The summary table includes all of the mitigation measures presented in the body of the Draft EIR.
3. The Draft EIR sections are presented in the same order (alphabetically) as in the CEQA Guidelines Appendix G checklist, with the exception that mineral resources are combined with geology and soils, and population, housing, and public services were combined into a single chapter. CEQA Guidelines do not include any requirements on the order that information is presented.
4. The Draft EIR traffic section distils the information in the traffic impact analysis to a length and format that is intended to be easier for the general public to understand. The traffic impact tables, for example, exclude those intersections where there is not a significant impact, so that attention can be focused on project impacts.
5. In determining the level of impact stated in the Draft EIR, the Town considered its typical practices in regard to historic resources in addition to the information in the historic technical reports. Based on public comments, and in an abundance of caution, the Town has determined to revise the Draft EIR in this particular case to characterize the effects on historic resources not only as significant (as identified in the Draft EIR), but unavoidable as well.
6. Typically, each appendix is cited at the initial reference within a section of the Draft EIR.
7. A significant number of references in the bibliography have web links, and a disc was provided to the Town with many of the references linked from an index. In general, if no link is provided, the document is not available on the internet. This is the case with many print published sources. Page references are listed at the point of reference in the text, when applicable. Since there may be multiple references in the text for the same referenced document, it is not possible to list page references in the bibliography.
8. The historic reports were prepared to provide information and independent historic assessment of the structural and related resources within the Plan Area. The reports were considered in preparing the Draft EIR's historic resources section, along with Town policies and practices relating to historic resources. It was determined that some of the resources identified as potentially historic in the report were not historic. None of the resources are officially considered historic; this determination requires that the process with the State Office of Historic

Preservation has been completed, although the lead agency effectively makes this determination when certifying an EIR within which significant impacts on historical resources are determined. In several cases, structures identified in the historic report were altered from the original condition and may have lost some historical integrity.

9. Refer to the responses to Comments 11-13 below. Refer also to the response to Comment 1 in Letter 2 from Wojtkowski in regard to historic value of the orchard.

10. Refer to the responses to Comments 5 and 8.

11. Aerial photographs, dating back to 1939, were reviewed to assess the history of orchards in the Plan Area and adjacent areas. The 1939 photograph indicates that the present orchard was part of a large area of predominately (but not exclusively) orchards that extended beyond the Plan Area, all the way to Los Gatos Creek in the area along Lark Avenue, and all the way to present-day Oka Road north of the barn and house. Not all of the Plan Area was planted in orchards as of 1939. Historic property records indicate a variety of ownerships over the Plan Area, and not all landowners planted orchards. In the 1939 photograph, the south central area, northward of present-day Bennett Way, and the areas near the present-day sheds and red barn do not appear to be planted in orchards. The undeveloped section of the Plan Area north of the house and barn appears to have been in non-orchard use from at least 1965 through 1999. The north-south road through the orchard first becomes evident in the 1976 photograph. Based on review of these photographs, the Draft EIR concludes that the configuration of the orchard has changed over the years. Refer also to the response to Comment 1 in Letter 2 from Wojtkowski in regard to historic value of the orchard, and to the responses to Comments 12 and 13 below.

Four aerial photographs (1949 to 1981) are referenced in the Carey historic report dated March 28, 2014 (page 39) included in Draft EIR Appendix G. These aerial photographs are listed as available at the San Jose Public Library. Additionally, the Phase 1 environmental assessment report, included in Draft EIR Appendix I includes copies of the historic maps and aerial photographs (1939 to 2006) referenced in that report.

12. Based on the historic photographic evidence that indicates changes over time in the extent of the Plan Area that was used as an orchard, and the current encroachment of freeways, roadways, commercial buildings, and residences, the it was concluded that the orchard did not qualify as a potentially historic resource. Refer also to the response to Comment 1 in Letter 2 from Wojtkowski in regard to historic value of the orchard, and to the response to Comments 9, 11, and 13.

13. Orchards are replanted over time, and in the case of this orchard, evidence suggests that the type of trees may have changed over time, and portions of the Plan Area were used for other types of uses over time. Therefore, there is not a history of consistent uses of the orchard in the

location and configuration that exists today. The configuration referred to in the Draft EIR had to do with location of trees within the Plan Area and surrounding areas, rather than the layout of trees within the orchard. Refer also refer to the response to Comment 1 in Letter 2 from Wojtkowski in regard to historic value of the orchard, and to the responses to comments 9, 11, and 12.

14. Two historic reports were presented in the Draft EIR appendices, but based on other evidence available to the Town, as discussed above in responses to comments 9, 11, 12, and 13, conclusions were reached that in some instances varied from the conclusions in the historic reports.

15. The environmental review focuses on effects on public views, as permitted under CEQA. (See *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1337, quoting *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 586 [“obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact”]; see also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477, 492-494.) Because the analysis focuses on effects on public views, effects on on-site views are not addressed as potential environmental impacts. Specific layout of buildings within the Plan Area and preservation of views from within the Plan Area would be considered by the Town during Architecture and Site Review. Refer to the response to Comment 1 in Letter 12 from Robinson regarding effects of height exceptions.

16. Findings would be required for all height exemptions as stated in the Specific Plan. The Draft EIR has been revised to clarify the language about this requirement.

17. The comment is noted. The Draft EIR analyzed a Specific Plan at a programmatic level rather than a development plan or site plans. Development projects in the Plan Area will undergo further visual review, if necessary, when they are proposed, and project-specific design information is available. Future development within the Plan Area is subject to Architecture and Site Review, which will include review of potential effects on views.

18. The comment appears to concur with the Draft EIR.

19. Refer to the response to Comment 1 in Letter 12 from Robinson.

20. The comment is noted.

21. The comment refers to Specific Plan policies, and is not directed to the content of the Draft EIR. Refer also to the response to Comment 15 and to the response to Comment 1 in Letter 12 from Robinson.

22. The analysis focuses on existing views from public locations. Refer to the response to Comment 15.
23. The Specific Plan establishes height regulations that vary from those of the General Plan. Refer also to the response to Comment 15 and to the response to Comment 1 in Letter 12 from Robinson.
24. The discussion of significance is based on the Standards of Significance presented on Draft EIR pages 3-7 and 3-8. The thresholds of significance are derived from Appendix G of the CEQA Guidelines.
25. The State Route 17 viewpoint was selected as the most highly visible location and a location from which the Plan Area was located between the view point and the hills. Similar views would be visible from State Route 85, except that a sound wall significantly obscures the view. Refer also to the response to Comment 15.
26. The vegetation below the ridgeline does frame the overall view of the hills, but does not constitute a part of the hills themselves. The Town's visual policies are not intended to prevent the construction of buildings, but to assure that the construction of buildings does not significantly block scenic views. The Draft EIR analysis indicates that the proposed project would not significantly block views of the hills. Refer also to the response to Comment 15 and to the response to Comment 1 in Letter 12 from Robinson.
27. Figure 14, Plan Area View from State Route 17, is presented to illustrate reference points in the accompanying text, not to provide details as to the apparent height above the highway or Plan Area. In fact, perceived building heights, as seen from any given view point, will vary depending on distance from and viewing angle towards the building. See also Draft EIR Appendix B Visual Simulation.
28. The simulations in Appendix B show the primary height limit of 45 feet. Buildings in excess of 45 feet are allowed only subject to findings that the buildings do not result in a significant visual impact. Refer to the response to Comment 1 in Letter 12 from Robinson regarding the potential for buildings in excess of 35 feet or 45 feet to affect scenic views.
29. The comment refers to Specific Plan policies, and is not directed to the content of the Draft EIR. However, refer also to the response to Comment 15 and to the response to Comment 1 in Letter 12 from Robinson.
30. The conclusion that potential aesthetic impacts would be mitigated to a less-than-significant level is supported by information presented in the Draft EIR. Refer also to the response to Comment 1 in Letter 12 from Robinson, regarding how increased building heights are off-set by increased open space, due both to limitations on total building square footage and

policies requiring additional open space in exchange for additional height. The Draft EIR for the Specific Plan is a program-level document. Specific building designs will be reviewed as specific development projects are proposed.

31. Potential for degradation of visual character is addressed on Draft EIR pages 3-13 through 3-15. The Draft EIR conclusion of less than significant is based on the Specific Plan's policies and consistency with the General Plan's direction for the Plan Area. The Plan Area includes a mix of uses, of which the orchard occupies about two thirds of the total. A change in the type of land use at a project site is not by itself a significant aesthetic impact under CEQA.

32. The Draft EIR analyzed a Specific Plan at a programmatic level rather than a development plan or site plans. Conclusions are based on the Specific Plan's policy guidance.

33. The letter correctly states that the General Plan's height limits range from 35 feet to 45 feet. The Draft EIR has been corrected. The principal purpose of the height limits is to protect views, particularly of the hillsides. The Draft EIR concluded that, as mitigated, the proposed project would have a less-than-significant impact on views.

34. The comment is noted. All of the requested information is provided within the Draft EIR and Draft EIR Appendix M. The commenter is requesting a different presentation of the information.

35. The comment is noted.

36. The Draft EIR is based on information in the traffic impact analysis as well as other sources as cited in the Draft EIR.

37. Revisions were made to the transportation impact analysis to address comments from Town staff, and to address comments made in a peer review conducted by TJKM Transportation Consultants. The final transportation impact analysis in the Draft EIR incorporates the input from these reviewers.

38. The transportation impact analysis evaluated potential impacts during the weekday morning (7:00 to 9:00 AM) and weekday afternoon (4:00 to 6:00 PM) peak periods. These are the periods when traffic volumes are typically highest. Any school- and hospital-related trips made during the PM peak hour are reflected in the LOS results.

39. The trip generation for the hotel is based on typical hotel trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation, 8th edition, 2008, which assume meeting and convention facilities.

40. Project-related street network changes are unlikely to result in a substantial amount of cut through traffic in adjacent neighborhoods. Existing left turns at Highland Oaks/Lark Avenue,

Los Gatos Boulevard/Camino del Sol, and Los Gatos Boulevard/Terreno de Flores would be redirected to other intersections, and cut through traffic would decrease in these locations. Traffic volumes onto and off of these the minor streets at these intersections can be found in the Existing Conditions section of Appendix M. Refer also to the response to Comment 3 in Letter 20 from Field, D.

41. Non-signalized intersections are included in the list of study intersections. However, there is no set significance threshold for determining unacceptable operations as shown in Table 5 in Draft EIR Appendix M.

42. These are depicted on Figures 15 and 16 in Draft EIR Appendix M.

43. Refer to the response to Comment 5 in Letter 9 from Nedom.

44. The comment is not complete. A Street will have a maximum design speed of 30 mph to ensure motorists are traveling at an appropriate speed when sharing the roadway with bicyclists. Sharrows used in conjunction with Bike May Use Full Lane signs will let motorists know that bicyclists are allowed to use the full lane and discourage unsafe passing by motorists. This will accommodate bicyclists if dedicated bicycle lanes are not included in the roadway design.

45. The different options are described on pages 3-221 and 3-222 of the Draft EIR. Graphics have not been prepared.

46. The comments are noted.

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A P P E A R A N C E S:

Los Gatos Planning
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Kendra Burch, Vice Chair
Mary Badame
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P R O C E E D I N G S:

CHAIR SMITH: We will now move to the public portion of the public hearing and begin with Agenda Item 1, which is identified as the North Forty Specific Plan, General Plan Amendment GP-14-001, Zoning Code Amendment Z-14-001, and Environmental Impact Report EIR-10-002.

This is the Planning Commission hearing to accept public comment on the Draft Environmental Impact Report for what is known as the North Forty Specific Plan. That comprises approximately 44 acres located at the northern extent of the Town bordered by Route 17, Route 85, Los Gatos Boulevard and Lark Avenue. As required by the California Environmental Quality Act this public hearing is being held during the 45-day public notice period. The notice of availability for review of the Draft EIR was released on April 4th with the 45-day review period ending on May 19, 2014.

This public hearing is an opportunity for members of the public to provide verbal comments on the Draft EIR. Written comments will be accepted until the close of the public hearing on May 19th.

1 Just to be certain that you understand, this
2 public hearing is not where the Planning Commission is
3 taking this matter under consideration. We are here this
4 evening to accept your remarks. We ask when you step to the
5 podium if you would please state your name and address and
6 make all of your comments directly to the Commissioners.
7 We're here to listen to you this evening. We will not be
8 asking you questions nor will the Staff be doing so as
9 well.
10

11 At the end of the public hearing portion we will
12 close the matter and then perhaps take a short break, we're
13 not sure, but just to give you an idea of what the evening
14 is going to look like. Again, please keep in mind that the
15 purpose of this meeting is to accept remarks.

16 Anything else, Mr. Paulson?

17 JOEL PAULSON: I believe potentially the Vice
18 Chair has a statement.

19 VICE CHAIR BURCH: I will need to recuse myself
20 as I live within 500' of the subject property. However,
21 I'll sit in the back and I will be ready for Item 2.
22

23 CHAIR SMITH: All right, and we have promised the
24 Commissioner that we will forget her back there. We will go
25 and get her for Agenda Item 2.

 VICE CHAIR BURCH: Thank you.

1 CHAIR SMITH: Before we proceed, are there any
2 questions of the Staff from any Commissioners? All right,
3 seeing none, I will call up the speakers three at a time,
4 and that means if you would just queue behind the speaker.
5 That way we can get through this evening in an orderly way
6 and an expeditious way as well.

7
8 The first person that is going to speak to us is
9 Jak Van Nada. Could you step forward? He's going to be
10 followed by Lee Quintana and then by Andy Wu.

11 JAK VAN NADA: Good evening, my name is Jak Van
12 Nada; I live at 165 Euclid in Los Gatos.

13 In general I am for the North Forty development.
14 I will follow up this speech with data that generates my
15 comments tonight and send it to you by the 19th.

Comment 1 16 The Netflix project, plus the North Forty, within
17 eight-tenths of a mile of one another, plus two new large
18 medical buildings almost next door, will give us gridlock
19 during the commute hours. We are no longer a small town but
20 rather a small city trying to convince ourselves that we're
21 a small town. If we have to be a small city, then I would
22 recommend that we soften the sharp edges of heavy traffic
23 with better planning for the vast number of people who
24 either live here or come here to hike, bike or walk.
25

Comment 2

1 Everything we design is for cars, and now that
2 the VTA is trying to add more traffic to 85, when does it
3 stop? This plan is also favoring the car. We have a plan to
4 put a bike lane on Lark with this new development, but it,
5 like so many other things, is like vaporware; it may or may
6 not happen, and likely won't, because they're putting in a
7 wider than necessary median, hoping that the bike lane will
8 somehow come to fruition later. Why not do it now?
9

Comment 3

10 A group of us has stuck with the development
11 process for the past few years feeling that the traffic in
12 the schools would suffer with the increase in development.
13 We are concerned that the Town relies on potentially bad
14 data.

15 For instance, we did our own survey on students
16 that came from Laurel Mews, Bluebird and Charter Oaks
17 versus the number of students that were projected when
18 using formula numbers. The actual students from those two
19 projects were off by 100%. Rancho de Los Gatos, originally
20 a senior adult complex, currently has 19 students going to
21 Los Gatos schools. We have that data if you would like the
22 proof.

23 I went to the Town Engineering Department to
24 obtain traffic counts on City streets. I was told that only
25 old traffic counts were online, but if I gave them some
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Comment 3
cont.

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intersections they would send me the data. Ten days later I still haven't received it. However, that same engineer told me that I did not have to be concerned, as the projections were very conservative and there had been negligible traffic increases in the last ten years. With that said, I asked him if anyone ever followed up the projections with an analysis of the projected versus actual? The Town does not do that in the case of schools nor in the case of traffic.

For two such critical numbers I would like to see the Town quit using the data generated from manuals and adjust the student counts accordingly so that the schools can better plan their future. I would like to see the Engineering Department do traffic counts a year after a project is occupied to see how accurate the traffic engineers were with their projections. We simply do not believe the data we're getting now and don't believe you should either. Thanks.

CHAIR SMITH: Thank you, Mr. Van Nada. Ms. Quintana.

LEE QUINTANA: Lee Quintana, 5 Palm Avenue. I'm going to keep my comments relative to the Draft EIR itself.

Comment 4

This is probably a rare EIR that I have found it easier to understand the project's impacts and proposed

Comment 4
cont.

1 mitigation by reading the technical reports with the
2 technical data rather than the text of the EIR itself.

Comment 5

3 I'm going to skip down to my primary subject, and
4 then I'm going to go back and summarize some of the reasons
5 that I made that statement, but my primary comments are on
6 the Historic Resources, which is Section 3.5 of the Draft
7 EIR.

8 The technical report, which is in Appendix G on
9 the Historic Resources, includes a Phase One Historic
10 Evaluation and a Final Historic Resources Technical Report
11 that are not accurately or even adequately summarized in
12 the Draft EIR text itself, nor are the conclusions that are
13 reached by the Draft EIR text supported by the technical
14 reports in the appendices.

15 I suggest that the EIR text be revised to
16 accurately summarize the findings and conclusions of the
17 Historic Resources evaluation, which is Phase One in
18 Appendix G, to accurately summarize the Historic Resources
19 Technical Report, which is the final report in Appendix G,
20 and to explain and support by substantial evidence the
21 differences between the findings and conclusions of
22 significance in those reports and the conclusions reached
23 in the DEIR.
24
25

1 I'm going to go back now to some of the comments
2 that I have on the readability and understandability of the
3 Draft EIR. The Summary, which is Section S-1, is a summary
4 of impacts and mitigation measures; however, it does not
5 adequately summarize the impact that the proposed
6 mitigation is intended to reduce. It is easier to
7 understand the air quality and greenhouse gas impact
8 mitigation reading the technical reports in Appendix D,
9 because in Appendix D the air quality and greenhouse gas
10 emissions assessment are integrated into a single topic.
11 The greenhouse gas emissions, however, is separated from
12 the air quality emissions in the Draft EIR text by three
13 different sections. That leads to discontinuity and it's
14 hard to understand.
15

Comment 6

Comment 7

Comment 8

16 Lastly, the Traffic and Transportation section
17 does not provide adequate graphics to easily understand the
18 existing road configurations or the configurations of the
19 proposed mitigation.
20

21 CHAIR SMITH: Thank you, Ms. Quintana. Following
22 the next speaker will be Amy Despars and Matthew Hudes. Mr.
23 Wu, can you state you name and address for the record?

24 ANDY WU: Good evening, members of the Planning
25 Commission. My name is Andy Wu; I live down the street from

1 Jak Van Nada. If you don't know my exact address, you
2 really don't need to, but it's at 28.

3 I want to go off topic. I really don't want to
4 talk about the DEIR because my predecessor, Lee Quintana,
5 has basically stated everything that I would have stated as
6 well, so let me just refer to that graphic and you'll
7 understand of what I speak.

8
9 Sunday, 7 December 1941, 0655 hours. Three
10 hundred and fifty three aircraft launch from (inaudible) of
11 the Imperial Japanese Navy make their initial point turn.
12 That's the IP turn on their way to Pearl Harbor and various
13 targets located within the naval base there.

14 Within three hours the Pacific Fleet lies in
15 ruins, all eight battleships, the major ships in port at
16 the time, have been either heavily damaged or are sunk.
17 Only the USS Nevada, having cleared its moorings and gotten
18 under way under its own steam, but was beached by its
19 captain for fear of blocking the harbor entrance. Admiral
20 Husband Kimmel and General Walter Short were both relieved
21 of their commands for dereliction of duty.

22 February 1942, President Franklin Delano
23 Roosevelt issues Executive Order 9066, which allows
24 military commanders in the area to intern those persons
25 they deem are a danger to national security. War relocation

Comment 9
cont.

1 camps are built all over the United States, however, before
2 they are built 110,000 persons of Japanese heritage—
3 including every single person of Japanese heritage living
4 in California, 62% of which were national born Americans,
5 because there was no naturalization law at that point—are
6 ordered to internment camps.

7
8 Before they can go to internment camps, however,
9 the have to housed. So where did they house? You look at
10 that map, you see a place like Tanforan, which is a mall
11 now, Pamona, Santa Ana, those are all race tracks, so they
12 had to live in the horse stalls for six months before they
13 could be relocated. And I didn't even know there were
14 relocation camps in Arkansas, but as far away as Arkansas,
15 as far north as the state of Montana.

16 Now, during this period of time there's a Yuki
17 family. They own a large portion of the North Forty. Takio
18 (phonetic) Yuki, who lived on that land was charged with
19 treason. Now, he had to fight his way out of that charge
20 and was allowed to rejoin his family. On 2 January 1945 his
21 camp was closed, he's allowed to return home, and he's
22 given this: \$25 and a train ticket to return to the home
23 that he no longer has. Fortunately for him, his business
24 partner had maintained his farm, so he was allowed, so he
25 could have the means to buy the North Forty.

Comment 9
cont.

1 Now, wouldn't it be a great thing if we had some
2 historical preservation on this plot?

3 CHAIR SMITH: Thank you. Amy Despars.

Comment 10

4 AMY DESPARS: Hi, my name is Amy Despars, 267
5 Longridge Road. I am a parent, second generation Los Gatan,
6 and also a teacher here in the community.

7 I am going to start with I think it's kind of
8 ironic that this lovely brochure, flyer, whatever went out,
9 states that, "The North Forty Draft Specific Plan has been
10 designed to address needed commercial and housing
11 opportunities in the less congested northeast corner of our
12 town." Less congested. Let's see, for me to get from Los
13 Gatos Boulevard to Winchester on Lark Avenue, less than one
14 mile, it takes me up to 15 minutes sometimes. For me to get
15 from Los Gatos Boulevard and Lark Avenue to 85 takes me up
16 to 15, often. Often. So this to me is false advertising.

17
18 There are also some other things that I'd like to
19 quote in there.

20 "SummerHill Homes and Eden Housing and Grosvenor,
21 one of the world's oldest real estate companies." World's
22 oldest real estate. They don't know Los Gatos. We are a
23 community, a small town. Many of us grew up here; many of
24 us standing here want to preserve it. Yes, we are growing,
25 but we need to do it in the right way.

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“Nearly \$1.9 million annually for local schools.”
That sounds great. The problem is our schools are
overcrowded. That \$1.9 million is nothing. That will
provide nothing for our students. We don’t have schools to
put these students in. Los Gatos High has no schools to put
students in and they’re overcrowded.

“Transportation improvements for bicyclists,
pedestrians and motorists and well as public transit
connections,” will not help the traffic problem. We’re in a
society where people drive. Maybe some people will start to
bike, but it’s not going to help the traffic.

Here’s one I love. “Housing to fulfill unmet
needs for young professionals, move-down locals and seniors
while having a minimal impact on schools.” Right now I know
families, for a fact, who are living in two bedroom
apartments with two, three, four kids. You don’t think
people are going to cram their families into these little
places? I read it. There’s no minimum age on any of them,
except for the one small section of senior. Do you want to
put senior housing in there? I love that idea, but you
really need to consider, people are cramming their kids
into small apartments everywhere. I live off of Carlton; I
see it, I know the families.

Comment 10
cont.

1 Also, whatever you choose, please no more pizza
2 parlors, no more coffee, no more burrito. Give us something
3 else. Please don't approve it and really think about what
4 you're putting in across from Whole Foods and that area
5 too. I can't believe what you guys have approved.

6 So please consider all of us. We like to call it
7 "Uptown." Thank you.

8 CHAIR SMITH: Thank you, Ms. Despars. Mr. Hudes,
9 and then right behind the next speaker will be Terry
10 McBriarty, and then Janice Fok.

11 MATTHEW HUDES: I'm Matthew Hudes, 16631 Madrone
12 Avenue. I appreciate the opportunity to speak with you
13 about this. I have been a member of the committee looking
14 at the North Forty over the last couple of years. I was on
15 the east coast earlier this week. I'm flying out to San
16 Diego this evening. I came back to talk to you about very
17 serious concerns that I have about the Draft EIR.

18 Some aspects of impacts can be mitigated and some
19 of them I think have been raised in terms of traffic, even
20 in terms of schools. The impact that I'd like to talk to
21 you about is the downtown, which is, I think, one that is
22 much less amenable to mitigate measures.

23 Once the downtown starts to decline it will be
24 very difficult to turn that around, and the kind of
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Comment 11
cont.

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development that's envisioned in the North Forty I believe has a potentially very substantial negative impact on the heart of the downtown.

I think the Draft EIR is very deficient in the way that it has looked at this aspect. Much of the data, or the analysis of the data... The report itself is well written and there's actually quite a bit of good data that we haven't seen before on retail activity. The analysis is flawed and it appears to be presented in a way that makes a case for building a new shopping center on the scale of Santana Row.

For two years I've been urging the Town to look at an economic analysis of this project. The Urban Decay Appendix is a start, but it's deficient, and I'd like to explain what my main comments are.

There are numerous opinions and conclusions in that report that are offered without basis in fact. For example, the comparison of the ten-minute drive area is not a ten-minute drive area by any means. It's probably a 25- or 30-minute drive area.

There are no case studies in that report, despite providing two Staff examples of other urban decay analyses that have case studies. Ones that I suggested that they look at are Sacramento, Walnut Creek, Livermore,

Comment 11
cont.

1 Pleasanton, Campbell, San Luis Obispo and Napa. There are a
2 few words about Palo Alto, but it's very old and dated.

3 The main point is that the data cited in the
4 study has been interpreted in a manner favorable to
5 development. When the conclusion is presented that there
6 will be little impact because we have a vibrant downtown,
7 the data does not support that. The data shows a 34% drop
8 in retail since 2000 and that's not what the conclusion of
9 the report is, so I would urge us to examine that more
10 carefully.
11

12 CHAIR SMITH: Thank you very much. The next
13 speaker. Introduce yourself.

14 TERRY McBRIARTY: Terry McBriarty, 15075 Garden
15 Hill Drive.

Comment 12

16 I have many concerns about the North Forty and
17 have ever since the first plans went to the drawing board.
18 I have two children in the Los Gatos school system; one is
19 in first grade and one is a third grader. I've seen our
20 school grow from around 500 students to almost 700 students
21 this year, and just more and more students showing up.
22 Practically every month more students show up and there is
23 nowhere to put them.
24

25 So the idea that you could add all these units
and they're going to be for empty nesters or whatever this

Comment 12
cont.

1 cute idea is and it's not going to impact our schools is a
2 joke, and it's going to be the nail in the coffin that's
3 the public school system in Los Gatos and it breaks my
4 heart.

Comment 13

5 The main thing I want to talk about was Garden
6 Hill, right off of Lark. I have to drive on Lark several
7 times a day. Every morning, every afternoon, in the night,
8 and the traffic on Lark has become a nightmare and it's
9 scary. A man lost his life there right around the corner
10 from my house. If my husband had been waiting to go to work
11 at that signal when that man lost control of his vehicle,
12 my husband would be dead.
13

Comment 14

14 Some of the changes that you're talking about
15 making seem to be eliminating the small buffer zone between
16 the sidewalk on the bridge where I sometimes ride my bike
17 with my child, where I had a bike accident about a year
18 ago. If that buffer zone were eliminated when I had my bike
19 accident with my child on my bike I probably would have
20 been hit and killed when I fell off the sidewalk. You're
21 talking about expanding lanes and doing things that are
22 called "improvements" in here, but to me they sound like
23 things that are going to kill people.
24

25 I see pedestrians ignoring the lights and doing
↓ things every day that endanger people and the changes

Comment 14
cont.

1 you're talking about making are going to endanger more
2 people, such as increasing traffic on Lark while not
3 addressing the issues with Classic Car Wash and the dangers
4 that it causes with people stopping the flow of traffic.
5 Lark is a nightmare that needs to be addressed right now,
6 and adding all the traffic that will be added by these
7 projects, I don't know that that can be fixed.

8
9 CHAIR SMITH: Thank you very much. Before Ms. Fok
10 comes up, behind her will be Jeff Harlan and Larry Arzie,
11 if you could queue up as well.

12 JANICE FOK: Good evening, I'm Janice Fok. I have
13 a few issues with the DEIR that I would like you to take a
14 look at for the final draft.

Comment 15

15 In Section 2, the Project Description,
16 specifically the Project Vicinity Existing Conditions, page
17 2.2, states that a private school is located in proximity;
18 that's actually the JCC. The private school portion of the
19 JCC is 154 students. The JCC is a huge cultural sports and
20 community complex, so I don't think that traffic has been
21 addressed.

Comment 16

22 Also on the map, called Figure 6, it calls out
23 Carlton Elementary as the nearest elementary school.
24 Carlton Elementary is in the Union School District; it's
25

Comment 16
cont.

1 not served by any portion of this parcel, so that's a
2 misleading figure.

Comment 17

3 In Section 3.0, the Environmental Effects, 3.12,
4 Population Housing and Public Services, it states that the
5 cumulative student load from Guadalupe Mines, Riviera
6 Terrace, South Bay Honda, Swanson Ford, and Thrash House,
7 which is affectionately known as Bluebird, will be a total
8 of 70 students. We don't have to say will be. All these
9 projects are built and our district should be able to
10 provide us with the actual counts. This is important,
11 because as other speakers have said, the schools are full
12 and I would like you to use actual counts since they are
13 available.
14

Comment 18

15 Also in Section 3, page 184 states an 80/20 split
16 between the Los Gatos and Campbell-Cambrian School
17 District. That's only valid if the specific plan is going
18 to mandate such a split, and I don't know if that's within
19 the purview of the specific plan.

Comment 19

20 Finally, Section 3 again, page 184 states that
21 the effects of student generation will take 20 years to hit
22 the district. The Los Gatos Union School District did an
23 Imagine 2022 Plan where they did a ten-year projection, and
24 I have some of that information here.
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The 2022 Plan had four levels of impact. Projection A was no future development. Projection B was known and approved developments, those five I just listed. Projection C was all known future developments, which includes Oka and the North Forty, at moderate density, and Projection D was all known future developments at maximum density. So their nuclear option, if you will, is this Projection D. It's a ten-year plan, and in Year Three we're already ahead of it with no construction at the North Forty or Oka Road.

I just wanted to say I'm dismayed that none of our paid administrators from the school are here to present this to you. I'm disappointed that none of our elected school board officials are bringing this to your attention, but their own projections are so far off in Year Two, Year Ten, when these projects actually come in, I can't imagine are going to be any better. Thank you.

CHAIR SMITH: Thank you, Ms. Fok.

JEFF HARLAN: Hi, my name is Jeff Harlan. I live at 354 Bella Vista Avenue in Los Gatos. Thank you for this opportunity.

I am Los Gatan and my family has been here since 1965. We own three parcels and a condominium. I'm raising

1 two children with my wife in my home on Bella Vista in the
2 house I grew up in.

Comment 21

3 We have an amazing school system, which is
4 already well over capacity. People cheat and lie to get
5 their children into our schools to the point where we have
6 a full-time employee dedicated to detecting fraud.

7 The estimates from the developers on the school
8 impact have been proven inaccurate. My math is slightly
9 more pessimistic than an earlier speaker. Bluebird Lane,
10 which my property adjoins, estimated that 0.3, 30%, of the
11 homes would add one child to the school. I believe that
12 number is actually 34, so that would be 170% of the homes
13 there are adding one student. If we apply that math to
14 North Forty, they estimate at only 26.6%, or 97 students.
15 If we apply the Bluebird Lane math, we end up with 619
16 additional students in the Los Gatos School District.

17 So this leads to some significant flaws in the
18 Draft Environmental Impact Plan. I estimate that it's
19 possible there will be 522 additional students on top of
20 the 97 they've listed. Their traffic reports for both
21 alternatives are low by that same factor. I'm assuming
22 there would be 1,200 AM trips and 2,050 PM trips with
23 Alternative A. Alternative B would provide 1,000 morning
24 trips and 2,010 evening trips.
25

Comment 22

Comment 22
cont.

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There are also significant gaps in the traffic sampling that they've done on the intersections. There are no samples on Los Gatos Boulevard between Roberts Way and Highway 9, which is where I live. We are in gridlock every morning. It's completely gridlocked. There are no samples on East Main Street, right out here. We're in gridlock there too from the high school. There are no samples on University between West Main and Lark Avenue. Gridlock.

Comment 23

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Our Regional Housing Needs Allocation is actually two times higher than the current census. The Association of the Bay Area Governments is still using a 10% figure for our burden for this. The Department of Finance only has revised our estimate to 5%.

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CHAIR SMITH: Mr. Harlan, I'm going to have to stop you there, but if you have this in writing it would be very helpful to have you submit it.

18

JEFF HARLAN: I would be happy to.

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CHAIR SMITH: All right, thank you very much. Right behind Mr. Arzie I'm going to call Jeff Loughridge and Anne Robinson, so if you can be ready as well to speak. Go ahead, Mr. Arzie.

23
24
25

LARRY ARZIE: Larry Arzie. I live in town. Wow, isn't this is a group of amazing speakers? Sophisticated,

1 well read and knowledgeable. I'm going to stick with two
2 subjects.

Comment 24

3 First one, my question on traffic is why was the
4 previous planned fifth lane for Lark Avenue to Samaritan
5 not considered? That's the lane that was proposed 20 years
6 ago and that plan's inside lane provided relief from
7 congestive cars that can go in and out of the project. This
8 lane would accommodate all North Forty oriented traffic and
9 reduce congestion by creating a thoroughfare concept on Los
10 Gatos Boulevard. This is a classic scenario in many
11 European cities for controlling traffic and discussed in
12 numerous community meetings. A wide tree-lined island with
13 turnouts would obviously be incorporated. This was not
14 brought up and I want to know why.

Comment 25

16 The second question on traffic: Why not a ring
17 road around the North Forty? This circulation scenario is a
18 success story used in so many cities. It can be
19 incorporated into the fifth lane that I just discussed in
20 front of the North Forty. It would circle the North Forty
21 parameter, directing the bulk of the North Forty onsite
22 traffic into specified entrances and exits, mitigating
23 congestion. This was well discussed at previous community
24 meetings. Why was that not included in the draft?
25

Comment 26

1 I'm going to go on to housing, which is my last
2 question with the EIR. Did the EIR weigh the possibility of
3 a 20-year build out? It has been suggested that possibly a
4 second EIR should be done for the new Lark 20, because
5 that's what it's going to be for the next 20 years, and a
6 second EIR based on what's being built for 20 years would
7 an interesting concept to do, if not necessary.
8

Comment 27

9 Now that the North Forty has become the North 20
10 I am surprised the DEIR did not comment on the overly
11 intense concentration of housing in the Lark District.
12 There is no guarantee that if or when the rest of the North
13 Forty comes available that it will ever be built as
14 promised. This entire project was developer-driven and I
15 would not be surprised to find out that the last minute
16 decision to delay the balance of the land sale by the
17 property owner was not already known by the developer going
18 in.

Comment 28

19 So if there are ways to protect ourselves, I
20 would highly recommend we take that road. Rearranging the
21 housing so that more is built on the north side would be a
22 good start. Thank you.
23

24 CHAIR SMITH: Thank you, Mr. Arzie. Jeff
25 Loughridge.

1 JEFF LOUGHRIDGE: Hi, my name is Jeff Loughridge;
2 I live at 109 Paseo Laura right off of Lark and Oka.

3 The North Forty project has some elements that I
4 believe Los Gatos is lacking right now; specifically the
5 more diverse planned housing will provide a much-needed
6 component to our town's housing mix.

Comment 29

7 I am concerned, however, that our current traffic
8 situation without the future effect of new developments
9 results in a very low Level of Service, or LOS. Levels of
10 Service at intersections across town are now on the edge of
11 our lower LOS limit rating of D, but it is particularly
12 significant in the north end of town since that is where
13 both Albright and the North Forty are either approved or
14 planned.

Comment 30

15 The traffic portion of this Draft EIR by itself
16 is a whopping 1,836 pages. It's filled primarily with
17 traffic counts at various intersections that were chosen.
18 Not all affected intersections were included. What was
19 missing until late this afternoon was an illustration that
20 showed the proposed traffic flow in and around the
21 development, specifically on both Los Gatos Boulevard and
22 Lark Avenue. This afternoon a new version of the Tentative
23 Map Application was posted onto the North Forty website,
24 not onto our town's website. There is traffic mitigation
25

Comment 30
cont.

1 proposed, but in order to assess whether these suggested
2 mitigations make sense one would need to see how the
3 traffic would flow both north and south on Los Gatos
4 Boulevard as well as east and west on Lark Avenue.

Comment 31

5 As an example, in one of the intersections that
6 were illustrated the south street entrance into the
7 development would have a right turn in, a left turn in
8 across Lark traffic, and a right turn out. This would block
9 Highland Oaks residents' current left turn out. Highland
10 Oaks would be a right turn in and right turn out only, plus
11 the right turn out from the south street onto Lark Avenue
12 would require drivers to merge rapidly across two fast-
13 moving freeway on-ramp lanes to be able to continue west on
14 Lark across the bridge towards Winchester.
15

Comment 32

16 Piecemeal residential and traffic development on
17 Lark Avenue has resulted in nine separate intersections
18 with traffic lights at six. Some are spaced so closely
19 together that they do not even meet the state standards.
20 Since this is one of only four ways across our town and we
21 will be hit with the majority of both Albright and North
22 Forty traffic, automobile, pedestrian and bicycle safety
23 concerns need to be addressed for the full length of Lark
24 Avenue, not just the portion bordering the development.
25

Comment 33

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The proposed traffic flow will eliminate bicycle paths on Lark. They propose both east and west bicycle movement on the north side sidewalk bordering Lark, yet propose nothing once a westbound cyclist reaches the Lark Avenue bridge over Highway 17.

Comment 34

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The traffic mitigation outlined in this Draft EIR is inadequate, shortsighted and skewed to the North Forty residents at the expense of their existing neighbors. Thank you.

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CHAIR SMITH: Thank you. Behind Ms. Robinson I have one last card, and that is Ingrid Oakley-Girvan. If there is anyone else that wishes to speak, they need to come forward with a card. All right, Ms. Robinson, please address us.

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ANNE ROBINSON: Anne Robinson, Charter Oaks. I want to speak tonight regarding the impacts of building heights in the North Forty proposed development on mountain views.

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In the North Forty Draft Specific Plan, under the Council Vision, Section 2.1, one of the guiding principles to achieve the Council's vision of the North Forty development is to embrace hillside views, trees and open space. In the General Plan it talks about preserving hillside views.

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In the Draft EIR North Forty Specific Plan, page 3-8 and 3-9, the North Forty Draft Specific Plan allows for a hotel at 45' and all residential and non-residential buildings can be up to 35' tall with a height limitation of 25' on any building within 50' of Lark Avenue. A 10' increase in height bonus, up to 45' for residential uses may be allowed in the Transition District but requires a development to be affordable housing or that an additional 5% open space be provided on the property.

Then it goes on to say that a specific increase in height may be allowed for the office or residential uses in the Transition District and offices uses in the Northern District. No minimum additional height is given for this exception and no additional open space is required for this exception. An unspecified increase in height may be allowed for a hotel in the Transition District or Northern District; again, no minimum additional height is given for this exception.

In the Draft EIR North Forty Specific Plan, page 3-8, it states that the building heights cannot extend such that they significantly interfere with the views or the ridgeline, and on page 3-9 it states that the Draft Specific Plan requires that building heights may not have a significant adverse effect on the ridgeline and the top of

Comment 35
cont.

1 the buildings are expected to be below the ridgeline. It
2 goes on to state that the impact of the building heights
3 would be less than significant.

4 So there are no minimum additional height
5 exceptions for the Transition District and the Northern
6 District and the buildings are expected to be below
7 ridgeline. How does this preserve the hillside views when
8 there is not a limitation on how tall the buildings can be
9 and it only requires the building to not have an adverse
10 effect on the ridgeline and the buildings are expected to
11 be below ridgeline? What does it mean to embrace or
12 preserve the hillside views? If the hillsides are obscured
13 50% by the buildings, does that embrace or preserve the
14 hillside views?
15

Comment 36

16 When looking at the photos of the visual
17 simulations in the appendices it only shows the maximum
18 height of a building at 45'. The visual simulations are
19 taken from three viewpoints with three different angles
20 from each viewpoint. By taping the three different angles
21 from each viewpoint together you get a better picture of
22 what you actually see when you drive south on Highway 17.
23 If the EIR states that there is a possibility of additional
24 heights above 45', why isn't that reflected in the
25 simulations? How do you know that there is not a
↓

Comment 36
cont.

1 significant impact when you don't know how high the
2 buildings are going to be and when you do not know where
3 the buildings are going to be located? Thank you.

4 CHAIR SMITH: Thank you, Ms. Robinson.

5 INGRID OAKLEY-GIRVAN: Hi. Ingrid Oakley-Girvan,
6 again. I clearly live off Lark, and you've heard a lot
7 about that.

Comment 37

8
9 There are clearly dangerous hot spots and my soon
10 to be 16 year old driver is appalled at the driving on
11 Lark. We have a countdown before you go through a green
12 light so that you are not hit by a car speeding through a
13 red light. Happens every single day at every single
14 intersection that we go to. She will attest to that.

Comment 38

15 Roundabouts on Lark? Absolutely something to
16 think about. You heard something about European cities and
17 how they structure things. We should take a clue and look
18 at that. High congestion, high distribution of residents in
19 small spaces; that's what we're heading towards in this
20 environment.

Comment 39

21 We absolutely need a buffer zone on Lark. To
22 consider not having a buffer zone is crazy. I have ridden a
23 bike across multiple times with many kids either in front
24 or behind, and I have to say, I clutch my heart every
25

Comment 39
cont.

1 single time we do that, when we go across Lark. It needs to
2 be safe for kids, strollers and the elderly to cross.

Comment 40

3 If the idea is to have retail in the North Forty
4 area, I think that would be fabulous. Those of us who get
5 in our car to drive to Campbell or Saratoga or downtown Los
6 Gatos would prefer to keep our funds in Los Gatos and the
7 tax dollars here. However, we're just as easy to drive to
8 Campbell or Saratoga at this point, so if we could walk
9 over there and we had a quaint, aesthetically pleasing
10 environment similar to what you have downtown, I think we
11 would actually utilize it. Now, if there are no walking-
12 strolling paths and things like that, we might not do that
13 as much, so why wouldn't we encourage it? As people are
14 retiring and we have elderly communities they need these
15 walkability pathways.
16

Comment 41

17 Overcrowding in the schools. As a former LGF
18 president last year I can absolutely attest to this. We
19 went to San Carlos to talk to them about their STEM
20 program. They cut enrollment in middle and elementaries at
21 400. Ours are 600 to 700. They cut enrollment at middle
22 school and have already started to build a new one at 700.
23 We have a middle school that's almost topping 1,200. So
24 we're in a bad state of affairs in my opinion with the
25 current enrollment.

Comment 42

1 Now, I know everyone says turnover, or people
2 will stay, they'll retire, the kids will go on and they'll
3 go off to college, no one else will take that house. But
4 what you see in Los Gatos is because of the good schools
5 the parents retire elsewhere, the kids take the house, or
6 they slam into different size housing, three kids in a
7 bedroom. It's not bothering people and maybe again, that's
8 more of what they do in Europe and we have to think about
9 that and not think about it from our perspective but from
10 other perspectives.
11

12 I don't know if you can apply limits on housing,
13 the number of people in a unit size: five hundred feet, two
14 people.

15 Senior housing, that's a good thing. Distributing
16 the housing and the retail on both sides, I think that
17 that's something that would be great to think about.

Comment 43

18 I'm not really sure why, but I'm very frustrated
19 that the schools aren't here commenting. I don't know if
20 it's political and they don't want to sound like they have
21 overcrowded schools. Well, they do have overcrowded
22 schools. The schools are overcrowded. I mean we're going to
23 have 30 or 40 kids in a class. I don't see that as a
24 solution. Thank you.
25

1 CHAIR SMITH: Thank you for your comments. The
2 last card I have is Woody Nedom. Again, if there is anyone
3 else that wishes to speak, they need to come forward. All
4 right, Mr. Nedom.

5 WOODY NEDOM: My name is Woody Nedom; I live on
6 Azalea Way in Los Gatos.

7 I just wanted to emphasize one point that I put
8 into my written presentation to you folks, and that is I
9 think the number of housing units, 364, all essentially
10 jammed into this southern Lark Avenue portion is a horrible
11 idea. That's all in the Los Gatos School District.
12 Apparently the government code says that the money that the
13 Town gets from the developer fees, et cetera, is full
14 mitigation, so that can't be questioned.

15 I think that's what you call a legal fiction, so
16 I think it is incumbent upon the Town to do its own
17 mitigation in this regard, and that is this: If there are
18 going to be 364 housing units—I hope there aren't, but if
19 there are going to be—spread them out all over the North
20 Forty so that at least half of them or more are in the
21 north section, which is Cambrian School District, not Los
22 Gatos School District. In fact, their schools, at one
23 meeting we had probably a couple of years go, and I've
24 attended virtually every meeting, it was said that they
25

Comment 44

1 would welcome new students. So why aren't we spreading the
2 housing out?

3 We shouldn't be here to please a developer; we
4 should be here to serve the Town and the residents of this
5 town. Thanks very much.

6 CHAIR SMITH: Thank you very much. Jason Farwell.

7 JASON FARWELL: Good evening, Commissioners.
8 Jason Farwell, 18 Park Avenue in Los Gatos.

9
10 First and foremost I'd just like to say how
11 thankful I am to have these citizens down here tonight
12 voicing their concerns. I've been following this project
13 for a long time; I've been at a lot of meetings. It's
14 fantastic to finally see some outspoken citizens on the
15 impacts of this project. They're going to be monstrous,
16 they're going to impact our schools, and they're going to
17 impact our downtown dramatically.

Comment 45

18 I echo all of the concerns that have already been
19 voiced tonight, but my major issue that I have with this
20 Draft EIR relates to our downtown and the fact that we
21 still don't know the square footage of our downtown and how
22 it compares to the proposed development.

Comment 46

23 I've done my calculations; they're rough
24 calculations. I think it's somewhere around approximately
25 230,000 square feet from Highway 9 to North Santa Cruz

Comment 46

1 Avenue. That's just the Downtown District core there, and
2 this is all ground floor. So that's 230,000 square feet,
3 and they're proposing I think over 500,000 at the North
4 Forty. For this Draft EIR to propose that there's not going
5 to be a disparate impact to our downtown I think is
6 ridiculous. It will be dramatic.

Comment 47

7
8 The parking issue in our downtown is terrible. It
9 hasn't been addressed. We need a new garage at a minimum.
10 This parking that's going on in the North Forty is going to
11 be so accommodating that people are going to drive in there
12 all day long, because they're going to complain about going
13 downtown and the parking downtown.

14 Grosvener is a monster real estate company;
15 they're very good at what they do. This is going to be an
16 absolutely beautiful project that going to impress not only
17 Los Gatos but the entire Bay Area, and it is going to be a
18 regional draw, it's not going to be a Town draw, and our
19 town will forever be changed.

20 So I just ask you to view this project with open
21 eyes and really sift through this 1,800 page Draft EIR.
22 It's a monster. I couldn't look at it all; it was too much.
23 Thank you.

24
25 CHAIR SMITH: Thank you. Next is Brent Ventura.

1 BRENT VENTURA: Thank you, Commissioners, for
2 this hearing.

3 A couple of items. A lot of these issues have
4 been hit on already. I don't want to get repetitive here,
5 but one of the issues I do want to speak to is the wildlife
6 impact.

7 If you go out to that site there it's like going
8 back in time 50 or 60 years of Los Gatos back when the Town
9 was mostly orchards. Because it's been left undeveloped for
10 so long, there is an incredible amount of wildlife there.
11 I've had the opportunity to be there in the early mornings
12 and late evenings and I personally have seen cougar,
13 coyotes, fox, snakes. I can't tell you if they're garter or
14 gopher snakes, but I believe one of them might be
15 endangered. I've seen golden eagle out there.

16 It seems the wildlife survey was completely
17 inadequate in failing to identify any of these, and there
18 was no relocation plan or any real plan identified in the
19 EIR. What are we going to do with this precious last animal
20 wildlife we have in town? Obviously they may not be
21 compatible with the type of development that's being
22 discussed here, but that doesn't mean they should just be
23 bulldozed over. I think we're enlightened enough, that
24 we've learned enough over the past generations since this
25

1 town has developed with the intensity it has, not to make
2 those mistakes again, so I hope that would be corrected in
3 the EIR revisions.

Comment 49

4 The other two points I want to make is we're
5 looking at a lot of intense development here. I know there
6 is a great need in this community for senior housing. I
7 didn't see a lot of discussion of that, the possibly of
8 exploring that in the EIR. I'd like to see alternatives to
9 discuss the viability of that and see if that could be
10 incorporated. It certainly is a less intense traffic
11 generator than some of the other uses being discussed.
12

Comment 50

13 The other point was spreading the housing
14 throughout the entire site. I personally disagree with the
15 extrapolated attendance figures for the Elementary District
16 and the High School District. It's hard to believe with
17 that many houses we're going to generate 50 or 60 students;
18 I just don't believe that's possible. I think we're going
19 to have severe impacts. The schools are already impacted. I
20 have a child there right now and I can tell you the classes
21 are getting awfully large. There's another school district
22 that serves the property and they'd probably love to have
23 some additional students there. They sure would like to
24 have some of the property tax revenue and that's something
25 we should look at as an alternative to the site. Thank you.

1 CHAIR SMITH: Thank you very much. The last card
2 I have is Jennifer Grewal.

3 JENNIFER GREWY: Hi, I'm Jennifer Grewal and I
4 live at Charter Oaks in Los Gatos. I want to say thank you
5 to the Planning Commission because previously you have been
6 very attentive to the EIR, especially in the Albright Way
7 project where your recommendation to the Town that the
8 environmentally superior alternative was what should have
9 been built. It was the conservative alternative and it
10 would have been nice to have that lesser impact on that end
11 of town.
12

Comment 51 13 Our end of town has a history of very bad
14 decisions. There are five neighborhoods off of Lark with
15 only one way in and out. There is no access to southbound
16 85 from Winchester. Albright exceeded the environmentally
17 superior plan, as the EIR recommended. There are six
18 traffic lights in less than one mile on Lark Avenue. The
19 coordination of those lights is between two agencies,
20 Caltrans and the Town. Seventeen northbound off-ramp is a
21 yield sign to Lark Avenue, not a stop sign, so you have
22 merge issues in the morning at that intersection.
23

24 There were traffic studies that were ordered as
25 part of the Albright Way approval after it made it to the
Town Council for approval, and those haven't been completed

Comment 51
cont.

1 yet. What I found out when we met with the developer the
2 other night was that his Town mitigation only faces his
3 portion of the property as it affects Los Gatos Boulevard,
4 Bascom, and Lark Avenue, so there is no complete, cohesive
5 guess as to how all of these pieces are going to fit
6 together. I don't think there was consideration of possibly
7 doing an entrance to Highway 17 on the backside of this
8 property.
9

Comment 52

10 We discussed with the developer whether or not
11 the gas station was going to be purchased and he told us it
12 was not economically feasible for him to attempt to
13 purchase the gas station, but yet that gas station property
14 is going to be a bottleneck in the traffic as you merge
15 from Los Gatos Boulevard onto Lark Avenue. Evidently the
16 setbacks are such that as he put it, he would only be able
17 to build a sign on the corner of the property that would be
18 left from the setbacks. But what's going to happen by not
19 having those setbacks and having the gas station stay is
20 going to be yet another narrow spot on Lark that then goes
21 to a wide spot, but then crosses the bridge that then goes
22 back to a narrow spot.
23

Comment 53

24 Lark Avenue is a deadly accident again waiting to
25 happen, and it is just getting more and more so that that
is our inevitable future. Today it took me three minutes to

1 turn right to get out of Charter Oaks. I had a meeting at
2 the Los Gatos Parks and Rec Department. It took me three
3 minutes to make a right turn from Charter Oaks Drive onto
4 Lark Avenue in order to make the left onto University at
5 the light. That's crazy.

6 CHAIR SMITH: Your time is up. Thank you. If you
7 have written remarks, please submit them to us.

8 All right, we're now going to close this portion
9 of the meeting, and Mr. Paulson, do you want to state the
10 statutory dates again so that the public hears them?
11

12 JOEL PAULSON: Just for everyone's reminder, the
13 comment period ends on May 19th, which is next Tues, at
14 5:00pm. If anyone wants to submit additional written
15 comments via mail, email or dropping them off to the
16 Community Development Department and/or Clerk's Office,
17 then we will accept those until 5:00pm on May 19th.

Response to Oral Comments provided at Planning Commission

1. Refer to the response to Comment 2 in Letter 31 from VanNada.
2. Refer to the response to Comment 2 in Letter 31 from VanNada.
3. Traffic and student generation are based on data that is derived from large samples of built projects. A recent small sample may not provide accurate data from which to project the results of the proposed project. Refer to the Master Response on Schools.
4. The comment is noted.
5. Refer to the response to Comment 8 in Letter 35 from Quintana.
6. Refer to the response to Comment 2 in Letter 35 from Quintana.
7. The Draft EIR discussion includes separate discussions of air quality and greenhouse gas emissions because they address different topics. Note that the CEQA Guidelines Appendix G checklist also separates these two topic areas.
8. Figure 23, Traffic Study Intersections provides a map showing the location of each of the studied intersections. Section 3.13 Transportation and Traffic is presented in the context of the entire Draft EIR, including Appendix M, which includes the traffic impact analysis in its entirety. Section 2.0 Project Description presents numerous figures that portray the conditions in and near the Plan Area.
9. The comment relates history from World War II and the interment of the Japanese to the history of the Yuki family and its purchase of land within the Plan Area. The historic resources evaluation considered the potential for the Yuki family's association with the Plan Area to provide a historical context for the Plan Area, but determined that this connection did not justify the Plan Area as a historic site.
10. The comment relates to a brochure produced by the applicant, and does not address the Draft EIR.
11. Refer to the response to Comments 17 to 32 in Letter 11 from Hudes.
12. Refer to the Master Response on Schools.
13. The comment addresses specific locations where traffic conditions are described as congested, and where a fatal traffic collision occurred.

14. The proposed project does not propose changes to the Lark Avenue bridge over State Route 17. That bridge has a narrow elevated sidewalk on each side, but no buffer zone. The addition of turn lanes onto State Route 17 will make crossing from the Plan Area to the sidewalks on the Lark Avenue bridge more difficult. Refer also to the Master Response on Transportation.
15. Refer to the response to Comment 1 in Letter 22 from Fok.
16. Refer to the response to Comments 1 and 2 in Letter 22 from Fok.
17. Refer to the Master Response on Schools.
18. The Specific Plan does not mandate any particular split of housing within the Plan Area. However, based on the types of uses allowed within each of the three districts established by the Specific Plan, an allocation of 80 percent of the housing to the southern half of the Plan Area is reasonable. The rationale for this assignment is presented on Draft EIR page 3-184.
19. The EIR assumes a 20-year build-out of residential units, consistent with the 20-year build-out of the Specific Plan.
20. Projection C assumes development of one-half of the General Plan residential capacity for the Plan Area and Oka Road parcels, and best matches the proposed project, which calls for less than half the number of units that the General Plan considered within the Plan Area.
21. A student generation rate of 1.7 students per unit would be required for the proposed project to result in 619 new students. This rate is significantly above that of existing homes within the school district. Refer also to the Master Response on Schools.
22. Refer to the response to Comment 2 in Letter 24 from Harlan. Refer also to the Master Response on Transportation.
23. The Housing Element is referenced on Draft EIR page 3-170, but the Plan Area is not identified as a location within the Town where the Regional Housing Needs Allocation is expected to be met.
24. Refer to the response to Comment 1 in Letter 10 from Arzie.
25. Refer to the response to Comment 2 in Letter 10 from Arzie.
26. Refer to the response to Comment 3 in Letter 10 from Arzie.
27. Refer to the response to Comment 3 in Letter 10 from Arzie and the response to Comment 1 in Letter 4 from Dallas.

28. Refer to the response to Comment 3 in Letter 10 from Arzie and the response to Comment 1 in Letter 4 from Dallas.
29. The existing conditions and background conditions scenarios in the traffic impact analysis represent current and near-future conditions. Refer to the Master Response on Transportation.
30. The Draft EIR and transportation impact analysis study the Specific Plan, based on planned land uses and backbone transportation facilities. The tentative maps that have been submitted are consistent with the Specific Plan in terms of number of units and location of access points to Los Gatos Boulevard and Lark Avenue. Therefore, the transportation analysis presented in the Draft EIR is applicable to and accurate for the submitted tentative map.
31. This intersection arrangement is consistent with the Specific Plan. Refer to the response to Comment 1 in Letter 26 from Loughridge.
32. Refer to the Master Response on Transportation.
33. Refer to the responses to Comments 2 and 14.
34. Refer to the Master Response on Transportation.
35. Refer to the response to Comment 1 in Letter 12 from Robinson.
36. Refer to the response to Comment 1 in Letter 12 from Robinson.
37. The comment refers to dangerous drivers, and does not comment on the Draft EIR.
38. Roundabouts can be an effective traffic control device under certain traffic volume and roadway configuration scenarios. However, the traffic volumes on Lark Avenue are too high for roundabouts.
39. It is not clear if the commenter is speaking of a buffer zone along Lark Avenue or crossing Lark Avenue. Crossing of Lark Avenue (other than at Los Gatos Boulevard) would be prohibited with development of the proposed project. The proposed project includes a buffered two-way bicycle path along Lark Avenue within the Plan Area.
40. The Specific Plan includes walking paths within the Plan Area.
41. Refer to the Master Response on Schools.
42. The comment does not address the Draft EIR.
43. Refer to the Master Response on Schools.

44. Refer to the response to Comment 3 in Letter 10 from Arzie and the response to Comment 1 in Letter 4 from Dallas. Refer also to the Master Response on Schools. The Draft EIR studied a reasonable range of alternatives.

45. Refer to the Master Response on Schools.

46. The exact square footage of Downtown retail is less important to the Urban Decay Analysis than the floorplate size, which affects the types of retail stores that might be located within the Downtown and within the Plan Area.

47. The implication of the comment is that ample parking within the commercial developments in the Plan Area will provide a competitive advantage over Downtown businesses. Ample parking is available in other shopping centers within the retail trade areas, as studied in the Urban Decay Analysis, but competition from these other shopping centers has not harmed Downtown businesses. See also response 1 in Letter 7 from Walsh.

48. The Plan Area was surveyed by the consultant's biologists on six dates, both day and evening. The focus of biological surveys is on plant or animal species that are protected by federal or state law. Disturbance of habitat for non-protected species is not considered a significant environmental impact. Species expected to be seen within the Plan Area are listed on Draft EIR page 3-56.

49. Refer to the response to Comment 3 in Letter 10 from Arzie and the response to Comment 1 in Letter 4 from Dallas.

50. Refer to the response to Comment 3 in Letter 10 from Arzie and the response to Comment 1 in Letter 4 from Dallas. Refer also to the Master Response on Schools.

51. The comment cites traffic issues relating to the Albright Way project and Lark Avenue. The proposed project would construct improvements on the west side of Los Gatos Boulevard, adjacent to the Plan Area. Refer also to the response to Comment 1 in Letter 14 from Grewal.

52. The Specific Plan does not address whether the gas station remains or is replaced by other uses; however, the Specific Plan includes the square footage of existing commercial buildings within the total allowed square footage.

53. The comment describes traffic conditions on Lark Avenue.

3.0

REVISED SUMMARY

3.1 CEQA REQUIREMENTS

CEQA Guidelines section 15123 requires that an EIR contain a brief summary of the proposed project and its consequences. The summary must identify each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The Final EIR presents this revised summary as a concise overview of the EIR as revised through the public comment process.

3.2 TEXT OF REVISED SUMMARY

Beginning on the following page is a revised version of the summary from the Draft EIR. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Also refer to Section 4.0 Changes to the Draft EIR for other changes to the Draft EIR.

SUMMARY

CEQA REQUIREMENTS

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

PROPOSED PROJECT

Location and Setting

The Draft North Forty Specific Plan covers approximately 44 acres located at the northern extent of the Town of Los Gatos, southeast of the junction of the State Route 17 and State Route 85 freeways. About 27 acres of the Plan Area are in agricultural use and about 17 acres of the Plan Area have been developed with a variety of urban uses. The *Town of Los Gatos 2020 General Plan* designates the Plan Area as Mixed Use Commercial with a North Forty Specific Plan overlay.

Project Description

The proposed project is a specific plan for future development of the Plan Area. Development is expected to take place over a five to 20-year time period. The Draft Specific Plan provides a framework and development standards for the development of vacant parcels and re-development of the already-developed parcels. The Plan Area is divided into three districts (Lark, Transition, and Northern), within which a mix of commercial and residential uses is envisioned. The Draft Specific Plan limits total non-residential floor area to 580,000 square feet

and residential development to 364 units (both inclusive of existing uses). Additionally, the following maximum development capacities are established for each type of non-residential use: 250,000 square feet of office/hotel, and 400,000 square feet of commercial (includes: restaurants, retail, specialty market, health club, personal services, and entertainment). A hotel with or without a conference center is also allowed, potentially providing for between 200 and 250 conference participants. The Draft Specific Plan requires at least 30 percent (about 13.2 acres) of the Plan Area be retained in open space. The proposed project includes several changes to *Town of Los Gatos 2020 General Plan* guidance relating to Los Gatos Boulevard and the Plan Area. A zoning amendment would implement a specific plan overlay for the Plan Area.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

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

AREAS OF CONTROVERSY

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. Based on comments on the NOP and other communications, the following topic areas are considered potentially controversial:

- Aesthetics (development standards)
- Cultural Resources (removal of potentially historic buildings)
- Traffic (congested intersections and highways)
- Schools (student generation and traffic near schools)
- Economic impacts to downtown and other commercial areas

Summary of Alternatives

Project alternatives are presented, discussed, analyzed, and compared in Section 5.0, Alternatives.

The following project alternatives were analyzed:

- No Project Alternative – as required by CEQA Guidelines, this impact considers the consequences of not approving the proposed project.
- Increased Residential/Decreased Commercial Alternative – this alternative is intended to reduce traffic generation and associated air quality and greenhouse gas emissions, by increasing the number of residential units and decreasing the amount of commercial development.
- Historic Preservation Alternative – this alternative would create an historic conservation area into which potentially historic buildings from the Plan Area could be relocated, while preserving the development capacity of the proposed project.

The environmentally-superior alternative would be the “no project” alternative, because it would reduce impacts in all but three environmental topic areas, and would be similar to the proposed project in three others. The second environmentally-superior alternative would be the “Increased Residential/Reduced Commercial” alternative, which, although it would result in increased potential for noise and toxic air contaminant impacts, would reduce overall air quality impacts, and reduce impacts for greenhouse gasses, hydrology and water quality, and most significantly, transportation and traffic. The “Historic Preservation” alternative would decrease cultural resources impacts, but otherwise be similar to the proposed project.

Table S-1 Significant Impacts and Mitigation Measure Summary

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Aesthetics	Degradation of Visual Character	AES-1	New development adjacent to residential uses existing at the time of Specific Plan adoption shall provide minimum five foot side and rear setbacks to those residential uses.	Less than Significant
Air Quality	Criteria Air Pollutant Emissions – Consistency with 2010 Clean Air Plan	AQ-1	Low NO _x emitting heating systems shall be required for commercial, office, and hotel uses.	Less than significant
		AQ-2	Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.	
		AQ-3	All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Air Quality (continued)	Pollutant Concentrations at Sensitive Receptors	AQ-4	<p>The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.</p> <p>Basic Dust Control Measures:</p> <ul style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads shall be limited to 15 mph; e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and 	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>f. Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action <u>within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</u></p> <p><u>Additional Dust Measures</u></p> <p>g. <u>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;</u></p> <p>h. <u>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and</u></p> <p>i. <u>Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.</u></p>	
		AQ-5	High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		AQ-6	Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).	
Biology	Special-Status Species	BIO-1	If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed)	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.</p> <p>If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.</p> <p>To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		<p>BIO-2</p>	<p>To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).</p> <p>If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		BIO-3	<p>To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		BIO-4	<p>Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
Biology	Tree Protection	BIO-5	<p>Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement plantings, along with where they can be planted, and any applicable maintenance requirements.</p> <p>Retained trees shall be protected during construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003).</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Cultural Resources	Adverse Change to Historical Resources and Conflict with Plan Adopted for Environmental Purposes	CR-1	<p>Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the project sponsor shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.</p> <p>The project sponsor shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect set forth by the Secretary of the Interior (Secretary of the Interior’s Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.</p> <p>The Town of Los Gatos shall identify appropriate repositories for housing the historical</p>	<p>Less than significant <u>Significant and Unavoidable</u></p>

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.	
		CR-2	For potentially historic buildings proposed for retention at existing locations, the project sponsor shall prepare a historic structure(s) report (HSR) for the historic resource as a guide to the rehabilitation. The HSR shall set forth the history of the resource, describe its existing condition, make recommendations for repair, rehabilitation, replacement, reconstruction, and other treatments based on the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The HSR shall be prepared by a licensed architect who meets the qualifications for historical architect as set forth in the Secretary of the Interior’s Historic Preservation Professional Qualification Standards, published in the Federal Register, June 20, 1997 (Volume 62, Number 119).	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>The project sponsor shall retain the services of a historical architect as a member of the design team for the rehabilitation. The historical architect may be the same historical architect who prepared the HSR, without encountering a conflict of interest.</p> <p>The Town of Los Gatos shall review the rehabilitation plans prepared by the project architect for compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</p> <p>The HSR shall specify procedures for protecting historic resources and a monitoring method to be employed by the contractor while working near the affected resource. At a minimum, the plan shall address the operation of construction equipment near adjacent historical resources, storage of construction materials away from adjacent resources, and education/training of construction workers about the significance of the historical resources.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Cultural Resources	Potential Adverse Change to Archaeological Resources	CR-3	<p>For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.</p> <p>In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).</p>	
Cultural Resources	Adverse Change to Paleontological Resources and Potentially Disturb Human Remains	CR-4	<p>If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work,</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs will be the responsibility of the developer(s).</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Hazards and Hazardous Materials	Project on a Hazardous Materials Site	HAZ-1	Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.</p>	
Hydrology and Water Quality	Excess or Polluted Storm Water Run-off	HAZ-1	See above.	Less than significant
Noise	Noise in Excess of Standards	NOI-1	<p>A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 300 <u>200</u> feet (or approximately 50 <u>150</u> feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.	
		NOI-2	<p>Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the normally acceptable noise level of the Town of Los Gatos 2020 General Plan and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to meet these standards. The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:</p> <ul style="list-style-type: none"> ▪ Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower; ▪ Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and 	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<ul style="list-style-type: none"> ▪ As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a habitable interior environment, consistent with California Building Code requirements. Systems must not compromise sound-insulation of the building shell. 	
		NOI-3	<p>Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		NOI-4	Future non-residential development on sites where the Ldn noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of Leq-1hr 50 dBA or lower. Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.	
		NOI-5	Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.	
Noise	Ground-borne Vibration	NOI-6	Future development projects that include vibration-sensitive facilities, or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Noise	Potential Project Vicinity Permanent Ambient Noise Increase	NOI-7	Future development projects including or requiring roadway improvement projects along Burton Way in the northern portion of the Plan Area shall require a noise assessment prior to approval if existing residential uses will remain adjacent to the roadway improvements . The assessment shall consider the orientation and width of the roadway; location and design of existing residences; and shall identify appropriate mitigation measures to reduce traffic noise to within the Town of Los Gatos noise standards. This is expected to consist of sound-rated windows and doors, and possible roadway noise barriers.	Less than significant
Noise	Project Vicinity Temporary or Periodic Ambient Noise Increase	NOI-8	Future development applications shall identify the location and types of sensitive receptors that may be affected by construction noise and/or vibration. Measures to control construction noise and address potential complaints shall be proposed and called out in site plans and/or building plans: <ul style="list-style-type: none"> ▪ Consistent with the Town Code, construction activities, which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>p.m. weekends and holidays if they meet at least one of the following noise limitations:</p> <ul style="list-style-type: none"> • No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. • The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. <ul style="list-style-type: none"> ▪ Locate stationary and mobile noise generating equipment as far as possible from sensitive receptors. Staging areas shall not be located adjacent to sensitive receptors, such as residences. ▪ Conduct a pre-construction meeting with nearby sensitive receptors to outline the construction schedule and what types of noises with will hear. Post construction schedules outside the construction site. ▪ Designate a point of contact that will be responsible for responding to complaints about noise during construction. Develop a process to respond to and address complaints. 	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<ul style="list-style-type: none"> ▪ Submit a vibration study identifying the nearest sensitive receivers, construction activity, and mitigation measures as needed. 	
Transportation/ Traffic	Conflict with Measure of Effectiveness –Streets Level of Service	TR-1	<p>The following intersection improvements shall be completed at the Los Gatos Boulevard/Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.</p> <p>a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;</p> <p>b. addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).</p> <p><u>In the event that the necessary right-of-way for Burton Road widening cannot be obtained prior to initial development within the Northern District, an alternative access street shall be completed and supplemental traffic analyses shall be conducted to demonstrate that adequate ingress and egress can be provided by other routes within the Plan Area.</u></p>	Less-than-Significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		TR-2	<p>The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:</p> <ul style="list-style-type: none"> a. addition of a third eastbound left turn lane on Lark Avenue; b. addition of third northbound left turn lane on Los Gatos Boulevard; c. addition of a third westbound lane on Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and d. modification and re-striping of intersection and restriction of parking as needed. 	
		TR-3	<p>Applicants for development or redevelopment projects within the Northern District shall pay a pro-rata share of improvements at the Samaritan Drive/National Avenue intersection or other</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>improvement related to relieving congestion at the Samaritan Drive/National Avenue intersection. Improvements could include, but are not limited to, lane or traffic control improvements to the Samaritan Drive/National Avenue intersection and/or signalization of the Samaritan Drive/Samaritan Court intersection. Pro-rata share shall be based on percent of project trips, per distribution patterns in the North 40 Transportation Impact Analysis, as a share of total trips within the intersection. Fees shall be paid to the City of San Jose prior to issuance of building permits. The applicant shall pay the pro-rata share of improvement as determined by the Town of Los Gatos and City of San Jose. If a specific improvement project has not been identified, the fee shall be based on pro-rata share of a traffic signal, and shall be proportionally refundable if a less expensive project is developed.</p>	
<p><u>Transportation/Traffic</u></p>	<p>Conflict with Measure of Effectiveness –Highways Level of Service and Conflict with Congestion Management Program</p>	<p>See note.</p>	<p><u>Note: No project mitigation proposed.</u> If the State Route 85 high occupancy/toll lanes are implemented, the proposed project’s impacts would be reduced to a less-than-significant level. <u>Fee payment mitigation proposed would not reduce impacts to a less-than-significant level.</u></p>	<p>Significant and Unavoidable</p>

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		TR-8	<p><u>Prior to issuance of each building permit, the building applicant shall submit a transportation development impact fee to the Santa Clara Valley Transportation Authority for the purpose of off-setting the cost of operational improvements on southbound State Route 85 between Winchester Boulevard and State Route 17 (“affected segment”). The fee shall be negotiated between the developers and the Santa Clara Valley Transportation Authority, based on the number of project trips that exceed one percent of project trips on the affected segment (the significance threshold), and based on the proportionate number of trips projected for the subject building(s) in accordance with the North Forty Traffic Impact Analysis. The project cost to which the share of responsibility shall be applied shall be determined by the Santa Clara Valley Transportation Authority for the affected segment.</u></p>	
Transportation/ Traffic	Conflict with Measure of Effectiveness – Transit	TR-4	<p>The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			with commencement of revenue service on the Vasona light rail extension.	
		TR-5	The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.	
Transportation/ Traffic	Conflict with Measure of Effectiveness – Bicycles and Pedestrians	TR-6	Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.	Less than significant
Transportation/ Traffic	Hazardous Design or Incompatibility	TR-7	Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.	Less than significant
Transportation/ Traffic	Cumulative Traffic Impacts	CUM-TR-1	Project developers shall pay a pro-rata share towards the construction of the following off-site	<u>Less than significant</u>

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			intersection improvement at the Lark Avenue/southbound State Route 17 onramps intersection. a. Reconfiguration of the eastbound lanes on Lark Avenue to convert the existing right-turn only lane to a shared through/right turn lane, with the following final configuration: one left turn lane (onto State Route 17) two through lanes, and one shared through/right turn lane at Garden Hill Drive.	
		CUM-TR-2	The following signal light adjustments shall be completed no later than the occupancy of 50 percent of the retail square footage. a. Increase cycle length and associated green time to accommodate the increase in traffic.	
Utilities	New or Expanded Utilities Facilities	See note.	Note: This impact is mitigated through measures presented for air quality, hazardous materials, and noise.	Less than significant
Utilities	Wasteful use of Fuel, Water, or Energy	See note.	None Note: This impact is mitigated through measures presented for air quality and transportation/traffic.	Less than significant

Source: EMC Planning Group Inc. 2014

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4.0

CHANGES TO THE DRAFT EIR

4.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132 requires that a Final EIR contain either the draft EIR or a revision of the Draft EIR. This Final EIR incorporates the Draft EIR by reference and includes the revisions to the Draft EIR, as presented on the following pages.

4.2 CHANGES MADE

This section contains text, tables, and/or graphics from the Draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text (*italic*) precede each revision. Also refer to Section 4.0 Revised Summary for a summary of the Draft EIR that reflects changes made as a result of the public review process.

The Table of Contents is corrected to include Appendix N Utilities.

For changes to the Summary, refer to Section 3.0 Revised Summary.

The Summary Table is corrected on page S-5 to capture text that overran the box.

The Summary Table is revised on page S-11 to change the Residual Impact for Mitigation Measure CR-1 to Significant and Unavoidable.

The Summary Table is revised on page S-18 to reflect changes to Mitigation Measure NOI-1, as noted below.

The Summary Table is revised on page S-24 to reflect changes to Mitigation Measure TR-1, as noted below.

The Summary Table is corrected on page S-26 to add Transportation/Traffic to the Issue of Concern column.

The Summary Table is revised on page S-26 to add Mitigation Measure TR-8.

The Summary Table is corrected on page S-27 to list the Residual Impact for Mitigation Measure CUM-TR-1 and CUM-TR-2 as Less than Significant.

Text on page 2-24 of the Draft EIR is revised to clarify the Specific Plan open space requirements regarding increased height.

The Draft Specific Plan requires at least 30 percent (about 13.2 acres) of the Plan Area be retained in open space, both as hardscaped open space and landscaped open space. Hardscaped areas (sidewalks, paseos, plazas) are required to occupy at least 10 percent of the Plan Area (about 4.4 acres). Parking and roadways are not counted toward the hardscaped open space requirement. Green open space is required to occupy at least 20 percent of the Plan Area (about 8.8 acres). If increased height is permitted for buildings in the Transition District (from 35-foot up to 45-foot height), then the green open space requirement for that property (or group of properties under a single Architecture and Site Review) increases ~~to 25~~ by five percent of the building footprint that exceeds 35 feet for that property.

Text on page 2-24 of the Draft EIR is revised to clarify the Specific Plan allows increased heights for both residential and non-residential buildings

The Draft Specific Plan includes additional detailed standards for non-residential and residential uses. The detailed non-residential standards provide information on building height limits, limitations on retail store sizes, and the design of outdoor ancillary uses, such as storage or disposal. In general, non-residential buildings can be no higher than 35 feet (or up to 45 feet if additional open space is provided or the project is for affordable housing), but several exceptions allow for additional height, the limit to which is to be determined by the Town in issuing a conditional use permit and architecture and site review approval. Hotels are limited to 45 feet unless the Town grants a conditional use permit and architecture and site approval to allow additional height. Certain building elements are permitted to exceed the height limits. The detailed residential standards control setbacks and exceptions to setbacks, landscaping, and building height. In general, residential buildings are allowed to be up to 35 feet in height, but exceptions are allowed up to 45 feet, and in the Lark District, at least 15 percent of buildings must be no more than 25 feet high. In the Transitional zone, any building may exceed 45 feet with approval of a Conditional Use Permit.

Text on pages 2-42 and 2-43 of the Draft EIR is revised to clarify that the objective is to provide affordable units at the rate of 20 percent of the market rate units.

2. Provide a residential program that designates a variety of development intensities to help achieve the Town's unmet needs, including the young working professionals and empty-nester move-down buyers, as well as complies with the Town of Los Gatos Housing Element, with the number of units having sales prices or rents for low income earners equal to a minimum of 20 percent of the market rate residential units ~~having sales prices or rents for low income earners.~~

Text on page 3-8 of the Draft EIR is revised to clarify that architectural features in excess of the height limit may not exceed 30 percent of the length of the parapet on the given building façade.

- Architectural features (towers, cupolas, roof pitches of 8:12 or greater, etc.) are allowed to exceed the height limit, but not by more than 30 percent of the length of the parapet on the given building facade. This exception provides for both architectural enhancements and accommodation of mechanical equipment. The Draft Specific Plan does not provide a maximum additional height that is allowed for these features. As an example of the additional height that might be allowed, a 30-foot wide building with a 6:12 roof pitch could add 7.5 feet of height (.5 foot rise per foot of run times 15-foot span), for a maximum height of 42.5 feet (35 feet plus 7.5 feet for this height exception).

Text on page 3-9 of the Draft EIR is revised to clarify the description of approval requirements for height exceptions.

Each of these exceptions requires Architecture and Site Review and is subject to required findings. The Planning Commission must also approve a conditional use permit for most height exceptions, ~~subject to required findings.~~ Such determinations are appealable to the Town Council. The effect of Plan Area buildings on scenic vistas cannot be precisely determined without specific building designs; however, the Draft Specific Plan requires that building height may not have significant adverse effects on the ridgeline, which must be confirmed through Planning Commission review and approval. The tops of buildings are expected to be below the ridgeline, as discussed below.

Text on page 3-16 of the Draft EIR is revised to reflect that the General Plan's height limits range from 35 feet to 45 feet.

Building Height. The effect of proposed building height limits on views and visual character is discussed earlier. The *Town of Los Gatos 2020 General Plan* establishes building height limits of 35 to ~~50~~ 45 feet within the Town. The Draft Specific Plan, as a subset of, and an amendment to the General Plan, may establish a height limit within the boundaries of the Plan Area. If the Town Council adopts the Draft Specific Plan with the proposed height limits, the new height limits would be automatically consistent with the *Town of Los Gatos 2020 General Plan*.

The impact statement on page 3-73 of the Draft EIR is revised to change the significance determination.

Less-than-Significant and Unavoidable Impact with Mitigation: Adverse Change to Historical Resources

Text on page 3-77 of the Draft EIR is revised in response to public comment in order to reflect the change to the determination in significance. This change in conclusion is not based upon new facts, but reflects the Town's reconsideration of this part of the EIR in light of the findings of the historical reports, as suggested in public comments. Neither the proposed project nor the substance of the impacts to existing historic resources has been changed.

To reflect the historic and agricultural heritage of the Plan Area and the Town, the Draft Specific Plan incorporates architectural design requirements and orchard plantings along the Los Gatos Boulevard and/or Lark Avenue frontages. Despite these Draft Specific Plan provisions, and the condition and historic integrity of some of the structures, removal of potentially historic resources would be a significant adverse environmental impact. Implementation of the following mitigation measures would reduce this impact but not to a less-than-significant level.

Text on page 3-80 of the Draft EIR is revised concerning consistency with General Plan policies to reflect the change in determination in significance for loss of potentially historic resources.

Less-than-Significant Impact with Mitigation: Conflict with Plan Adopted for Environmental Purposes

Historic Structures (Policies OSP-9.2, CD-12.1, CD-12.2, CD-12.3, CD-12.4, CD-12.9). The Plan Area includes several buildings that have been identified as potentially historic. Refer to the prior discussion of historic resources. Mitigation Measures CR-1 and CR-2 would mitigate the impact to potentially significant buildings, but not to a less-than-significant level. As mitigated, however, the proposed project would not be inconsistent with these *Town of Los Gatos 2020 General Plan* policies relating to historic resources and adopted to prevent environmental effects because these policies do not prohibit the demolition of historic structures or require that all historic structures in the Town must be retained.

Text on page 3-132 of the Draft EIR is revised to reflect that the Plan Area is within the dam failure inundation area, based on mapping prepared by the Santa Clara Valley Water District.

No Less-than-Significant Impact: Flooding, Seiche, Tsunami, Mudflow

The Plan Area is not within a 100-year flood zone. The Plan Area is shown in the *Town of Los Gatos 2020 General Plan EIR* and on Federal Emergency Management Agency maps as being located within the 500-year flood zone (Draft EIR Figure 4.8-1; General Plan Figure SAF-4;

Federal Emergency Management Agency 2009), so flooding, if it were to occur, would be infrequent, and most likely minor. The Plan Area is ~~outside of~~ within a dam failure inundation areas (~~Draft EIR Figure 4.8-2; General Plan Figure SAF-5~~ Santa Clara Valley Water District 2014). The Plan Area is downstream of the Lenihan Dam at Lexington Reservoir on Los Gatos Creek, ~~but the Plan Area is protected from~~ and subject to flooding in the event of a dam failure. ~~Flood waters are expected to remain on the west side of State Route 17 in the event of a dam failure.~~ Lenihan Dam was seismically upgraded in the past five years, and the state inspects dams regularly to ensure safety; therefore, dam failure is unlikely, and the impact is considered less than significant.

The Plan Area is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The Plan Area is essentially level, and is surrounded by essentially level ground, so mudflows are not possible.

Mitigation Measure NOI-1 on page 3-163 of the Draft EIR is revised for consistency with the noise report, revising “300 feet along Lark Avenue” to “200 feet” and “50 feet west of Highland Oaks Drive to “150 feet.”

NOI-1. A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately ~~300~~ 200 feet (or approximately ~~50~~ 150 feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.

Text on page 3-201 of the Draft EIR is revised to reflect a more current date for which the Valley Transportation Plan 2040 is scheduled for adoption, per the Valley Transportation Plan 2040 Development Matrix, dated June 10, 2014.

Valley Transportation Plan 2040 is scheduled for adoption in ~~March~~ August 2014, and has a similar list of projects in the vicinity of the Plan Area (Santa Clara Valley Transportation Authority 2013b).

Mitigation Measure TR-1 on page 3-220 of the Draft EIR is revised to include alternative mitigation that could be applied in the event that the Burton Road widening cannot occur prior to initial development within the Northern District.

TR-1. The following intersection improvements shall be completed at the Los Gatos Boulevard/Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.

- a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;*

- b. *addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).*

In the event that the necessary right-of-way for Burton Road widening cannot be obtained prior to initial development within the Northern District, an alternative access street shall be completed and supplemental traffic analyses shall be conducted to demonstrate that adequate ingress and egress can be provided by other routes within the Plan Area.

Text on page 3-222 of the Draft EIR is revised to indicate that the existing LOS E is an acceptable level of service on this freeway segment. This text is also revised to indicate that a significant effect occurs under both development scenario A and B.

Freeway Segments. The proposed project would contribute to regional increases in highway traffic, and increased delays on State Route 17 and State Route 85. *Town of Los Gatos 2020 General Plan Policy TRA-1.1 states that development shall not exceed transportation capacity. The transportation impact analysis includes evaluation of 14 freeway segments. ~~With development scenario A, project generated traffic added to existing conditions would not degrade traffic flow from acceptable to unacceptable level of service, nor increase traffic by one percent or more of capacity on any of the studied segments.~~ With both development scenarios ~~B~~, project-generated traffic would exceed one percent of capacity on the southbound State Route 85 mixed flow lanes from Winchester Boulevard to State Route 17. This segment ~~already~~ currently operates at acceptable LOS ~~F~~ E. (Fehr and Peers 2014, Table 15). This would be a significant environmental impact. The transportation impact analysis does not propose mitigation to address adverse freeway segment effects.*

A new mitigation measure is added on page 2-223 to partially reduce the effects of traffic on southbound State Route 85 between Winchester Boulevard and State Route 17.

Mitigation Measure

TRA-8. Prior to issuance of each building permit, the building applicant shall submit a transportation development impact fee to the Santa Clara Valley Transportation Authority for the purpose of offsetting the cost of operational improvements on southbound State Route 85 between Winchester Boulevard and State Route 17 ("affected segment"). The fee shall be negotiated between the developers and the Santa Clara Valley Transportation Authority, based on the number of project trips that exceed one percent of project trips on the affected segment (the significance threshold), and based on the proportionate number of trips projected for the subject building(s) in accordance with the North Forty Traffic Impact Analysis. The project cost to which the share of responsibility shall be applied shall be determined by the Santa Clara Valley Transportation Authority for the affected segment.

The mitigation measure would reduce impacts on State Route 85, but the payment of fees may not completely mitigate the impact, and the impact would remain significant and unavoidable.

The last paragraph on page 3-228 of the Draft EIR is revised to correct a grammatical error.

Countywide Bicycle Route 16B. County wide route 16B passes through the Los Gatos Boulevard/Samaritan Drive intersection. *San Jose Bike Plan 2020* proposes Class II bike lanes on Samaritan Drive. The proposed project would result in significant level of service impacts at this intersection, but the required street improvements would not alter the existing geometry on Samaritan Drive, or ~~effect~~ affect the potential to develop bicycle facilities.

Text on page 3-246 of the Draft EIR is corrected to state that wastewater generation would be 236,000 gallons rather than 131,600 gallons.

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 mgd and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. The proposed project's wastewater flow was estimated based on generation factors of 250 gallons per day per residence and 70 gallons per day per 1,000 square feet for commercial uses (RMC Water and Environment 2009). Plan Area build-out would result in the generation of approximately ~~131,600~~ 236,000 gallons of wastewater per day.

Text on page 4-12 of the Draft EIR is revised to correct the impact characterization from significant and unavoidable to mitigated to a less than significant level.

Traffic impacts at the National Avenue/Samaritan Drive intersection would ~~remain~~ be mitigated to a less-than-significant level and unavoidable, as described in Section 3.13 Transportation and Traffic.

Table 33 on page 5-17 of the Draft EIR is revised to reflect a change in the determination of significance for Cultural Resources.

Table 33 Summary of Project Alternatives Effects

Topic	Proposed Project	No Project	Increased Residential Decreased Commercial	Historic Preservation
Aesthetics	Mitigated	Reduced	Similar	Similar
Agricultural Res.	Less than Significant	Reduced	Similar	Similar
Air Quality	Mitigated	Reduced	Reduced	Similar
Biological Resources	Mitigated	Reduced	Similar	Similar
Cultural Resources	Mitigated Significant Unavoidable	Reduced	Similar	Reduced
Geology and Soils	Less than Significant	Similar	Similar	Similar
Greenhouse Gasses	Less than Significant	Reduced	Reduced	Similar
Hazardous Mat.	Mitigated	Reduced	Similar	Similar
Hydro/Water Quality	Mitigated	Reduced	Reduced	Similar
Land Use/Planning	Mitigated	Similar	Similar	Similar
Noise	Mitigated	Reduced	Increased	Similar
Public Services	Less than Significant	Reduced	Similar	Similar
Transportation	Significant Unavoidable	Reduced	Reduced	Similar
Utilities	Mitigated	Reduced	Similar	Similar
Rank		1	2	3

Source: EMC Planning Group 2013

Note: Environmental effects noted as decreased, similar to, of increased compared with the unmitigated proposed project.

Text on page 6-2 and 6-3 of the Draft EIR is revised to reflect the change in determination regarding loss of potentially historic buildings, and to correct an error regarding significant unavoidable impacts on State Route 85.

Cultural Resources

The proposed project would result in the removal of buildings within the Plan Area that have been identified as potentially historic, having an association with the area's agricultural past. Six buildings (or groups of buildings on a single site) are listed in the historic resources evaluation as

potentially eligible as state historic resources. The Plan Area appears to maintain a strong association with Santa Clara Valley's peak era of horticultural production from 1910-1929. During this period the area was known as "The Valley of Heart's Delight," and orchards covered the area surrounding Los Gatos, and the Santa Clara Valley in general. Mitigation Measures are included in Section 3.5, Cultural Resources, that would reduce the significance of the impact, but not to a less-than-significant level.

Transportation and Traffic

The proposed project would add new trips amounting to more than one percent of the existing volume on a State Route 85 segment that currently operates at unacceptable levels of service. ~~With under both development scenarios A, project-generated traffic added to existing conditions would not degrade traffic flow from acceptable to unacceptable level of service, nor increase traffic by one percent or more of capacity on any of the studied segments. With development scenario B, project-generated traffic would exceed one percent of capacity on the southbound State Route 85 mixed flow lanes from Winchester Boulevard to State Route 17. This segment already currently operates at LOS EF. (Fehr and Peers 2014, Table 15). This would be a significant environmental impact. The transportation impact analysis does not propose mitigation to address adverse freeway segment effects. Mitigation Measure TR-8 would require payment of a development impact fee, but this measure would not reduce the impact to a less-than-significant level.~~

VTA and Caltrans are currently planning a project on State Route 85 that would convert the existing high occupancy vehicle lanes into high occupancy/toll lanes. If the State Route 85 high occupancy/toll lanes are implemented, the proposed project's impacts would be reduced to a less-than-significant level.

In Appendix G, additional historic evaluation material is added (see end of this section).

In Appendix M, page v of the transportation impact analysis is revised.

SR 17 NB and Lark Avenue

The on-ramp has two single-occupant vehicle (SOV) lanes which are metered during the AM peak hour at a minimum rate of 330 vehicles per hour per lane (vphpl) and a maximum rate of 900 vphpl. The ramps have a vehicle storage length of 700 feet per lane. Under Existing plus Project and Background plus Project conditions, both project alternatives are projected to add vehicle trips equal to more than one percent of capacity to the on-ramp during both the AM and PM peak hours. Analysis indicates that the additional queue resulting from adding project traffic can be accommodated within the existing vehicle storage length and by adjusting the metering rate to appropriately meter traffic such that queues would not impact Lark Avenue, as shown in Table 16 and Table 26.

Other Listings
 Review Code

Reviewer

Date

*Resource Name or #: 15043 Los Gatos Boulevard

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted

*a. County: Santa Clara

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Los Gatos

Date: 2012 T 8 S ; R 1W ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 15043 Los Gatos Boulevard

City: Los Gatos

Zip: 95032

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: APN 424-07-086

Elevation:

***P3a. Description:**

This one-story contemporary vernacular commercial structure is complex in plan and operates as a bar. The wood-frame building has a mix of stucco cladding and horizontal, vertical and diagonal wood siding. A false storefront at the entrance of the building has river rock at the base and a parapet just above the door clad in tile. River rock planters flank each side of the glazed entry door. The false front features a shed roof while the main structure has a cross gable roof. Rear additions have a flat roof. A variety of window types are found around the building – metal sliders and fixed wood. A corrugated sheet metal roof shelters a paneled side door. Two substantial square posts support this roof. Steps, with a metal railing, lead up to the side door. Several additions have been completed off the rear of the structure. Alterations to the building include window replacement, cladding replacement, the addition of the false front and other additions off the rear. The overall condition of the commercial structure is fair.

*P3b. Resource Attributes: Single Family Property, HP2; Ancillary Building HP4

*P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Front elevation, June 23, 2014

*P6. Date Constructed/Age and Sources: Historic Prehistoric Both
 c. 1933

*P7. Owner and Address:
 Robert Spinazze
 19249 Citrus Lane
 Saratoga, CA 95070

*P8. Recorded by:
 Hisashi Sugaya/Elizabeth Graux
 Carey & Co., Inc.
 460 Bush St., San Francisco, 94108

*P9. Date Recorded:
 June 2014

*P10. Survey Type: Intensive

*P11. Report Citation: none

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Name or # 15043 Los Gatos Boulevard

B1. Historic Name:

B2. Common Name:

B3. Original Use: Single-family residence

B4. Present Use: Bar/tavern

*B5. **Architectural Style:** Contemporary vernacular

*B6. **Construction History:**

Constructed circa 1933; The building has a new false front and additions to the rear of the original building.

*B7. **Moved?** No Yes Unknown **Date:**

Original Location:

*B8. **Related Features:**

Driveway and parking to the south and east. Rock garden in front yard.

B9a. Architect: N/A

b. Builder: unknown

*B10. **Significance: Theme:** Santa Clara Valley Agriculture

Area: Northern Los Gatos

Period of Significance: c. 1940

Property Type: Single-family residence

Applicable Criteria: N/A

The small parcel at 15043 Los Gatos Boulevard was once part of Mexican-era Rancho Rinconada de Los Gatos. The rancho was established by an 1840 grant made by Governor Juan Alvarado to Jose Maria Hernandez and Sebastian Fabian Peralta. The 6,631-acre land grant included the present-day cities of Los Gatos, Monte Sereno, and portions of Campbell. Its major feature was Los Gatos Creek, which ran through the center of the property.

See continuation sheet.

B11. Additional Resource Attributes: (List attributes and codes)

*B12. **References:**

See continuation sheet

B13. Remarks:

*B14. **Evaluator:** Hisashi Sugaya/Elizabeth Grauz, Carey & Co., Inc.

*Date of Evaluation: June 2014

(This space reserved for official comments.)



B10. Significance: (Continued)

By 1876, the land which included the subject property was listed as being owned by Robert Walker on a Thompson & West map. Robert Walker, a native of Canada, purchased property and moved to Los Gatos in 1871. Walker married Eliza Jane Parr, whose father owned 3,000 acres of land on both sides of the Los Gatos Creek. Robert and Eliza had three children, Leslie, Myrtle, and Vivian, between whom they subdivided much of their land holdings following Eliza's death in 1893. Leslie Walker's 54 acre parcel was located directly north of the Walker Tract Subdivision and south of Myrtle Walker Johnson's 55 acre parcel.¹ The subject parcel appears to have been within Leslie Walker's former land holdings along Los Gatos Boulevard.

Los Gatos Boulevard was known as San Jose-Los Gatos Road from the late 1880s through to around 1950. This name derived simply because the road connected San Jose to Los Gatos. Around 1950 the road name was changed to South Bascom Avenue. By the early 1970s the road name was changed again to Los Gatos Boulevard. As the road continues north into the San Jose city limits and past Highway 85 the name remains South Bascom Avenue.

The building does not appear to be eligible for listing in the NRHP or the CRHR under Criterion A/1. It did not play a significant role in the Agricultural growth of the Santa Clara Valley. Additionally, it does not appear to be eligible under NRHP/CRHR Criteria B/2, C/3, or D/4. No persons have been identified that appear to have made a significant contribution to local, state, or national history. Constructed c.1933, the house does not appear to be a significant example of an architectural type especially since it has been extensively modified so that the original design is obscured except for its gable roof form. Lastly, the house does not appear to possess the potential to yield information important to the prehistory or history of the local area, state, or the nation.

The evaluation of historic significance is two step process with the first being an assessment of whether the property meets any of the four criteria for listing in the NRHP or CRHR. The second step is an evaluation of the property's integrity. There are seven aspects of integrity: location, design, materials, workmanship, setting, feeling and association. For 15043 Los Gatos Boulevard, the above analysis of the criteria for listing concludes the property does not appear to be eligible for the NRHP or the CRHR. In addition, the property has been subject to extensive changes that have affected its integrity of design, materials, workmanship, setting, feeling and association, thus further precluding its eligibility for listing in either the NRHP or the CRHR.

B12. References: (continued)

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*Recorded by: Hisashi Sugaya/Elizabeth Graux, Carey & Co., Inc.

*Date: June 2014

Continuation Update
DPR 523L (1/95)

*Required information

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*Recorded by: Hisashi Sugaya/Elizabeth Graux, Carey & Co., Inc.

*Date: June 2014

Continuation Update
DPR 523L (1/95)

*Required information

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Photographs Continued



*Recorded by: Hisashi Sugaya/Elizabeth Graux, Carey & Co., Inc.

*Date: June 2014

Continuation Update
DPR 523L (1/95)

*Required information

5.0

MITIGATION MONITORING AND REPORTING PROGRAM

5.1 INTRODUCTION

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

5.2 MONITORING PROGRAM

The basis for this monitoring program is the mitigation measures included in the project EIR. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached monitoring program, which begins on the following page, is proposed for monitoring the implementation of the mitigation measures. This monitoring program contains all appropriate mitigation measures in the environmental impact report.

5.3 MONITORING PROGRAM PROCEDURES

The Town of Los Gatos Community Development Department is responsible for coordination of the monitoring program. The Community Development Department should be responsible for completing the monitoring program and distributing the monitoring program to the responsible individuals or agencies for their use in monitoring the mitigation measures.

Each listed responsible individual or agency is responsible for determining whether the mitigation measures contained in the monitoring program have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring program with evidence of compliance to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring program should not be returned to the Community Development Department.

The Town of Los Gatos Community Development Department will review the monitoring program to ensure that appropriate mitigation measures and additional conditions of project approval included in the monitoring program have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.

If a responsible individual or agency determines that non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the Town of Los Gatos.

MITIGATION MONITORING AND REPORTING PROGRAM

DATE: July 18, 2014

PROJECT: North 40 Specific Plan

PD-14-001, Z-14-001

3.1 Aesthetics			
AES-1. New development adjacent to residential uses existing at the time of Specific Plan adoption shall provide minimum five foot side and rear setbacks to those residential uses.	Required as a Condition of Approval. Responsible Party: Applicant.	Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.	Prior to issuance of Building Permits.
3.3 Air Quality			
AQ-1. Low NOX emitting heating systems shall be required for commercial, office, and hotel uses.	Required as a Condition of Approval. Responsible Party: Applicant.	Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.	Prior to issuance of Building Permits.
AQ-2. Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.	Required as a Condition of Approval. Responsible Party: Applicant.	Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.	Prior to issuance of Building Permits.
AQ-3. All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site	Required as a Condition of Approval. Responsible	Director of Community Development. Ensure these	Prior to issuance of Building Permits.

MITIGATION MONITORING AND REPORTING PROGRAM

DATE: July 18, 2014

PROJECT: North 40 Specific Plan

PD-14-001, Z-14-001

<p>solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.</p>	<p>Party: Applicant.</p>	<p>measures are incorporated into project plans and completed on time.</p>	
<p>AQ-4. The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.</p> <p>Basic Dust Control Measures:</p> <p>a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;</p> <p>b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;</p> <p>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;</p> <p>d. All vehicle speeds on unpaved roads shall be limited to 15 mph;</p> <p>e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and</p> <p>f. Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit. Monitoring prior to and during construction.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

DATE: July 18, 2014

PROJECT: North 40 Specific Plan

PD-14-001, Z-14-001

<p>respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>Additional Dust Measures</p> <p>g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;</p> <p>h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and</p> <p>i. Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.</p>			
<p>AQ-5. High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>
<p>AQ-6. Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

DATE: July 18, 2014

PROJECT: North 40 Specific Plan

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3.4 Biological Resources			
<p>BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.</p> <p>If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit – note seasonal requirement.</p> <p>Monitoring prior to and during construction.</p>

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<p>To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>			
<p>BIO-2. To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).</p> <p>If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit – note seasonal requirement.</p> <p>Monitoring prior to and during construction.</p>

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<p>approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>			
<p>BIO-3. To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit - note seasonal requirement.</p> <p>Monitoring prior to and during construction.</p>
<p>BIO-4. Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit.</p> <p>Monitoring prior to and during construction.</p>
<p>BIO-5. Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal</p>	<p>Required as a Condition of Approval.</p>	<p>Director of Community Development.</p>	<p>Prior to issuance of any Grading</p>

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<p>Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement plantings, along with where they can be planted, and any applicable maintenance requirements. Retained trees shall be protected during construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003).</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	<p>Responsible Party: Applicant.</p>	<p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Permit, Demolition Permit, or Building Permit.</p> <p>Monitoring prior to and during construction.</p>
<p>3.5 Cultural Resources</p>			
<p>CR-1. Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the developer(s) shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.</p> <p>The developer(s) shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect set forth by the Secretary of the Interior (Secretary of the Interior’s Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Demolition Permits.</p>

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<p>The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.</p>			
<p>CR-2. For potentially historic buildings proposed for retention at existing locations, the project sponsor shall prepare a historic structure(s) report (HSR) for the historic resource as a guide to the rehabilitation. The HSR shall set forth the history of the resource, describe its existing condition, make recommendations for repair, rehabilitation, replacement, reconstruction, and other treatments based on the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The HSR shall be prepared by a licensed architect who meets the qualifications for historical architect as set forth in the Secretary of the Interior’s Historic Preservation Professional Qualification Standards, published in the Federal Register, June 20, 1997 (Volume 62, Number 119).</p> <p>The project sponsor shall retain the services of a historical architect as a member of the design team for the rehabilitation. The historical architect may be the same historical architect who prepared the HSR, without encountering a conflict of interest.</p> <p>The Town of Los Gatos shall review the rehabilitation plans prepared by the project architect for compliance with the Secretary of the Interior’s Standards for the Treatment of Historic</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits. Monitoring prior to construction.</p>

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<p>Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</p> <p>The HSR shall specify procedures for protecting historic resources and a monitoring method to be employed by the contractor while working near the affected resource. At a minimum, the plan shall address the operation of construction equipment near adjacent historical resources, storage of construction materials away from adjacent resources, and education/training of construction workers about the significance of the historical resources.</p>			
<p>CR-3. For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Encroachment Permit, or Building Permit.</p> <p>Monitoring: during construction.</p>

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<p>In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).</p>			
<p>CR-4. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Encroachment Permit, or Building Permit. Monitoring during construction.</p>

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<p>identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs will be the responsibility of the developer(s).</p>			
<p>3.8 Hazards and Hazardous Materials</p>			
<p>HAZ-1. Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time. Confirm consultation with DEH.</p>	<p>Prior to issuance of any Grading Permit, Encroachment Permit, or Building Permit. Monitoring: Prior to and during construction.</p>

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<p>measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.</p>			
<p>3.9 Hydrology and Water Quality</p>			
<p>HAZ-1. Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time. Confirm consultation with DEH.</p>	<p>Prior to issuance of any Grading Permit, Encroachment Permit, or Building Permit. Monitoring: prior to and during construction.</p>

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<p>protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.</p>			
<p>3.11 Noise</p>			
<p>NOI-1. A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 200 feet (or approximately 150 feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to occupancy of any new residential units or hotel units.</p>
<p>NOI-2. Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the normally acceptable noise level of the Town of Los Gatos 2020 General Plan and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>

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<p>meet these standards. The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:</p> <ul style="list-style-type: none"> ▪ Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower; ▪ Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and ▪ As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a habitable interior environment, consistent with California Building Code requirements. Systems must not compromise sound-insulation of the building shell. 			
<p>NOI-3. Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>

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<p>NOI-4. Future non-residential development on sites where the Ldn noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of Leq-1hr 50 dBA or lower. Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>
<p>NOI-5. Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>
<p>NOI-6. Future development projects that include vibration-sensitive facilities or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Building Permits.</p>
<p>NOI-7. Future development projects including or requiring roadway improvement projects along Burton Way in the northern portion of the Plan Area shall require a noise assessment prior to approval if existing residential uses will remain adjacent to the roadway improvements. The</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated</p>	<p>Prior to issuance of Building Permits.</p>

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<p>assessment shall consider the orientation and width of the roadway; location and design of existing residences; and shall identify appropriate mitigation measures to reduce traffic noise to within the Town of Los Gatos noise standards. This is expected to consist of sound-rated windows and doors, and possible roadway noise barriers.</p>		<p>into project plans and completed on time.</p>	
<p>NOI-8. Future development applications shall identify the location and types of sensitive receptors that may be affected by construction noise and/or vibration. Measures to control construction noise and address potential complaints shall be proposed and called out in site plans and/or building plans:</p> <ul style="list-style-type: none"> ▪ Consistent with the Town Code, construction activities, which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 p.m. weekends and holidays if they meet at least one of the following noise limitations: <ul style="list-style-type: none"> • No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. • The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. ▪ Locate stationary and mobile noise generating equipment as far as possible from sensitive receptors. Staging areas shall not be located adjacent to sensitive receptors, such as residences. ▪ Conduct a pre-construction meeting with nearby 	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Grading Permit, Demolition Permit, or Building Permit. Field monitoring: prior to and during construction.</p>

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<p>sensitive receptors to outline the construction schedule and what types of noises with will hear. Post construction schedules outside the construction site.</p> <ul style="list-style-type: none"> ▪ Designate a point of contact that will be responsible for responding to complaints about noise during construction. Develop a process to respond to and address complaints. ▪ Submit a vibration study identifying the nearest sensitive receivers, construction activity, and mitigation measures as needed. 			
3.13 Transportation and Traffic			
<p>TR-1. The following intersection improvements shall be completed at the Los Gatos Boulevard/ Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.</p> <p>a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;</p> <p>b. addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).</p> <p>In the event that the necessary right-of-way for Burton Road widening cannot be obtained prior to initial development within the Northern District, an alternative access street shall be completed and supplemental traffic analyses shall be conducted to demonstrate that adequate ingress and egress can be provided by other routes within the Plan Area.</p>	<p>Required as a Condition of Approval.</p> <p>Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer.</p> <p>Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to first Occupancy Permit for commercial development within the Northern District.</p>
<p>TR-2. The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:</p>	<p>Required as a Condition of Approval.</p> <p>Responsible</p>	<p>Director of Community Development. Traffic</p>	<p>Prior to issuance of first Occupancy Permit.</p>

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<p>a. addition of a third eastbound left turn lane on Lark Avenue;</p> <p>b. addition of third northbound left turn lane on Los Gatos Boulevard;</p> <p>c. addition of a third westbound lane on Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and</p> <p>d. modification and re-striping of intersection and restriction of parking as needed.</p>	<p>Party: Applicant.</p>	<p>Engineer. Ensure these measures are incorporated into project plans and completed on time.</p>	
<p>TR-3. Applicants for development or redevelopment projects within the Northern District shall pay a pro-rata share of improvements at the Samaritan Drive/National Avenue intersection or other improvement related to relieving congestion at the Samaritan Drive/National Avenue intersection. Improvements could include, but are not limited to, lane or traffic control improvements to the Samaritan Drive/National Avenue intersection and/or signalization of the Samaritan Drive/Samaritan Court intersection. Pro-rata share shall be based on percent of project trips, per distribution patterns in the North 40 Transportation Impact Analysis, as a share of total trips within the intersection. Fees shall be paid to the City of San Jose prior to issuance of building permits. The applicant shall pay the pro-rata share of improvement as determined by the Town of Los Gatos and City of San Jose. If a specific improvement project has not been identified, the fee shall be based on pro-rata share</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of any Building Permit.</p>

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<p>of a traffic signal, and shall be proportionally refundable if a less expensive project is developed.</p>			
<p>TR-4. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.</p>	<p>Required as a Condition of Approval. Responsible Parties: Applicant and Town.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time. Consultation with VTA.</p>	<p>Prior to issuance of Tentative Maps.</p>
<p>TR-5. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.</p>	<p>Required as a Condition of Approval. Responsible Parties: Applicant and Town.</p>	<p>Director of Community Development. Traffic Engineer. Consultation with VTA.</p>	<p>Prior to issuance of Improvement Plans.</p>
<p>TR-6. Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Tentative Maps.</p>

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<p>TR-7. Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to issuance of Improvement Plans. Prior to acceptance of improvements.</p>
<p>TR-8. Prior to issuance of each building permit, the building applicant shall submit a transportation development impact fee to the Santa Clara Valley Transportation Authority for the purpose of off-setting the cost of operational improvements on southbound State Route 85 between Winchester Boulevard and State Route 17 (“affected segment”). The fee shall be negotiated between the developers and the Santa Clara Valley Transportation Authority, based on the number of project trips that exceed one percent of project trips on the affected segment (the significance threshold), and based on the proportionate number of trips projected for the subject building(s) in accordance with the North Forty Traffic Impact Analysis. The project cost to which the share of responsibility shall be applied shall be determined by the Santa Clara Valley Transportation Authority for the affected segment.</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time. Consultation with VTA and Caltrans.</p>	<p>Prior to issuance of Building Permits.</p>
<p>CUM-TR-1. Project developers shall pay a pro-rata share towards the construction of the following off-site intersection improvement at the Lark Avenue/southbound State Route 17 onramps intersection.</p>	<p>Required as a Condition of Approval. Responsible Party:</p>	<p>Director of Community Development. Traffic Engineer.</p>	<p>Prior to issuance of Building Permits.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

DATE: July 18, 2014

PROJECT: North 40 Specific Plan

PD-14-001, Z-14-001

<p>a. Reconfiguration of the eastbound lanes on Lark Avenue to convert the existing right-turn only lane to a shared through/right turn lane, with the following final configuration: one left turn lane (onto State Route 17) two through lanes, and one shared through/right turn lane at Garden Hill Drive.</p>	<p>Applicant.</p>	<p>Ensure these measures are incorporated into project plans and completed on time.</p>	
<p>CUM-TR-2. The following signal light adjustments shall be completed no later than the occupancy of 50 percent of the retail square footage.</p> <p>a. Increase cycle length and associated green time to accommodate the increase in traffic</p>	<p>Required as a Condition of Approval. Responsible Party: Applicant.</p>	<p>Director of Community Development. Traffic Engineer. Ensure these measures are incorporated into project plans and completed on time.</p>	<p>Prior to occupancy of the first Building Permit exceeding 290,000 square feet of commercial floor area within the Plan Area.</p>

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