



Planning for Success.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
201-225 LOS GATOS-SARATOGA ROAD

PREPARED FOR

Town of Los Gatos

November 2, 2016

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

MITIGATED NEGATIVE DECLARATION

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PREPARED FOR

Town of Los Gatos

Community Development Department

Jennifer Armer, Associate Planner

110 East Main Street

Los Gatos, CA 95030

Tel 408.399.5706

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP, Principal

james@emcplanning.com

www.emcplanning.com

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NOTICE

Town of Los Gatos Environmental Impact Review

Mitigated Negative Declaration

Lead Agency: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

Project Title and Location: 201-225 Los Gatos – Saratoga Road
Los Gatos, CA

Project Description

The project applicant is requesting approval to do the following on the 0.8-acre site (Assessor's Parcels 510-14-008 and 510-14-009):

- Merger of two properties located at the southwest corner of Los Gatos-Saratoga Road and North Santa Cruz Avenue.
- Demolition of four existing commercial buildings.
- Construction of two new commercial buildings totaling approximately 19,700 square feet with at grade and below grade parking.
- A two-story 15,500 square-foot office building with exterior patio would be constructed on the western portion of the site. This building would include medical office and/or general office space and may include a 4,000 square-foot bank.
- A one-story 4,200 square-foot retail or restaurant building with exterior patio would be constructed on the eastern portion of the site.
- A one-level below ground parking structure would be constructed to provide required parking for the project. Excavation of the underground parking would require the removal of about 13,000 cubic yards of soil from the project site.
- A two-way driveway would be located between the new buildings providing access to and from Los Gatos-Saratoga Road.

The proposed project is a planned development for two new commercial buildings, including landscaping, outdoor patios, below grade and at grade parking, and associated infrastructure. Access to the project site would be provided by a two-way driveway located between the new buildings providing access to and from Los Gatos-Saratoga Road. Project plans also include the installation of on-site bioretention flow-through planters.

The project site currently contains four single-story commercial buildings and a large parking lot, with planter boxes positioned along the buildings, and small areas of landscaping along the perimeter of the property, including non-native ornamental trees and shrubs.

The proposed project would include demolition of the existing buildings on the project site, and the removal of up to eleven trees (one tree on the project site and ten street trees in front of the project site), all of which are protected by the Town’s Tree Protection Ordinance.

Determination

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

Statement of Reasons to Support Finding

1. Aesthetics

Would the project:

- a. **Have a substantial adverse effect on a scenic vista? (*Less Than Significant Impact*)** The scenic vista toward the Santa Cruz Mountains is already partially obscured under existing conditions and the proposed buildings would only affect the less panoramic view of the mountains on the west end of the project site, the proposed project would have a less-than-significant impact on a scenic vista.
- b. **Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (*No Impact*)** The project site is located adjacent to and in the viewshed of Los Gatos-Saratoga Road, which is a portion of State Route 9. This portion of State Route 9, within the town limits of Los Gatos, is not an officially designated state scenic highway. Therefore, the project would not damage scenic resources within a state scenic highway, and would have no impact.
- c. **Substantially degrade the existing visual character or quality of the site and its surroundings? (*No Impact*)** The project site is located at an intersection that serves as one of the main gateways into downtown Los Gatos. The existing commercial buildings at the site appear blighted such as the Postalmate Plus and Village Liquor stores, which are dated and do not blend in with the visual character or qualities of Los Gatos Central Business District. The proposed buildings are designed in compliance with the Los Gatos commercial design guidelines for the C-2B subdistrict, which emphasize the idea of a “village” scale and character. The new buildings were designed in keeping with the small-town character of Los

Gatos through compliance with several General Plan goals and policies listed under the Land Use Element, Community Design Element, and Transportation Element.

Revitalization of this location with new buildings that will visually blend in with the existing architecture and topography would be a beneficial impact that will enhance the aesthetic quality of this downtown gateway. Therefore, the proposed project would have no impact on the existing visual character of the site or its surroundings.

- d. **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (*Less Than Significant Impact*)** The new buildings would include exterior nighttime lighting for security purposes/pedestrian safety and glass windows facing public streets. Nighttime lighting for the new buildings is proposed to be consistent with standard lighting within the Town and would not disrupt nighttime views. Staff review of individual projects for their light and glare effects is required by the Town. This review occurs through the Town's Architecture and Site Review processes and performance standards contained in the Zoning Ordinance (Town Code Chapter 29, Article I, Division I, Sections 29.10.09015 and 29.10.09035) are used to condition new development to minimize its light and glare effects. General Plan Policies CD-3.2, CD-11.1, and CD-17.3 also address minimizing light pollution and preventing glare while maintaining the Town's character. Therefore, the light and glare impacts associated with the proposed project would be less than significant.

2. Agriculture Resources

Would the project:

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

- d. **Result in the loss of forest land or conversion of forest land to non-forest use? (*No Impact*)** See discussion below.
- e. **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (*No Impact*)** See discussion below.

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

3. Air Quality

Would the project:

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

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

The Town is located within the San Francisco Bay Area Air Basin and the boundary of the Bay Area Air Quality Management District (Air District). The thresholds of significance in both the 1999 and 2011 versions of the Air District's CEQA guidelines were consulted to determine if the proposed project would result in significant air quality impacts. Air District's 2011 CEQA guidelines Table 3-1 establishes screening criteria for multiple types of commercial projects. The two-story commercial building with proposed uses as a general office building or medical office building with a 4,000 square foot bank, and the one-story commercial building with proposed uses as a high turnover restaurant or retail space would together be smaller than the thresholds. Therefore, the proposed project would have a less than significant impact on air quality.

Air District's 2011 CEQA guidelines Table 3-1 also contains screening criteria for construction impacts of new development projects. For the proposed commercial uses, the project is significantly less than the 277,000 square-foot threshold for construction-criteria air pollutant emissions; therefore, project construction impacts would be less than significant. However, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. The following mitigation measure would ensure that the proposed project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant.

The Air District has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of particulate matter in the form of fugitive dust because initial site preparation activities typically involve the most intensive grading. During other construction phases, additional materials would be imported to the site including base rock, select soil/gravel for trenches and building pads, and asphalt for paving. Without controls, dust from construction would be transported off-site via wind erosion of unpaved surfaces or through soils tracked-out onto paved roads where particulate matter enters the air through the motion of passing cars and trucks.

Construction of the proposed project would take place adjacent to existing houses located south of the project site and would result in dust and diesel engine emissions that could affect the residences. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

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

- 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.*
- 2. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.*
- 3. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.*
- 4. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.*
- 5. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.*
- 6. All vehicle speeds on unpaved surfaces shall be limited to 15 mph.*
- 7. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- 8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). For equipment operating within 25 feet of the existing residential housing, idling times shall be reduced to 2 minutes. Clear signage shall be provided for construction workers at all access points.*
- 9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.*

10. *Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NO_x and PM₁₀. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NO_x and PM₁₀ using the appropriate air quality and/or particulate monitor.*
11. *Post a publicly visible sign with the telephone number and person designated by the applicant to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
12. *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*

- d. Expose sensitive receptors to substantial pollutant concentrations? (*Less Than Significant Impact*)** The nearest sensitive receptors to the site are residential housing located along Almendra Avenue directly behind the project site.

During operations, the proposed project would not expose sensitive receptors to increased emissions of ROG and PM₁₀. However, development of the proposed project would require the demolition of four existing buildings, excavation, and grading, which could temporarily expose sensitive receptors to emissions. In addition, the building constructed in 1957 may contain residual lead-based paint and asbestos-containing materials. Airborne asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposures to these materials. The improper handling and disposal of these materials during demolition activities could release lead- or asbestos-containing hazardous materials and waste into the environment and increase exposures to their hazardous effects. Thus, demolition of the building could possibly expose sensitive receptors to lead, asbestos and other toxic air contaminants. Due to the location of sensitive receptors (residential housing) in proximity to the project site, the proposed project could result in the exposure of some sensitive receptors to these emissions during demolition and construction activities.

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

The project shall implement the following standard conditions:

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

Compliance with national, state and local regulations and Air District rules and procedures, as well as compliance with all regulatory agencies regarding the disposal of hazardous materials, would reduce the risks of asbestos-containing materials exposure to workers and nearby sensitive receptors during demolition of the oldest existing building on the site to a less-than-significant level, and no mitigation would be required. Compliance with safe work practices for lead abatement in accordance with Cal/OSHA Lead in Construction Standard,

Title 8, California Code of Regulations 1532.1 would reduce the risk of lead exposure to workers and nearby sensitive receptors during building demolition to less-than-significant.

The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel delay in the event of overlapping construction traffic from other projects occurring in the vicinity, including projects from neighboring jurisdictions. This requirement for a Traffic Control Plan would ensure that potential impacts to sensitive receptors from pollutants during construction phase of the proposed project would be less than significant.

- e. **Create objectionable odors affecting a substantial number of people? (*Less Than Significant Impact With Mitigation Measures Incorporated*)** The proposed project includes the construction of two new commercial buildings and would not result in any objectionable odors during the operational phase. During project construction, nearby residences and the public may be exposed to petroleum hydrocarbon odors during soil clean-up, site excavation, and grading activities in the eastern portion of the project site due residual soil contamination that may be related to a former service station that operated on the adjacent property south of the project site. The geotechnical report documented evidence of petroleum hydrocarbon odors in soil boring EB-3. Implementation of mitigation measure HZ-3, discussed in Section 8.0 Hazards and Hazardous Materials, would ensure that potential impacts due to petroleum hydrocarbon contamination are reduced to a less-than-significant level by requiring notification to and following appropriate guidance provided by the County of Santa Clara Department of Environmental Health to ensure potential impacts are remedied prior to issuance of building permits.

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

4. Biological Resources

Would the project:

- a. **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or**

regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (*Less Than Significant With Mitigation Measures Incorporated*) No special-status species are expected to occur on the project site due to the lack of suitable habitats. However, common urban-tolerant native bird species may nest in ornamental trees on and adjacent to the project site. Future construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of active nests. This would be a significant impact. The following mitigation measure would reduce this significant potential impact to a less-than-significant level.

Mitigation Measure

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

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

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

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (No Impact)** No sensitive natural communities or riparian habitats are present on the project site. Therefore, no impacts to sensitive natural communities would occur.
- c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filing, hydrological interruption, or other means? (No Impact)** The project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (No Impact)** The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less Than Significant Impact with Mitigation)** The proposed project would result in the removal of up to 11 non-native trees protected by the Town's *Tree Protection Ordinance*. Therefore, their removal would be a significant impact. Unintentional damage to protected trees proposed for retention would also be a significant impact. The implementation of mitigation measure BIO-2 and BIO-3, consistent with the recommendations in the arborist report, would reduce this impact to a less-than-significant level.

Mitigation Measure

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

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

BIO-3. The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Deborah Ellis on March 17, 2015.

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

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

5. Cultural Resources

Would the project:

- a. **Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (No Impact)** None of the existing buildings proposed for demolition meets the definition of a local historic structure because they are not (1) located in a historic district; or (2) historically designated; or (3) constructed prior to 1941. The buildings located on APN 510-14-008 and 510-14-009 were constructed in 1984 and 1957, respectively. The buildings also do not meet the criteria for listing on the California Register of Historic Resources or National Register of Historic Places because they do not hold any significance in California or American history, architecture, archeology, engineering, or culture. Therefore, there are no historically significant or potentially historically significant resources on the project site and no significant impacts to historic resources would result from the proposed demolition for construction of the proposed project.
- b. **Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5 (Less Than Significant Impact)** There are no known archeological resources identified on the project site. However, there is the potential for unknown archeological resources to occur on the site that may be disturbed during construction activities. General Plan Policy OSP-9.4 requires that if cultural resources, including archeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented. Policy OSP-9.1 requires evaluation of archeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archeology, ethnography, and architectural history. Policy OSP-9.2 requires that the Town ensure the preservation,

restoration, and appropriate use of archaeological and/or culturally significant structures and sites. With implementation of the above policies, potential impacts to unknown archaeological resources that may occur on the site would be less than significant.

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (*Less Than Significant Impact*)** The *Town of Los Gatos 2020 General Plan Draft EIR* cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town, but determined that deep excavations could disturb unknown underground paleontological resources. While the Town has not been identified as sensitive to potential fossil resources and the relatively limited area to be excavated on the project site, the proposed project would involve deep excavations for underground parking which has the potential to impact unknown paleontological resources. Implementation of General Plan Policy OSP-9.4, which requires that construction stop until appropriate mitigation is implemented if paleontological resources are uncovered during grading or other on-site excavation activities, would ensure impacts to paleontological resources potentially occurring on the project site are less than significant.
- d. Disturb any human remains, including those interred outside of formal cemeteries? (*Less Than Significant Impact*)** There are no known human remains identified on the project site. However, there is the potential for unknown human remains to be disturbed during construction activities. General Plan Policy OSP-9.3 requires that any human remains discovered during implementation of public and private projects within the Town be treated with respect and dignity and fully comply with California laws that address the identification and treatment of human remains. Implementation of the above policy ensures that potential impacts to undiscovered human remains that may occur on the project site would be less than significant.

6. Geology and Soils

Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- (1) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (*Less Than Significant With Mitigation Measures Incorporated*)** The project site is not located within an Alquist-Priolo Earthquake Fault Zone, but is located within a County of Santa Clara Fault Hazard

Zone. The active San Andreas fault runs approximately 0.9 miles southwest of the Town. The potentially active Shannon Berrocal, Monte Vista, and Sargeant fault systems are the four main faults in the Southwest Santa Clara Valley Thrust Belt. These faults have not been known to produce large earthquakes within historic time, but appear to move as a result of sympathetic or aseismic movement associated with an earthquake on the San Andreas Fault. A concealed branch of the Shannon Fault is mapped crossing the entire length of the project site. According to the geotechnical report, the project site area was designated as having a high fault rupture hazard rating due to the presence of the concealed fault traces, concentrated damage from the 1989 Loma Prieta earthquake, and the existence of lineaments (linear topographic features). Co-seismic ground deformation resulting from a future large magnitude earthquake on the San Andreas Fault could cause displacements on the order between 0.35 to 0.82 inch, which could be a significant impact. The geotechnical report recommended that the design of the proposed structures at the site accommodate up to one inch of differential offset and vertical movement across the length and width of the project site. The geotechnical report recommended that an engineering geologist review the subgrade for indications of ground movement associated with previous earthquake activity prior to construction. Implementation of the following mitigation measure would ensure that potential impacts resulting from fault rupture would be reduced to less than significant.

Mitigation Measure

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

- (2) **Strong seismic ground shaking? (*Less Than Significant With Mitigation Measures Incorporated*)** Because Los Gatos is within the “near source” zone of both the San Andreas and Monte Vista faults zones, the Town is subject to particularly strong ground shaking effects. The geotechnical report recommended that, at a minimum, the proposed structures be designed in accordance with the seismic design criteria of the 2013 California Building Code. Implementation of mitigation measure GEO-1 would ensure that potential impacts due seismic ground shaking would be reduced to a less-than-significant level by requiring implementation of recommendations included in the geotechnical report.

- (3) **Seismic-related ground failure, including liquefaction?** (*Less Than Significant Impact*) The project site is not located in a seismic hazard zone for liquefaction and is not located within a Santa Clara County Geologic Hazard Zone for liquefaction. Findings from the geotechnical report indicate the potential for liquefaction and seismically-induced differential settlement at the project site is low.
- (4) **Landslides?** (*No Impact*) The project site is located in an area of relatively flat topography and is not located in seismic hazard zones for earthquake-induced landslides. Therefore, there is no risk of landslides at the project site.
- b. **Result in substantial soil erosion or the loss of topsoil?** (*Less Than Significant Impact*) Compliance with the Town of Los Gatos Grading, Erosion, and Sediment Control Ordinance would minimize soil erosion during project demolition and construction activities. Engineering best management practices, and Town and state erosion control measures would be in place during construction of the proposed project. With these measures in place and monitoring by the Town's Building Division there would be a less-than-significant impact on soil erosion during construction.
- c. **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?** (*Less Than Significant Impact With Mitigation*) With the exception of the fill material encountered to a depth of at least 20 feet in the southeastern portion of the project site, the project site is underlain by soils that are generally stiff to hard clays and medium dense to very dense sands. The potential for these soils to become unstable and result in subsidence, liquefaction, lateral spreading, or collapse is low. However, there is potential that the fill material observed in the southeastern portion of the project site may become unstable.

The geotechnical report recommends against supporting future improvements on the fill material and recommends that the fill beneath new improvements be removed down to (and including) the level of the concrete rubble or at least five feet below existing site grade, then re-compacted or replaced. The removal and replacement of the fill should extend laterally at least 40 feet from the location of soil boring EB-3. If additional fill is discovered during earthwork beyond the 40 foot radius, it should also be removed and replaced. Details regarding removal of existing fill are presented in Section 7.2 of the geotechnical report.

Implementation of mitigation measure GEO-1, discussed above, would ensure that potential impacts due to unstable soil or fill material are reduced to a less-than-significant level by requiring implementation of recommendations included in the geotechnical report.

- d. **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) [Section 1803 of the California Building Code], creating substantial risks to life or property? (*Less Than Significant Impact*)** Results of the geotechnical investigation performed by TRC indicated that near surface soils at the site have low plasticity and low soil expansion potential. It is expected, based on the soils found onsite, that substantial risk to life or property from expansive soils-related hazards is low. Therefore, the impact from expansive soil is considered to be less than significant.
- e. **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (*No Impact*)** The proposed project will connect to the Town's sanitary sewer system and would not require the use of a septic system or alternative disposal system.

7. Greenhouse Gases

Would the project:

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

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

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

implementing the sustainability objectives of the *Town of Los Gatos 2020 General Plan*. The *Los Gatos Sustainability Plan* presents the Town's strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. Implementation of the *Los Gatos Sustainability Plan* is expected to reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020.

The proposed project would implement several methods to increase energy efficiency. Photovoltaic panels would be installed on the south-facing sloped roof of the new two-story office building to allow for the greatest solar energy gains that would aid in powering the building's electrical and mechanical systems. The flow-through planters located along the northern and western boundaries of the project site would provide a self-sustaining method of rainwater drainage and water removal. Low energy LED wall sconces would be installed on the facades, and the building would utilize an energy efficient glazing and wall design. These project designs would reduce energy and water use, and reduce indirect GHG emissions associated with off-site energy production and water system operation.

The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gases. The greenhouse gas emissions from the proposed project are unlikely to have a significant impact on the environment given the relatively small project size and the inclusion of several methods to increase energy efficiency. Therefore, GHG emissions from the proposed project would be less-than-significant.

8. Hazards and Hazardous Materials

Would the project:

- a. **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (*Less Than Significant Impact*)** Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Due to the age of the existing buildings, there may be a potential for removal and disposal of hazardous asbestos and/or lead paint during building demolition, which is discussed further below and also discussed in Section 3, Air Quality.

Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. All construction activities would be subject to the National Pollutant Discharge

Elimination System (NPDES) permit process that requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would be reviewed and approved by the Regional Water Quality Control Board.

Operations of the proposed commercial uses (retail, office, bank, and/or restaurant) are not expected to use or store hazardous materials. Likewise, the proposed uses would not transport significant quantities of hazardous materials, and the risk of potential hazard to the public and the environment is less than significant.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (*Less Than Significant With Mitigation Measures Incorporated*)** With the exception of medical office uses, the proposed project commercial uses would not require the routine transport, use, or disposal of hazardous waste. Medical offices are likely to generate biohazardous/medical wastes and would be required to comply with the California Medical Waste Management Act as described in the California Health and Safety Code sections 117600 – 118360. Improper handling, treatment, storage, transportation, or disposal of such wastes could pose a hazard to public and environmental health through the release of pathogens and other potentially infectious agents. The County of Santa Clara Department of Environmental Health is responsible for implementing the Medical Waste Management Act and issues permits to small quantity medical waste generators under the authority of the Santa Clara County Ordinance Code, Sections B11-260 to B11-268. Conformance with the regulations under the oversight of the county will ensure that related impacts are reduced to less than significant. Nominal amounts of hazardous material in the form of fuels and other construction materials are routinely used during construction processes. These materials do not pose an elevated risk to the public.

Demolition of the existing buildings may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials (lead- or asbestos-contaminated dust) into the environment. Building demolition contractors will be required to disclose the presence of hazardous materials on the Town of Los Gatos building permit application and comply with the regulations set forth in the 2013 California Building Codes regarding asbestos and lead exposure. In addition, the building demolition contractors will be required to comply with the Bay Area Air Quality Management District Asbestos Demolition/Renovation Program which oversees enforcement of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants regulation. Compliance with local, state, and federal regulations would reduce this impact to less than significant during the demolition phase of the project.

If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

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

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

Mitigation Measure

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

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school? (No Impact)** No public or private schools are located within one-quarter mile of the project site. The closest schools are Los Gatos Parent Nursey School, St. Mary’s Catholic School, Fusion Academy Los Gatos, and Los Gatos High School, which are all located approximately 0.40 mile southwest to southeast of the project site. Therefore, there would be no impact related to hazardous emissions or handling of hazardous materials, substances, or waste near schoolchildren.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (*Less Than Significant Impact With Mitigation*)

The project site is not reported on any list of hazardous materials sites that is compiled by governmental agencies pursuant to Government Code section 65962.5. A review of the California Department of Toxic Substances Control Envirostor database indicated that there are no sites listed within one-half mile of the project site. The California State Water Resources Control Board Geotracker database lists 19 leaking underground storage tank (LUST) sites within one-half mile of the project site. The cleanup status of eighteen LUST sites are classified as closed. One LUST site located approximately 0.25 mile southeast of the project site at 41 Miles Avenue is classified as open and is currently undergoing site assessment for a release from a former underground waste oil storage tank. The closest sites identified in the Geotracker database are located approximately 150 feet away at 200 Saratoga Avenue and 335 North Santa Cruz Avenue. A former retail petroleum service station with underground storage tanks operated immediately south of the project site on the property at 335 North Santa Cruz Avenue between approximately 1948 and 1983; that site received case closure in February 1995. However, the geotechnical report for the proposed project documented petroleum hydrocarbon odor in soil boring EB-3 which was drilled approximately 30 feet north of this former retail petroleum service station. The petroleum hydrocarbon odor may be related to the former operations at 335 North Santa Cruz Avenue. The retail petroleum service station located across the street to the north of the project site at 200 Saratoga Avenue received case closure in October 2011. The Geotracker database also lists four Cleanup Program sites within one-half mile of the site.

Although the project site is not reported on a list of hazardous materials sites that is compiled by governmental agencies, the geotechnical report indicated evidence of petroleum hydrocarbons present beneath the eastern portion of the project site that may be related to operations from a former service station immediately to the south. This is a potential significant impact to construction workers who may come in contact with the contaminated soil and fill material. Nearby residences and the public may also be exposed to petroleum hydrocarbon odors during site excavation and grading activities. Implementation of the following mitigation measure would ensure that impacts resulting from the contaminated soil would be reduced to less-than-significant.

Mitigation Measure

HZ-3. Prior to issuance of permits for activities involving grading or excavation on the project site, the developer shall consult with the County of Santa Clara 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, soil handling and disposal protocols, and mitigating nuisance odors during soil excavation activities. 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.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (No Impact)** The project site is located approximately nine miles south of Norman Y. Mineta San Jose International Airport and 11 miles southeast of Reid-Hillview Airport. There are no private airstrips located in the vicinity of the project site. Therefore, there are no airport safety hazards for the people working at the project site, and there would be no impact.
- f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (No Impact)** See discussion under item e above.
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (No Impact)** The project site is adjacent to a major road (Los Gatos-Saratoga Road) and within 0.3 mile of a fire station. However, the proposed project would not impair access to either, or interfere with response during an emergency. There would be no impact related to implementation of an emergency plan.
- h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (No Impact)** The project site is located within an urbanized area and is not located in a very high fire hazard area, or in a wildland-urban interface fire area as delineated by either the California Department of Forestry and Fire Protection, or the Town. Therefore, there would be no impact related to risks associated with wildland fires.

9. Hydrology and Water Quality

- a. **Violate any water quality standards or waste discharge requirements? (*No Impact*)** The proposed project does not involve activities that require waste discharge requirements or permits. The proposed project would be connected to the existing wastewater conveyance and treatment system.

- b. **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (*Less Than Significant Impact*)** The proposed project includes the development of one-story and two-story commercial buildings. Uses may include general office space, medical offices, restaurant, bank, or other retail uses on an already-developed site. The proposed project's water supply would be provided by the San Jose Water Company which obtains 40 percent of its water supply from groundwater from the Santa Clara Groundwater Basin. Landscaping in the flow-through planters on the project site would be irrigated by captured storm water; all other landscaping on the project site would be irrigated by municipal water. The proposed project would result in an increase of about 72 percent of floor area, but a less-than-proportional increase in water use due to the newer uses incorporating water-conserving fixtures that would substantially reduce water use per square foot. Water conservation measures, such as lower flow fixtures have been mandated by law since the existing uses were constructed, and it is assumed many of the older fixtures would still be in use. Water use for the proposed project may increase should a restaurant operate in the proposed one-story building instead of a retail store. The Santa Clara Valley Water District manages the groundwater supplies and groundwater recharge. The proposed project is consistent with land use planning for the project site, so has been accounted for in the Santa Clara Valley Water District's long-range planning, and the proposed project would result in a less-than-significant impact on groundwater supplies. The proposed project would be subject to current regional Water Quality Control Board storm water discharge requirements and would not substantially interfere with groundwater recharge.

- c. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (*Less Than Significant Impact*)** See discussion under item e below.

- d. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site? (*Less Than Significant Impact*)** See discussion under item e below.
- e. **Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (*Less Than Significant Impact*)**

Response to c-e: The project site is currently developed with buildings and a parking lot and it appears that storm water surface runoff flows out towards the street and into the existing catch basins along the street curb. The proposed project would be developed with an underground parking garage and additional landscaped areas that would result in an increase in pervious surfaces by 4,629 square feet. The proposed project design includes a preliminary storm water control plan consisting of three flow-through bioretention planters that would collect, reduce, and treat storm water runoff from the project site in accordance with Regional Water Quality Control Board standards and the guidelines presented in the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook. The treated storm water from the project site would discharge to the onsite storm drain which will flow out toward the Town storm drains beneath the streets. The preliminary plan will require final design approval prior to the issuance of building permits by the Town for the project site. The increase in pervious surfaces and storm water control plan would be a beneficial impact and would not substantially alter existing drainage patterns in a way that would result in on- or off-site erosion, siltation, or flooding and would not result in storm water runoff levels that would exceed the capacity of the existing system.

- f. **Otherwise substantially degrade water quality? (*Less Than Significant Impact*)** Water quality degradation is regulated by the NPDES program. In California, the NPDES permitting program is administered by the State Water Resources Control Board through nine Regional Water Quality Control Boards. The NPDES permit (Order No. R2-2015-0049, Permit No. CAS612008) for the Town is a permit that is issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), an association of thirteen cities/towns in the Santa Clara Valley (including Los Gatos), Santa Clara County, and the Santa Clara Valley Water District. SCVURPPP participants share a common NPDES permit to discharge storm water to San Francisco Bay. To reduce pollution in urban runoff to the "maximum" extent practicable, the SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of southern San Francisco Bay and the streams of Santa Clara Valley.

The proposed project has the potential to adversely affect water quality with runoff from erosion and siltation during operational and construction phases. The proposed project would have to comply with the storm water and Low Impact Development requirements in the Town of Los Gatos NPDES permit. Chapter 12, Grading, Erosion and Sedimentation Control, of the Town Code establishes administrative procedures, standards for review and implementation, and enforcement procedures to control erosion, sedimentation, and increases in surface water runoff from construction-related activities. The general plan also includes several goals and policies that would reduce the amount of erosion and siltation that occurs within the Town. Compliance with the NPDES permit requirements, Chapter 12, Grading, Erosion and Sedimentation Control in the Town Code, and the goals and policies of the general plan would reduce the proposed project's construction impacts on erosion, siltation and flooding to a less than significant level.

The proposed project would result in a decrease in impervious surfaces on the project site of 4,629 square feet. A preliminary storm water control plan was prepared for the proposed project and would require final design approval prior to the issuance of building permits by the Town. The Storm Water Control Plan includes three separate tributary areas, each with its own flow-through planter that receives runoff from the roof area, surrounding concrete, or a combination of both runoff surfaces. The bioretention flow-through planters would collect and treat on-site storm water runoff and would reduce the impact of runoff during the operational phase of the proposed project to a less-than-significant level.

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

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

10. Land Use and Planning

- a. **Physically divide an established community? (*No Impact*)** The project site is an existing commercial development located in an urbanized area surrounded by commercial, retail, and residential land uses, and bordered on two sides by public roadways (Los Gatos-Saratoga Road and North Santa Cruz Avenue) with sidewalks and bike lanes. The proposed project would not physically divide an established community.
- b. **Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (*No Impact*)** The project site is an existing commercial development with minimal landscaping and surrounded by asphalt paved parking lot. The project site has a zoning designation of Central Business District (C-2) and is located in the C-2B subdistrict.

According to the *Town of Los Gatos 2020 General Plan*, the C-2 zone applies exclusively to the downtown and encourages a mixture of community-oriented commercial goods, services, and lodging unique in its accommodation of small-town style merchants and maintenance of small-town character. The proposed project would include a mixture of retail, office, bank, and/or restaurant use in the new commercial buildings, and would integrate several of the Town's commercial design guidelines for the C-2B subdistrict to reflect the small-town character of Los Gatos.

The proposed project would not conflict with the current land use designation for the project site or those nearby, and would not conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

- c. **Conflict with any applicable habitat conservation plan or natural community conservation plan? (*No Impact*)** The project site is not located within a designated natural community conservation plan or the Santa Clara Valley Habitat Plan permit area. Therefore, no impacts would occur.

11. Mineral Resources

- a. **Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (*No Impact*)** See discussion under item b below.
- b. **Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (*No Impact*)** There are no classified mineral resources sites within Los Gatos. The proposed project would have no impact on the availability of a state or locally designated mineral resources.

12. Noise

- a. **Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (*Less Than Significant Impact*)** The Town has established acceptable noise levels for various types of land uses. Noise sensitive outdoor office use areas would be considered compatible in noise environments with hourly noise levels of 70 dBA Leq or less. For residential areas, the acceptable noise level is 55 dBA Leq or less.

Construction Impacts. Construction activities would result in temporary short-term noise increases due to the operation of heavy equipment. Construction-related noise can range from about 77 to 90 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 86 to 90 dBA at 50 feet for certain types of earthmoving and impact equipment. The project site is bordered by residential land uses, restaurants, general office buildings, Los Gatos-Saratoga Road, and North Santa Cruz Avenue. Existing noise-sensitive land uses in the project area include residential uses and various commercial and retail uses. Existing noise levels in the project vicinity are dominated by traffic noise along Los Gatos-Saratoga Road and North Santa Cruz Avenue.

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

construction noise time limits are observed and equipment is property maintained and muffled, per Town ordinance requirements. Therefore, potential impacts would be less than significant.

Operational Impacts. During the operational phase, the proposed project would not result in noise levels significantly beyond what is currently experienced at the project site. Sources of operational noise from the proposed project would typically be limited to parking lot vehicle movements, outdoor human activity, and mechanical/HVAC systems.

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

It is typical for a passing car in a parking lot to produce a maximum noise level of 60 to 65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice. The closest parking would be located approximately 50 feet from the closest existing residential uses, and the closest vehicle movements would occur at a distance of approximately 40 feet from residential land uses, as vehicles utilize the ramp to access below grade parking. The proposed eight-foot masonry wall would provide acoustical shielding from vehicle movement noise levels at the residences south of the project site. With consideration of the acoustical shielding provided by the masonry wall, vehicle movements would not be expected to exceed 40-45 dB at adjacent residential land uses. Reference to existing ambient noise levels measured at a monitoring site indicates that existing ambient noise levels at the residential land uses adjacent to the project site already exceed noise levels that would be expected to occur as a result of on-site vehicle movements. Parking lot vehicle movement and human activity noise would not be considered a significant noise impact.

The proposed project may include a restaurant, to be located in the eastern building. The restaurant use would include a 1,400 square-foot outdoor patio seating area. Noise associated with outdoor dining is typically limited to human voices (conversation, laughter, etc.) and noise associated with dishes hitting together. Available data from previous WJV Acoustics studies of outdoor seating areas at restaurants indicates that noise levels associated with outdoor dining activities are typically in the range of 50-60 dB at a distance of approximately 50 feet from the outdoor dining area. The proposed outdoor dining area would be located approximately 60 feet from the closest existing residential land uses.

Taking into account the distance from the patio, and the attenuation provided by the proposed eight-foot masonry wall along the property line, noise levels associated with the outdoor dining area would be expected to be in the range of approximately 40-50 dB at the closest residential land uses. Such levels would not exceed any applicable Town of Los Gatos noise level standards and would not be expected to exceed existing ambient noise levels.

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

The proposed project would comply with the Town's noise ordinance and the impact of noise generated by the proposed project would be less than significant. Therefore, the proposed project would not result in the exposure of persons to or generation of noise levels in excess of the Town standards, or to a substantial temporary or permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.

- b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (*Less Than Significant Impact*)** The proposed project would not result in ground-borne vibrations during operational phases. Periodic and temporary ground-borne vibrations can be expected during the construction phase of the proposed project at permissible hours specified in Los Gatos Municipal Code Section 16.20.035; however, based on the size of the project, the temporary nature of potential vibrations, impacts would be less than significant.
- c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (*Less Than Significant Impact*)** See discussion under item a above.
- d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (*Less Than Significant Impact*)** See discussion under item a above.

- e. **For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (*No Impact*)** There are no public airports or private airstrips located within two miles of the Town. Therefore, people working at the project site would not be exposed to excessive noise levels from aircraft operations, and there would be no impact.
- f. **For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (*No Impact*)** See discussion under item e above.

13. Population and Housing

- a. **Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (*No Impact*)** See discussion below.
- b. **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (*No Impact*)** See discussion below.
- c. **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (*No Impact*)** See discussion below.

Responses to items a-c. The proposed project is intended for commercial use and is located in land zoned by the Town for commercial uses. Therefore, the proposed project would not impact the Town's population or housing.

14. Public Services

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

- a. **Fire protection? (*No Impact*).** The existing development in the project vicinity is adequately served by the fire and police departments. Services are currently provided to the project site as well as to adjacent commercial and residential uses. No significant increase in demand on public safety services is expected to be required for the proposed project since services were

previously provided to the existing commercial businesses on the site, as well. The proposed project would not require construction of new fire protection or law enforcement facilities and therefore, would not result in an environmental impact.

- b. **Police protection? (*No Impact*)** See discussion under item a above.
- c. **Schools? (*No Impact*)** The proposed project is a commercial development that would not result in an increase in population or add students to existing school facilities. Therefore, the proposed project would not require any new or expanded school facilities and there would be no impact.
- d. **Parks? (*No Impact*)** The proposed project would not result in an increase in population as to require the construction of new parks or buildings to provide other public services. Therefore, the project would not create any adverse physical impacts associated with the need for new parks or other facilities, and there would be no impact.
- e. **Other public facilities? (*No Impact*)** See discussion under item d above.

15. Recreation

- a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (*No Impact*)** The proposed project is a commercial development and would not result in an increase in population that would impact existing park and recreational facilities, or result in environmental impacts from the construction of additional park and recreational facilities. Therefore, there would be no impact.
- b. **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (*No Impact*)** See discussion under item a above.

16. Transportation and Traffic

Would the project:

- a. **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets,**

highways and freeways, pedestrian and bicycle paths, and mass transit? (*Less Than Significant Impact*) Hexagon estimated project trip generation based on proposed square footage as of January 2016, prior to reduction in square footage by 922 square feet due to a change in project design in July 2016. In addition, Hexagon used guidance from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition and trip generation guidance developed by San Diego Association of Governments (SANDAG) for banks (without drive-up window). Hexagon also conservatively assumed that the proposed restaurant or retail space would operate as ITE category “high turnover sit-down restaurant” and the commercial businesses in the second building would operate as ITE category “medical office space” and SANDAG category “bank (without a drive-up window)”. Hexagon applied pass-by reductions to the project for customers visiting the proposed bank and restaurant uses on the project site as they pass by during PM peak hours. Hexagon utilized the pass-by reduction guidance provided by SANDAG for bank and high-turnover sit-down restaurant. Driveway counts were also conducted at the existing uses on the project site during peak hours on January 21 and 22, 2015 in order to give credit for the current site trip generation. The trips generated for the proposed project less trips generated by the existing use is 90 net trips (56 in and 34 out) during the AM peak hour and 48 net trips (15 in and 33 out) during the PM peak hour.

The proposed project’s traffic impact assessment also considered potential project impacts to three nearby intersections and how the proposed project may impact levels of service (LOS) at these intersections. The LOS between existing, existing plus project, and background plus project scenarios for the two signalized and one unsignalized intersections would not change and would continue to operate at acceptable levels of service (LOS D or better). An exception to this would be the worst approach (left turns from Massol Avenue onto Los Gatos-Saratoga Road). The left turns from Massol Avenue at an unsignalized intersection would continue to be LOS F under all conditions and was calculated to have over a two minute delay for all scenarios. As discussed above, the Town does not have a level of service standard or significant impact criteria for unsignalized intersections. Overall, the proposed project would not generate a significant impact on the study intersections when measured against the Town’s significant intersection impact criteria. Therefore, the proposed project’s impact from traffic generation would be less than significant.

The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel delay in the event of overlapping construction traffic from other projects occurring in the vicinity,

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

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (*Less Than Significant Impact*)** See discussion under item a above.
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (*No Impact*)** The proposed project would consist of a one-story and two-story building, and there are no airports or private airstrips located within two miles of the Town. The proposed project would not result in the change of any air traffic patterns.
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (*Less Than Significant Impact*)**
Project site access was evaluated by the project's traffic impact assessment to determine the adequacy of the project driveway with regard to sight distance for vehicles leaving the project site and for traffic volumes within the site vicinity. The proposed project would have one full-access driveway connected to Los Gatos-Saratoga Road that would provide access to an 11-space surface parking lot and access to a ramp that leads to 58-space below-grade parking garage. Due to the median on Los Gatos-Saratoga Road, access to the project driveway would be possible only from eastbound Los Gatos-Saratoga Road, and the driveway would be right-turn-in and right-turn-out only.

As recommended in the traffic impact assessment, the project driveway on Los Gatos-Saratoga Road should be free and clear of any obstructions in order to optimize sight distance, so that vehicles exiting the site can see approaching eastbound bicyclists and vehicles and pedestrians on the sidewalk in both directions. "No parking" zones have already been established adjacent to the project driveway, in order to provide space for the bike lane. Because the driveway is centered in a small parking area and would not be right next to a building, drivers exiting the site would also be able to see pedestrians in both directions on the sidewalk. Landscaping and signage related to the proposed project should be placed so as to ensure that adequate sight distances are maintained at the driveway. Adequate corner site distance (sight distance triangles) should be provided in accordance with the Town's standards.

Very heavy traffic flow in the eastbound direction on Los Gatos-Saratoga Road in combination with the current signal phasing at the intersection with North Santa Cruz Avenue makes it impossible for drivers exiting the project site to access or join the end of the queue in the left-turn lane on Los Gatos-Saratoga Road during the PM peak period. Thus, during the PM peak hour, drivers leaving the project site would only be able to turn right or go straight through the intersection. Prior to the PM peak hour, when eastbound traffic volumes are not as great, drivers would be able to wait for gaps in eastbound traffic in order to access the left-turn lane or a U-turn onto westbound Los Gatos-Saratoga Road.

An analysis of potential queuing issues indicated that the 95th percentile queue at the westbound left turn movement in the AM peak hour at North Santa Cruz Avenue would exceed the storage capacity of the left turn pockets at that intersection under existing plus project and background plus project conditions, if U-turns were not allowed at Massol Avenue. The 95th percentile queue for the westbound left turn at University Avenue in the AM peak hour would also exceed that intersection's left turn pocket capacity if U turns were not allowed at Massol Avenue. However, if U-turns were allowed at Massol Avenue, drivers who would be making those left turns at North Santa Cruz Avenue and University Avenue would instead make a U-turn at Massol Avenue, and the proposed project would not result in any additional vehicles in those left turn lanes during the AM peak hour.

Because of the median on Los Gatos-Saratoga Road, the key access issue for the project site relates to site access for vehicles on westbound Los Gatos-Saratoga Road. Vehicles traveling westbound on Los Gatos-Saratoga Road past the project site have no opportunity under existing conditions in the immediate site vicinity to make a U-turn in order to enter the project site. Under current conditions, the most direct route for a vehicle coming from east of the project site to enter the project's driveway would be to turn left from westbound Los Gatos-Saratoga Road onto southbound North Santa Cruz Avenue, turn right on Almendra Avenue into the residential neighborhood, turn right on Tait Avenue, and then turn right on Los Gatos-Saratoga Road. An estimated 173 vehicles per day are currently going through the residential neighborhood in order to access the site.

The analysis of permitting U-turns from westbound Los Gatos-Saratoga Road at Massol Avenue indicated that the number of vehicles traveling through the residential neighborhood would decrease to approximately 40 trips. The traffic impact analysis provided recommendations for making modifications to the three-legged intersection of Los Gatos-Saratoga Road and Massol Avenue so that U-turns could be made from westbound Los Gatos-Saratoga Road. If the Town does consider allowing U-turns at Massol Avenue, the traffic impact analysis further recommends that the Town monitor the queues in the

westbound left-turn pocket to see if the queues overflow its capacity during the PM peak hour and to observe whether or not to prohibit U-turns during certain hours if queuing becomes a problem when eastbound traffic is heavy.

Access to and from the project driveway would not substantially increase hazards during non-peak hours of traffic. During the PM peak hour traffic, vehicles leaving the site would only be able to turn right due to very heavy traffic flow in the eastbound direction. Vehicles leaving the site during the PM peak hour would not be able to safely enter the left turn pocket lanes on Los Gatos-Saratoga Road due to current signal phasing at the intersection and that the left turn pocket lanes queue extends past the project driveway. Although there is no significant environmental impact related to access to and from the project driveway, improvements to modify and allow U-turns at the intersection of Los Gatos-Saratoga Boulevard at Massol Avenue for westbound traffic would minimize the number of vehicle trips through the residential neighborhoods and reduce the number of westbound vehicles making left turns at North Santa Cruz Avenue and University Avenue. The project would contribute to the Town's Impact Fee Program which would be used for several of the Town's improvement projects, including the Town's proposed modifications to the Los Gatos-Saratoga Road/North Santa Cruz Avenue intersection which would improve traffic flow and public safety at this intersection. Therefore, access to the project driveway would be adequate under all analyzed scenarios in the project's traffic impact assessment and impacts from the new driveway to the site would be less than significant.

- e. **Result in inadequate emergency access? (*Less Than Significant Impact*)** The project site has frontage on two public streets: Los Gatos-Saratoga Road and North Santa Cruz Avenue. Direct emergency access to the project site would only be available from the one full-access driveway connected to Los Gatos-Saratoga Road. According to the traffic impact analysis, the proposed design for the project site indicates that there will be adequate space for on-site emergency vehicle access given that the project site driveway and all drive aisles are at least 25 feet wide. Therefore, public safety impacts associated with emergency access would be less than significant.

- f. **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (*Less Than Significant Impact*)** The traffic impact analysis reported that the location lends itself well to usage of alternative modes of transportation given the project site's proximity to existing bus stops, bike lanes, and a highly pedestrian-friendly downtown environment. Existing alternative transportation features near the project site include Class II bicycle lanes present on Los Gatos-Saratoga Road adjacent to the project site, existing bus stops near Los Gatos-Saratoga Road and North Santa Cruz Avenue, and sidewalks adjacent to the building

frontage along on Los Gatos-Saratoga Road and North Santa Cruz Avenue. Although the existing transit, bicycle, and pedestrian facilities in the study area are adequate to serve the site, improvements are planned by the Town of Los Gatos at the intersection of North Santa Cruz Avenue and Los Gatos-Saratoga Road that would enhance pedestrian safety. To promote alternative modes of travel, the traffic impact analysis recommended that the applicant develop a site-specific Transportation Demand Management Plan that focuses primarily on reducing employee trips to the site and provided several best practice measures that would be appropriate for the Transportation Demand Management Plan. The development of a Transportation Demand Management Plan including best practice measures such as transit ticket subsidies, the inclusion of bike racks and lockers for bicyclists, preferential parking for ridesharing vehicles, and electrical vehicle charge stations may be considered by the Town in the conditions of approval for the project. The project would contribute its fair share to this intersection improvement project, as well as improvements to the bicycle network, through the Town's Traffic Impact Fee. The proposed project would not have an adverse effect on existing public transit, bicycle, or pedestrian facilities in the study area. Therefore, the project would not conflict with adopted policies, plans, or programs for alternative transportation, and the impact would be less-than-significant.

17. Tribal Cultural Resources

Would the project:

- a. **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (No Impact)** As discussed in Section 5. Cultural Resources, the existing commercial structures are outside of the Almond Grove Historic District and are not listed in the Town's Historic Resources Inventory (Town of Los Gatos email 2016). According to the Town of Los Gatos Municipal Code Section 29.10.020, none of the existing buildings meets the definition of historic structure because they were constructed after 1941. Therefore, these buildings are not eligible for listing in the state or local register of historical resources, and no significant impacts to historic resources would result from the proposed demolition or construction of the proposed project.

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

18. Utilities and Service Systems

Would the project:

- a. **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Less Than Significant Impact)** West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos. Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 million gallons per day (mgd) and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. According to the March 2012 San Jose/Santa Clara Water Pollution Control Plant Master Plan, the treatment plant has a planned capacity of 450 mgd. The proposed project's wastewater flow was estimated based on generation factors of 70 gallons per day per 1,000 square feet for commercial uses. At 19,700 square-feet of office commercial space, operation of the proposed project would result in the generation of approximately 1,380 gallons of wastewater per day which is an increase of 577 gallons per day. The proposed project's increase in wastewater generation would be less than 0.00001 percent of the current flow at the treatment plant which would use a less-than-significant amount of the remaining capacity.

New on-site wastewater collection lines would be installed and connect to two existing sewer laterals that drains from the eastern boundary of the site to the Town of Los Gatos sanitary sewer lines located beneath North Santa Cruz Avenue. The West Valley Sanitation District has adequate collection facilities and treatment capacity to accommodate wastewater flows from the proposed residential development.

- b. **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Less Than Significant Impact)** See discussion under item a above.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (*No Impact*)** No new off-site storm water drainage facilities or expansion of existing facilities are required to serve the proposed project; thus, there would be no need for new storm water facilities resulting from the proposed project. Additionally, the project applicant has prepared a preliminary storm water control plan for the proposed project. This preliminary plan includes three flow-through planters along the northern and western boundaries of the property that will treat storm water prior to discharge to the on-site storm drain. The preliminary plan would require final design approval prior to the issuance of building permits by the Town for the project site. There would be no impacts to storm water facilities.
- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (*Less Than Significant Impact*)** The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. Using the future projected demand factor for Commercial and Office uses from Table 4.14-1 of the *Town of Los Gatos 2020 General Plan EIR*, which is 0.0751 gallons per square foot per day, the proposed project is estimated to use approximately 1,480 gallons of water per day in comparison to the existing use of approximately 1,034 gallons per day. Water use at the project site may be slightly higher than the estimated 1,480 gallons per day if a restaurant were to operate in the proposed one-story commercial building instead of a retail store. Expected water needs of the proposed project would be met with existing entitlements and resources. Therefore, the proposed project would have a less-than-significant impact on existing water supplies.
- e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (*Less Than Significant Impact*)** See discussion under item a above.
- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (*No Impact*)** West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage are transported to the Guadalupe Landfill, located approximately 5 miles east of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted

capacity of 28.6 million cubic yards. According to CalRecycle, the landfill had used approximately 11 million cubic yards (about 61 percent of its capacity) as of January 2011 and is expected to reach its capacity in about 2048. Therefore, there is adequate capacity at the landfill for the solid waste that would be generated by the proposed project. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste and recycling and no impact would occur.

- g. Comply with federal, state, and local statutes and regulations related to solid waste? (No Impact)** The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2014 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. As reported in the CalRecycle database, the Town exceeded those targets by limiting residential disposal to 3.9 pounds per person per day, and non-residential disposal to 7.5 pounds per person per day. The proposed project would have the same recycling and diversion opportunities, so disposal rates would be similar to the Town's existing rates. Therefore, the proposed project would be in compliance with solid waste regulations and there would be no impact.

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

Nov 2, 2016
Date


Jennifer Armer, Associate Planner

INITIAL STUDY

201-225 LOS GATOS-SARATOGA ROAD

PREPARED FOR

Town of Los Gatos

Community Development Department

Jennifer Armer, Associate Planner

110 East Main Street

Los Gatos, CA 95030

Tel 408.399.5706

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP, Principal

james@emcplanning.com

www.emcplanning.com

November 2, 2016

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Appendices (included on CD on inside back cover)

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- Appendix B Geotechnical and Geohazards Investigation Report
- Appendix C Design Plans
- Appendix D Environmental Noise Assessment
- Appendix E Transportation Impact Analysis

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A. BACKGROUND

Project Title	201-225 Los Gatos-Saratoga Road
Lead Agency Contact Person and Phone Number	Town of Los Gatos Community Development Dept. Jennifer Armer, Associate Planner, 408-399-5706
Date Prepared	November 2, 2016
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Dana McCarthy, Assistant Planner
Project Location	201-225 Los Gatos-Saratoga Road, Los Gatos, California
Project Sponsor Name and Address	Highway 9 Partners, LLC 15425 Los Gatos Boulevard, Suite 102 Los Gatos, CA 95030 Joey McCarthy Jim Foley
General Plan Designation	Central Business District
Zoning	C-2

Setting

The site is comprised of APNs 510-14-008 and 510-14-009. The properties are zoned C-2 and located within the C-2B subdistrict of the Central Business District. The site is relatively level and predominately surrounded by various commercial businesses to the north, east, southeast, and west of the lot. Single family residential housing and mature live oak trees are located directly behind the site to the southwest. Los Gatos-Saratoga Road (State Route 9) in front of the site consists of two lanes westbound, two lanes eastbound, and sidewalks. North Santa Cruz Avenue is two lanes with sidewalks. The Los Gatos-Saratoga Road and Santa Cruz Avenue intersection is one of the main gateways into downtown Los Gatos. The State Route 17 interchange with State Route 9 is located less than one-half mile to the east of the site. Site location is presented on Figure 1, Site Location Map and on Figure 2, Aerial Photograph. Site photographs showing existing conditions are presented on Figure 3, Site and Site Vicinity Photographs.

Description of Project

The proposed project located at the southwest corner of Los Gatos-Saratoga Road and North Santa Cruz Avenue includes the merger of two properties totaling approximately 35,226 square feet (0.8 acre), demolition of four existing commercial buildings, and the construction of two new commercial buildings with below grade and at grade parking. A two-story 15,500 square-foot office building with exterior patio would be constructed on the western portion of the site, and a one story 4,200 square-foot retail or restaurant building with exterior patio would be constructed on the eastern portion of the site. The two-story office building would include medical office and/or general office space and may include a 4,000 square-foot bank. In addition, a one-level below ground parking structure would be constructed to provide required parking for the project. A two-way driveway would be located between the new buildings providing access to and from Los Gatos-Saratoga Road. Excavation of the underground parking would require the removal of about 13,000 cubic yards of soil from the project site. A site plan showing the proposed layout of the two new commercial buildings is presented on Figure 4, Site Plan.

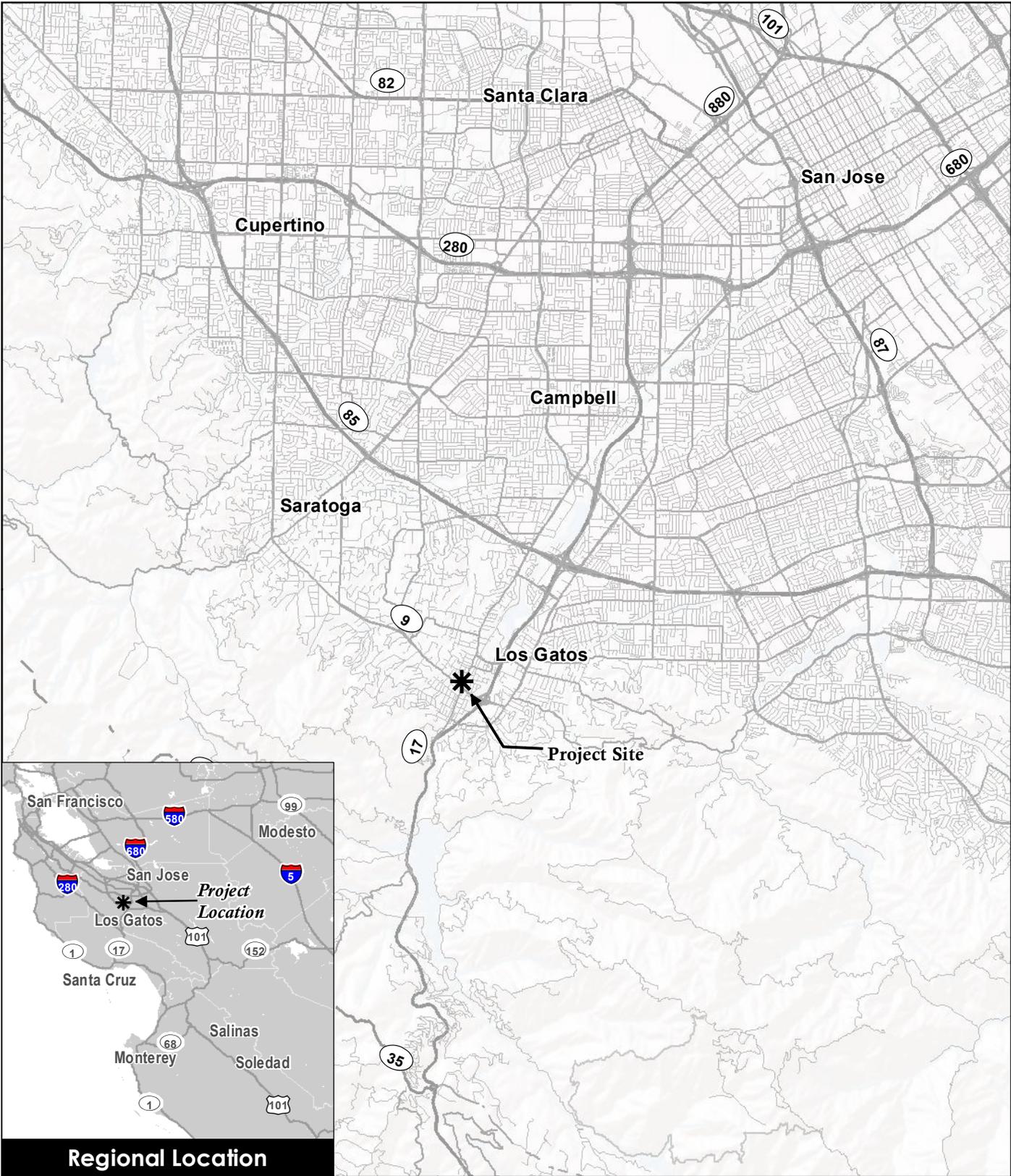
Other Public Agencies Whose Approval is Required

None.

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

No.

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



Source: ESRI 2014

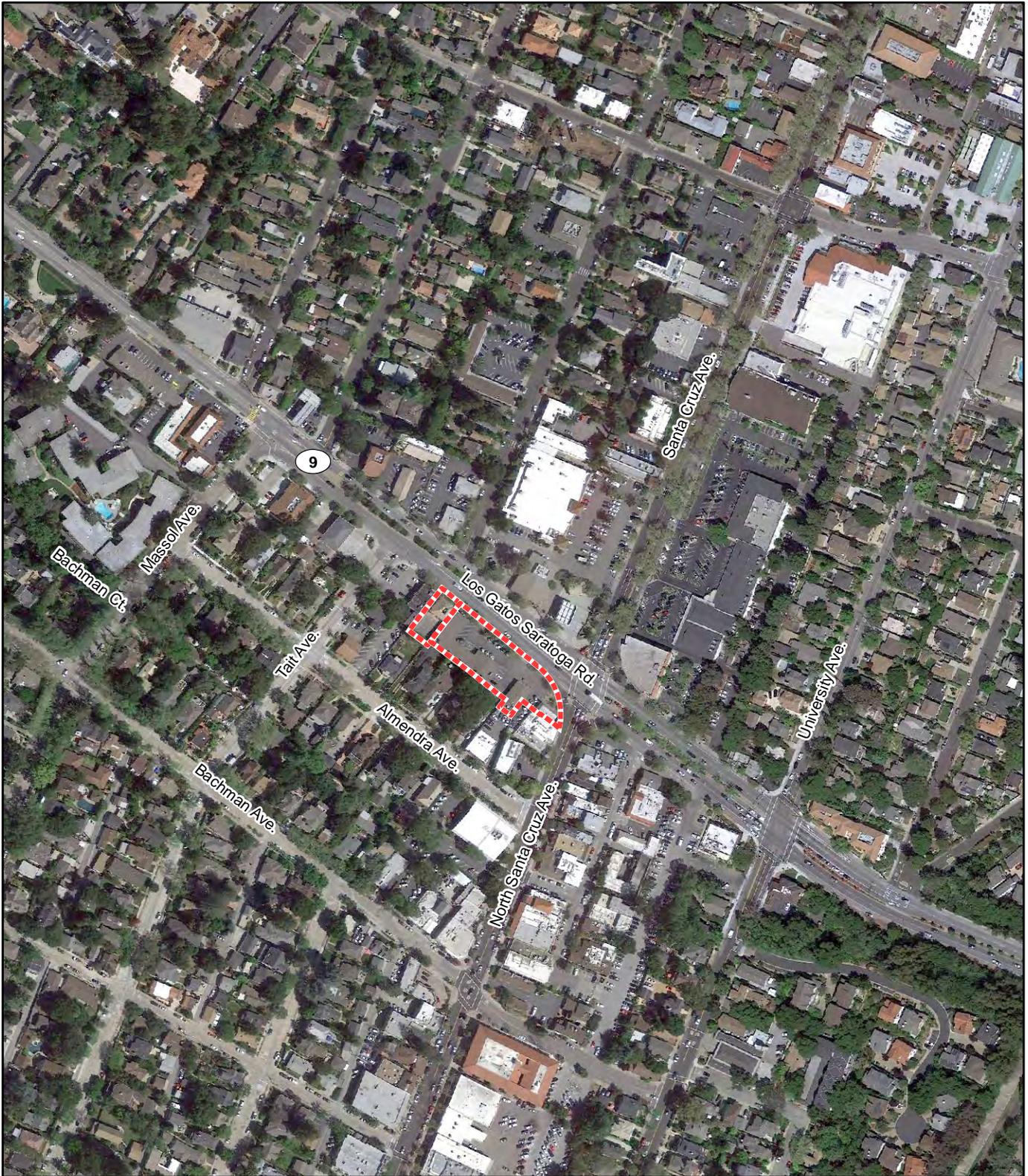
Figure 1

Location Map

201-225 Los Gatos-Saratoga Road Initial Study



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0 300 feet



Project Site

Source: Google 2016, Santa Clara County 2016

Figure 2

Aerial Photograph

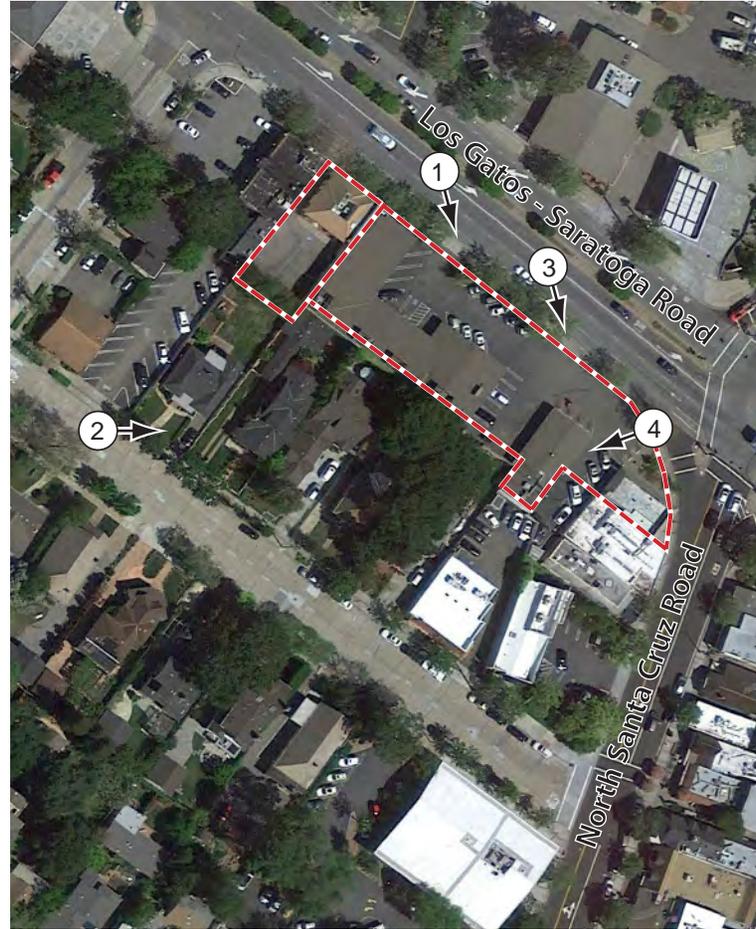


201-225 Los Gatos-Saratoga Road Initial Study

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① Southeastern view of project site.



 Project Site

Source: Google Earth 2016

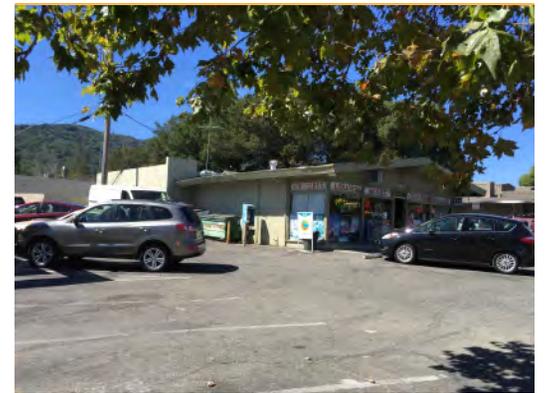
Photographs: EMC Planning Group 2016



③ Southeastern view of project site.

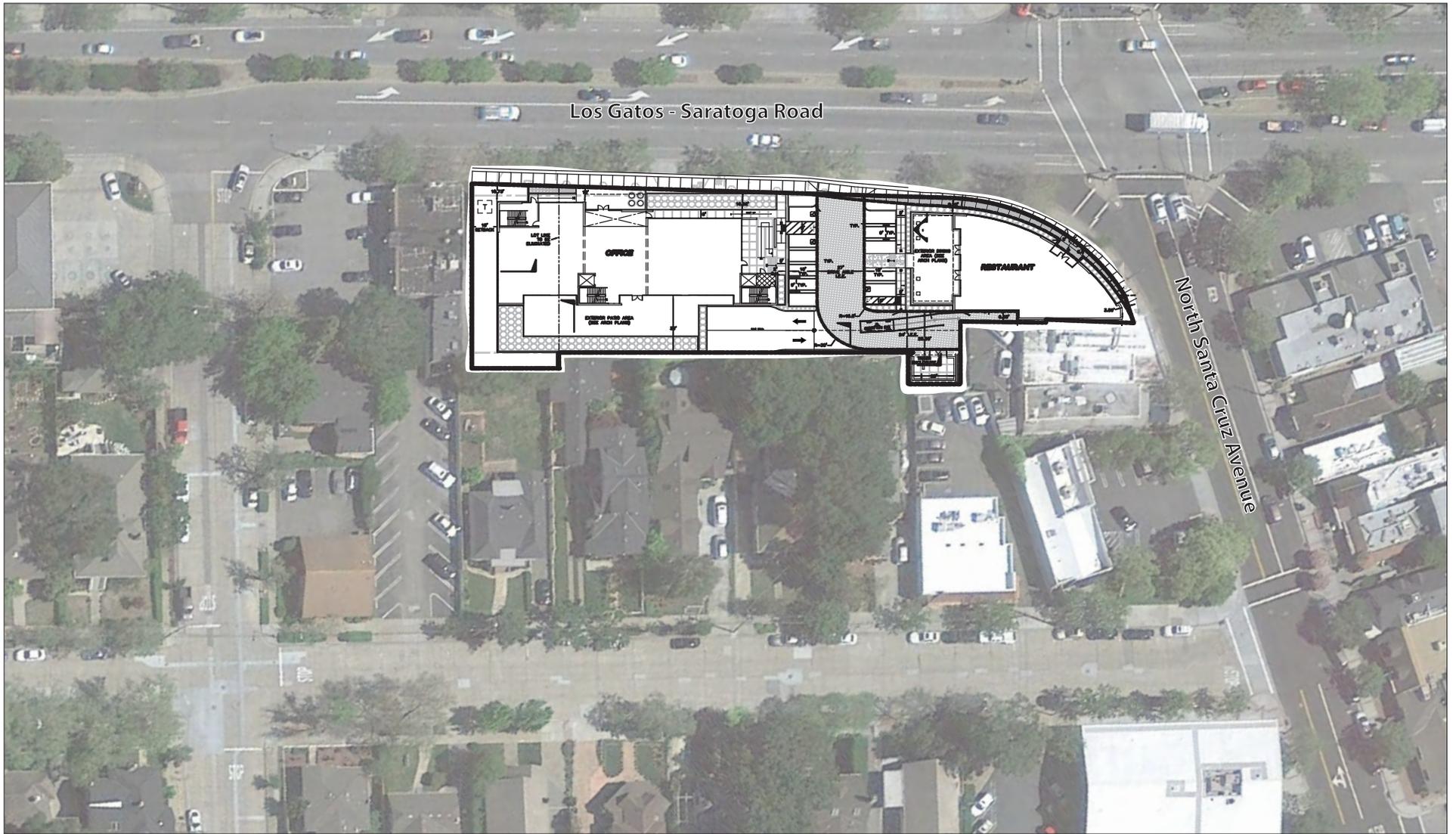


② Eastern view of residential neighborhood located directly behind project site.



④ Southwestern view from project site, facing Village Liquors building.

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Source: BKF Engineers 2016, Google 2016

Figure 4
Site Plan



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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

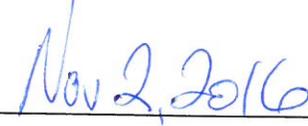
C. DETERMINATION

On the basis of this initial evaluation:

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



Jennifer Armer, Associate Planner



Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

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

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
- 7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
- 8. This is the format recommended in the CEQA Guidelines as amended January 2011.
- 9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

I. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 2, 3, 5, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 3, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 2, 3, 4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The project site is located adjacent to Los Gatos-Saratoga Road at the intersection with North Santa Cruz Avenue, which serves as one of the main gateways into downtown Los Gatos. Residential neighborhoods are located south of the project site and commercial businesses surround the project site to the north, east, and west. The Santa Cruz Mountains are located approximately one mile south of the site and are visible on Figure 3, Site and Site Vicinity Photographs. The existing buildings are estimated at about 15 to 18 feet tall in general and up to about 20 to 25 feet at the roofline peaks and at rooftop utility enclosures. Views of the Santa Cruz Mountains are currently readily available to westbound traffic on Los Gatos-Saratoga Road at the western end of the project site. The mountains rise to a higher elevation in this view than they do to the south. Views over the existing building at the eastern end of the project site is more limited, due to both the existence of tall trees to the south of the project site and a sharper viewing angle that is required to see the view to the south.

The new corner building would be one-story tall (22 feet) and the larger building to the west would be two-stories tall (36 feet 6 inches). The one-story building would occupy the entire street corner and be about seven feet taller than the existing buildings, with an even rather than pitched roofline. The new building at the western end of the project site would reduce views of the Santa Cruz Mountains, although not eliminate them. At the west end of the project site, the new two-story building would be twice the height of the

existing building and would eliminate views of the hills. Although the new two-story building would more completely obscure views, those views are less panoramic and less readily seen. There would be a gap between the western and eastern buildings that would allow views toward the mountains. The proposed project would not affect the views of the Santa Cruz Mountains from the residences located south of the project site.

Given that the scenic vista toward the Santa Cruz Mountains is already partially obscured under existing conditions and the proposed buildings would only affect the less panoramic view of the mountains on the west end of the project site, the proposed project would have a less-than-significant impact on a scenic vista.

- b. The project site is located adjacent to and in the viewshed of Los Gatos-Saratoga Road, which is a portion of State Route 9. This portion of State Route 9, within the town limits of Los Gatos, is not an officially designated state scenic highway. The project site is not visible from the state-designated scenic portion of State Route 17. Therefore, the project would not damage scenic resources within a state scenic highway, and would have no impact.
- c. The project site is located at an intersection that serves as one of the main gateways into downtown Los Gatos. The existing commercial buildings at the site appear blighted such as the Postalmate Plus and Village Liquor stores, which are dated and do not blend in with the visual character or qualities of Los Gatos Central Business District. The proposed buildings are designed in compliance with the Los Gatos commercial design guidelines for the C-2B subdistrict, which emphasize the idea of a “village” scale and character. The new buildings were designed in keeping with the small-town character of Los Gatos through compliance with several General Plan goals and policies listed under the Land Use Element, Community Design Element, and Transportation Element.

The existing commercial buildings to be demolished on the project site are not considered historic structures or scenic resources, and no historical buildings near the project would be damaged during construction activities.

The new buildings would reflect individuality while retaining the village qualities of the district. The two-story building is designed with a stepped facade to create the appearance of smaller modules which would minimize the building’s mass. The one-story building would have a wooden trellis system over its exterior patio, which would add an extra element of visual interest and human scale. Both buildings would blend in with the surrounding environment through the use of natural materials and a multitude of new planters and trees, including replacement of Columbia Sycamore (*Platanus acerifolia*) trees in the Town’s sidewalk area and tall Carolina Laurel Cherry (*Prunus caroliniana*) trees that would be installed at the southern part of the site. The Carolina

Laurel Cherry (*Prunus caroliniana*) trees would grow to a height of 15 to 35 feet which would adequately shield the development from the residences located behind the site.

Revitalization of this location with new buildings that will visually blend in with the existing architecture and topography would be a beneficial impact that will enhance the aesthetic quality of this downtown gateway. Therefore, the proposed project would have no impact on the existing visual character of the site or its surroundings.

- d. The new buildings would include exterior nighttime lighting for security purposes/pedestrian safety and glass windows facing public streets. Nighttime lighting for the new buildings is proposed to be consistent with standard lighting within the Town and would not disrupt nighttime views. Staff review of individual projects for their light and glare effects is required by the Town. This review occurs through the Town's Architecture and Site review processes and performance standards contained in the Zoning Ordinance (Town Code Chapter 29, Article I, Division I, Sections 29.10.09015 and 29.10.09035) are used to condition new development to minimize its light and glare effects. General Plan Policies CD-3.2, CD-11.1, and CD-17.3 also address minimizing light pollution and preventing glare while maintaining the Town's character. Therefore, the light and glare impacts associated with the proposed project would be less than significant.

2. AGRICULTURE AND FOREST RESOURCES

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

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

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

3. AIR QUALITY

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

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (21, 22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (21, 22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (21, 22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (8, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (8, 23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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

The Town is located within the San Francisco Bay Area Air Basin and the boundary of the Bay Area Air Quality Management District (Air District). The Air District adopted the current version of the Clean Air Plan in 2010. Consistency with the Clean Air Plan is based on conformance with air quality control measures presented in the Clean Air Plan. In general, infill projects, such as the proposed project, are consistent with applicable control measures.

The Air District's toxic air contaminants database was consulted, and four permitted emission sources were identified within 1,000 feet of the project site. Sources include two gas stations on Los Gatos-Saratoga Road, a dry cleaner on North Santa Cruz Avenue, and the Santa Clara County Fire Department on University Avenue. Since the project site would be used for commercial uses only and would not include new sensitive receptors, these sources would not be a concern.

The Air District has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. The Air District's guidance is contained in its *California Environmental Quality Act Air Quality Guidelines* ("Air District's guidelines") which were initially adopted in 1999, and updated in 2010, 2011, and 2012. As the result of a law suit against the Air District, thresholds of significance were removed from the 2012 version, and the Air District currently recommends use of the 1999 thresholds. The thresholds of significance in both the 1999 and 2011 versions of the Air District's guidelines were consulted to determine if the proposed project would result in significant air quality impacts. As described on page 3-1 of the 2011 guidelines, if a proposed project's size is below that listed in Table 3-1 "Criteria Air Pollutant and Precursors and GHG Screening Level Sizes" for the corresponding use, the proposed project's operational impacts for criteria pollutants would not be significant and detailed air quality assessment is not needed.

Table 3-1 establishes screening criteria for multiple types of commercial projects. The two-story commercial building with proposed uses as a general office building or medical office building with a 4,000 square foot bank, and the one-story commercial building with proposed uses as a high turnover restaurant or retail space would together be smaller than the thresholds. Therefore, the proposed project would have a less than significant impact on air quality.

Table 3-1 also contains screening criteria for construction impacts of new development projects. For the proposed commercial uses, the project is significantly less than the 277,000 square-foot threshold for construction-criteria air pollutant emissions; therefore, project construction impacts would be less than significant. However, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. The following mitigation measure would ensure that the proposed project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant.

The Air District has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of particulate matter in the form of fugitive dust because initial site

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

Construction of the proposed project would take place adjacent to existing houses located south of the project site and would result in dust and diesel engine emissions that could affect the residences. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

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

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.*
2. *All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.*
3. *All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.*
4. *As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.*
5. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.*
6. *All vehicle speeds on unpaved surfaces shall be limited to 15 mph.*
7. *All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
8. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of*

Regulations [CCR]). For equipment operating within 25 feet of the existing residential housing, idling times shall be reduced to 2 minutes. Clear signage shall be provided for construction workers at all access points.

9. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.*
 10. *Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NO_x and PM_{10} . The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NO_x and PM_{10} using the appropriate air quality and/or particulate monitor.*
 11. *Post a publicly visible sign with the telephone number and person designated by the applicant to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
 12. *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*
- d. A "sensitive receptor" is defined as any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. The nearest sensitive receptors to the site are residential housing located along Almendra Avenue directly behind the project site.

During operations, the proposed project would not expose sensitive receptors to increased emissions of ROG and PM_{10} . However, development of the proposed project would require the demolition of four existing buildings, excavation, and grading, which could temporarily expose sensitive receptors to emissions (refer to earlier discussion). In addition, the building constructed in 1957 may contain residual lead-based paint and asbestos-containing materials. The Air District's guidelines state that buildings constructed prior to 1980 often include building materials containing asbestos. Airborne

asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposures to these materials. The improper handling and disposal of these materials during demolition activities could release lead- or asbestos-containing hazardous materials and waste into the environment and increase exposures to their hazardous effects. Thus, demolition of the building could possibly expose sensitive receptors to lead, asbestos and other toxic air contaminants. Due to the location of sensitive receptors (residential housing) in proximity to the project site, the proposed project could result in the exposure of some sensitive receptors to these emissions during demolition and construction activities.

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

The project shall implement the following standard conditions:

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

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

Compliance with national, state and local regulations and Air District rules and procedures, as well as compliance with all regulatory agencies regarding the disposal of hazardous materials, would reduce the risks of asbestos-containing materials exposure to workers and nearby sensitive receptors during demolition of the oldest existing building on the site to a less-than-significant level, and no mitigation would be required. Compliance with safe work practices for lead abatement in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 would reduce the risk of lead exposure to workers and nearby sensitive receptors during building demolition to less-than-significant.

The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel delay in the event of overlapping construction traffic from other projects occurring in the vicinity, including projects from neighboring jurisdictions. This requirement for a Traffic Control Plan would ensure that potential impacts to sensitive receptors from pollutants during construction phase of the proposed project would be less than significant.

- e. The proposed project includes the construction of two new commercial buildings and would not result in any objectionable odors during the operational phase. During project construction, nearby residences and the public may be exposed to petroleum hydrocarbon odors during soil clean-up, site excavation, and grading activities in the eastern portion of the project site due residual soil contamination that may be related to a former service station that operated on the adjacent property south of the project site. The geotechnical report documented evidence of petroleum hydrocarbon odors in soil boring EB-3. Implementation of mitigation measure HZ-3, discussed in Section 8.0 Hazards and Hazardous Materials, would ensure that potential impacts due to petroleum hydrocarbon contamination are reduced to a less-than-significant level by requiring notification to and following appropriate guidance provided by the County of Santa Clara Department of Environmental Health to ensure potential impacts are remedied prior to issuance of building permits.

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

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2, 11)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (2, 4, 11)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

The project site is included on the U.S. Geological Survey (USGS) Los Gatos quadrangle map. Elevation on the generally flat site is about 390 feet above sea level. The project site is surrounded in all directions by urban development. It contains developed structures and paved areas, planter boxes positioned along the buildings, and small areas of landscaping along the perimeter of the property, including non-native ornamental trees and shrubs. No natural plant communities/wildlife habitats are present on the project site.

- a. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring. They typically occur in relatively undisturbed areas and are largely found within unique natural habitats. No special-status species are expected to occur on the project site due to the lack of suitable habitats.

However, common urban-tolerant native bird species may nest in trees on and adjacent to the project site. Future construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of active nests. This would be a significant impact. The following mitigation measure would reduce this significant potential impact to a less-than-significant level.

Mitigation Measure

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

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

area size depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with any applicable project permits.

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

- b. Sensitive natural communities are defined by local, state, or federal regulatory agencies as habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high native biological diversity. No sensitive natural communities or riparian habitats occur on the project site. Therefore, no impacts to sensitive natural communities would occur.
- c. As confirmed through the site visit and review of the U.S. Fish and Wildlife Service *National Wetlands Inventory*, the project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.
- d. In general, wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.
- e. The following *Town of Los Gatos 2020 General Plan* policies are applicable to the proposed project.

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

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

The Town's Tree Protection Ordinance is also applicable to the proposed project.

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

The trees protected by this division include:

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

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

(8) All publicly owned trees growing on Town lands, public places or in public right-of-way easement, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk.

Sec. 29.10.0990. Standards of review [abridged].

Each application for a tree removal permit required by this division shall be reviewed using the following criteria to determine whether or not one or more of the Required Findings listed in Section 29.10.0992 can be made:

(5) In connection with a proposed subdivision of land into two (2) or more parcels, the removal of a protected tree is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.).

(6) Except for properties located within the hillsides, the retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

Sec. 29.10.0992. Required Findings [abridged].

This division shall approve a protected tree removal permit, severe pruning permit, or pruning permit for Heritage trees or large protected trees only after making at least one of the following findings:

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

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

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

- (a) Protective tree fencing shall specify the following:
 - (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
 - (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone, when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
 - (3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
 - (4) Warning sign. Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning—Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025."

- (b) All persons shall comply with the following precautions:
- (1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the tree protection zone. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
 - (2) Prohibit all construction activities within the tree protection zone, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
 - (3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
 - (4) Prohibit the attachment of wires, signs or ropes to any protected tree.
 - (5) Design utility services and irrigation lines to be located outside of the dripline when feasible.
 - (6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
 - (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

According to the arborist report prepared for the proposed project, there are 32 trees on or adjacent to the project site, which are protected by the Town's Tree Protection Ordinance. The arborist report is included in Appendix A. The arborist report provides suggestions for reducing construction impacts to any retained trees on and adjacent to the project site when possible and practical, including the Town's general tree protection directions.

Based on the proposed project's preliminary landscape plan, ten protected trees in front of the project site along the Town's sidewalk adjacent to Los Gatos-Saratoga Road and North Santa Cruz Avenue and one protected tree toward the southern part of the project

site will be removed and replaced under an approved Town of Los Gatos Tree Removal Permit as part of the design plans for the project, this is a significant impact. The protected trees include one coast live oak (*Quercus agrifolia*), nine London plane trees (*Platanus ×acerifolia*), and one glossy privet tree (*Ligustrum lucidum*). The remaining 21 trees would be protected and not removed during demolition and construction activities through mitigation measures identified in the arborist report for the project.

All of the trees proposed for removal meet the criteria of Town protected trees. Therefore, their removal would be a significant impact. Unintentional damage to protected trees proposed for retention would also be a significant impact. The implementation of mitigation measure BIO-2 and BIO-3, consistent with the recommendations in the arborist report, would reduce this impact to a less-than-significant level.

Mitigation Measures

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

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

BIO-3. The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Deborah Ellis on March 17, 2015.

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

- f. The project site is not located within the Santa Clara Valley Habitat Plan permit area. The proposed project would not conflict with any adopted habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 2, 3, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of dedicated cemeteries? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Project implementation would result in demolition of the existing commercial structures on the project site. The buildings on the project site are located adjacent to, but outside of, the Almond Grove Historic District and are not listed in the Town’s Historic Resources Inventory (Town of Los Gatos email 2016). None of the existing buildings meets the definition of a local historic structure because they are not (1) located in a historic district; or (2) historically designated; or (3) constructed prior to 1941. The buildings located on APN 510-14-008 and 510-14-009 were constructed in 1984 and 1957, respectively. The buildings also do not meet the criteria for listing on the California Register of Historic Resources or National Register of Historic Places because they do not hold any significance in California or American history, architecture, archeology, engineering, or culture. Therefore, there are no historically significant or potentially historically significant resources on the project site and no significant impacts to historic resources would result from the proposed demolition for construction of the proposed project.

- b. There are no known archeological resources identified on the project site. However, there is the potential for unknown archaeological resources to occur on the site that may be disturbed during construction activities. General Plan Policy OSP-9.4 requires that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until

- appropriate mitigation is implemented. Policy OSP-9.1 requires evaluation of archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history. Policy OSP-9.2 requires that the Town ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites. With implementation of the above policies, potential impacts to unknown archaeological resources that may occur on the site would be less than significant.
- c. The *Town of Los Gatos 2020 General Plan* cites the University of California Museum of Paleontology, Berkeley in determining that there are no fossil localities within the Town of Los Gatos, but determined that deep excavations could disturb unknown underground paleontological resources. While the Town has not been identified as sensitive to potential fossil resources and the relatively limited area to be excavated on the project site, the proposed project would involve deep excavations for underground parking which has the potential to impact unknown paleontological resources. Implementation of General Plan Policy OSP-9.4, which requires that construction stop until appropriate mitigation is implemented if paleontological resources are uncovered during grading or other on-site excavation activities, would ensure impacts to paleontological resources potentially occurring on the project site are less than significant.
- d. There are no known human remains identified on the project site. However, there is the potential for unknown human remains to be disturbed during construction activities. General Plan Policy OSP-9.3 requires that any human remains discovered during implementation of public and private projects within the Town be treated with respect and dignity and fully comply with California laws that address the identification and treatment of human remains. Implementation of the above policy ensures that potential impacts to undiscovered human remains that may occur on the project site would be less than significant.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1, 2, 3, 23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (1, 2, 3, 23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1, 2, 3, 23)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(4) Landslides? (1, 2, 3, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in substantial soil erosion or the loss of topsoil? (4, 23)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (23)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

A geotechnical investigation report (geotechnical report) was prepared for the proposed project by TRC (2015) and is included as [Appendix B](#) of this initial study. The report developed geotechnical design recommendations and criteria for the design of the proposed project to address potential geologic-related hazards associated with the construction and operation of the proposed project.

- a. Potential impacts from exposure to geologic risks are as follows:

Fault Rupture Hazards. The project site is not located within an Alquist-Priolo Earthquake Fault Zone, but is located within a County of Santa Clara Fault Hazard Zone. The active San Andreas fault runs approximately 0.9 miles southwest of the Town. The potentially active Shannon Berrocal, Monte Vista, and Sargeant fault systems are the four main faults in the Southwest Santa Clara Valley Thrust Belt. These faults have not been known to produce large earthquakes within historic time, but appear to move as a result of sympathetic or aseismic movement associated with an earthquake on the San Andreas Fault. A concealed branch of the Shannon Fault is mapped crossing the entire length of the project site. According to the geotechnical report, the project site area was designated as having a high fault rupture hazard rating due to the presence of the concealed fault traces, concentrated damage from the 1989 Loma Prieta earthquake, and the existence of lineaments (linear topographic features). Co-seismic ground deformation resulting from a future large magnitude earthquake on the San Andreas Fault could cause displacements on the order between 0.35 to 0.82 inch, which could be a significant impact. The geotechnical report recommended that the design of the proposed structures at the site accommodate up to one inch of differential offset and vertical movement across the length and width of the project site. The geotechnical report recommended that an engineering geologist review the subgrade for indications of ground movement associated with previous earthquake activity prior to construction. Implementation of the following mitigation measure would ensure that potential impacts resulting from fault rupture would be reduced to less than significant.

Mitigation Measure

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

Seismic Ground Shaking. Because Los Gatos is within the “near source” zone of both the San Andreas and Monte Vista faults zones, the Town is subject to particularly strong ground shaking effects. The geotechnical report recommended that, at a minimum, the proposed structures be designed in accordance with the seismic design criteria of the 2013 California Building Code. Implementation of mitigation measure GEO-1 would ensure that potential impacts due seismic ground shaking would be reduced to a less-than-significant level by requiring implementation of recommendations included in the geotechnical report.

Seismic-Related Ground Failure and Liquefaction. The project site is not located in a seismic hazard zone for liquefaction and is not located within a Santa Clara County Geologic Hazard Zone for liquefaction. Findings from the geotechnical report indicate the potential for liquefaction and seismically-induced differential settlement at the project site is low.

Landslide. The project site is located in an area of relatively flat topography and is not located in seismic hazard zones for earthquake-induced landslides. Therefore, there is no risk of landslides at the project site.

- b. Compliance with the Town of Los Gatos Grading, Erosion, and Sediment Control Ordinance would minimize soil erosion during project demolition and construction activities. Engineering best management practices, and Town and state erosion control measures would be in place during construction of the proposed project. With these measures in place and monitoring by the Town’s Building Division there would be a less-than-significant impact on soil erosion during construction.
- c. With the exception of the fill material encountered to a depth of at least 20 feet in the southeastern portion of the project site, the project site is underlain by soils that are generally stiff to hard clays and medium dense to very dense sands. The potential for these soils to become unstable and result in subsidence, liquefaction, lateral spreading, or collapse is low. However, there is potential that the fill material observed in the southeastern portion of the project site may become unstable.

The geotechnical report recommends against supporting future improvements on the fill material and recommends that the fill beneath new improvements be removed down to (and including) the level of the concrete rubble or at least five feet below existing site grade, then re-compacted or replaced. The removal and replacement of the fill should extend laterally at least 40 feet from the location of soil boring EB-3. If additional fill is discovered during earthwork beyond the 40 foot radius, it should also be removed and replaced. Details regarding removal of existing fill are presented in Section 7.2 of the geotechnical report.

Implementation of mitigation measure GEO-1, discussed above, would ensure that potential impacts due to unstable soil or fill material are reduced to a less-than-significant level by requiring implementation of recommendations included in the geotechnical report.

- d. In general, the project site is underlain by interbedded layers of soil consisting of hard lean clay and sandy lean clay, medium dense to very dense clayey gravel, and medium dense to very dense clayey sand to a depth of 22.5 feet below ground surface. Below this depth, the project site is underlain by interbedded layers of soil consisting of very dense clayey gravel, very dense poorly graded gravel, and hard lean clay and sandy lean clay to approximately 45 feet below ground surface, the maximum depth explored. Plasticity Index tests were performed on two clay samples collected from a depth of approximately two feet to evaluate the soil expansion potential of surface soils the project site. Results of the tests indicated that near surface soils at the site have low plasticity and low soil expansion potential. It is expected, based on the soils found onsite, that substantial risk to life or property from expansive soils-related hazards is low. Therefore, the impact from expansive soil is considered to be less than significant.
- e. The project site is currently served by public utility services for disposal of wastewater, and will not require the use of septic tanks or alternative waste water disposal systems. The proposed project would continue to use these public utility services after construction; therefore, there would be no impact related to septic systems.

With the incorporation of design recommendations in the geotechnical report, there would be no substantial geologic-related hazards associated with the proposed project.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (8, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (8, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

a-b. The proposed project would result in greenhouse gas (GHG) emissions during its construction and operational phases. Construction emissions would be generated by equipment used during the site preparation and infrastructure/building construction processes. Operational emissions would be generated primarily by vehicle trips of employees, delivery trucks, and visitors accessing the various commercial businesses, and indirectly by use of electricity, natural gas, and water, the generation of wastewater, and disposal of solid waste.

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

Policies in both the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Sustainability Plan* include measures that would reduce greenhouse gas emissions. The Town considers the *Los Gatos Sustainability Plan* to be its Climate Action Plan, and is the Town’s principal tool in implementing the sustainability objectives of the *Town of Los Gatos 2020 General Plan*. The *Los Gatos Sustainability Plan* presents the Town’s strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. Implementation of the *Los Gatos Sustainability Plan* is expected to reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020.

The proposed project would implement several methods to increase energy efficiency. Photovoltaic panels would be installed on the south-facing sloped roof of the new two-story office building to allow for the greatest solar energy gains that would aid in powering the building's electrical and mechanical systems. The flow-through planters located along the northern and western boundaries of the project site would provide a self-sustaining method of rainwater drainage and water removal. Low energy LED wall sconces would be installed on the facades, and the building would utilize an energy efficient glazing and wall design. These project designs would reduce energy and water use, and reduce indirect GHG emissions associated with off-site energy production and water system operation.

The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gases. The greenhouse gas emissions from the proposed project are unlikely to have a significant impact on the environment given the relatively small project size and the inclusion of several methods to increase energy efficiency. Therefore, GHG emissions from the proposed project would be less-than-significant.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1, 2, 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (2, 3, 8, 22, 27)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (13, 14, 23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (2, 3, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (2, 3, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 8, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Due to the age of the existing buildings, there may be a potential for removal and disposal of hazardous asbestos and/or lead paint during building demolition, which is discussed further below and also discussed in Section 3, Air Quality.

Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. All construction activities would be subject to the National Pollutant Discharge Elimination System (NPDES) permit process that requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would be reviewed and approved by the Regional Water Quality Control Board.

Operations of the proposed commercial uses (retail, office, bank, and/or restaurant) are not expected to use or store hazardous materials. Likewise, the proposed uses would not transport significant quantities of hazardous materials, and the risk of potential hazard to the public and the environment is less than significant.

- b. With the exception of medical office uses, the proposed project commercial uses would not require the routine transport, use, or disposal of hazardous waste. Medical offices are likely to generate biohazardous/medical wastes and would be required to comply with the California Medical Waste Management Act as described in the California Health and Safety Code sections 117600 – 118360. Improper handling, treatment, storage, transportation, or disposal of such wastes could pose a hazard to public and environmental health through the release of pathogens and other potentially infectious agents. The County of Santa Clara Department of Environmental Health is responsible for implementing the Medical Waste Management Act and issues permits to small quantity medical waste generators under the authority of the Santa Clara County Ordinance Code, Sections B11-260 to B11-268. Conformance with the regulations under the oversight of the county will ensure that related impacts are reduced to less than

significant. Nominal amounts of hazardous material in the form of fuels and other construction materials are routinely used during construction processes. These materials do not pose an elevated risk to the public.

Demolition of the existing buildings may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials (lead- or asbestos-contaminated dust) into the environment. Building demolition contractors will be required to disclose the presence of hazardous materials on the Town of Los Gatos building permit application and comply with the regulations set forth in the 2013 California Building Codes regarding asbestos and lead exposure. In addition, the building demolition contractors will be required to comply with the Bay Area Air Quality Management District Asbestos Demolition/Renovation Program which oversees enforcement of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants regulation. Compliance with local, state, and federal regulations would reduce this impact to less than significant during the demolition phase of the project.

If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact. Please refer to Section 3, Air Quality for further discussion on asbestos. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

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

Lead-based paint was banned in 1978. The buildings onsite were constructed in 1957 and 1984. Lead-based paint may be present in the building constructed in 1957. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present. Special protective measures and notification to Department of Toxic Substances Control are required for highly hazardous construction tasks related to lead, such as manual demolition, welding, cutting, or torch burning of structures where lead-based paint is present. The following mitigation measure would reduce potential project-related impacts from the release of lead based paint to a less-than-significant level.

Mitigation Measure

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

- c. No public or private schools are located within one-quarter mile of the project site. The closest schools are Los Gatos Parent Nursey School, St. Mary's Catholic School, Fusion Academy Los Gatos, and Los Gatos High School, which are all located approximately 0.40 mile southwest to southeast of the project site. Therefore, there would be no impact related to hazardous emissions or handling of hazardous materials, substances, or waste near schoolchildren.
- d. The project site is not reported on any list of hazardous materials sites that is compiled by governmental agencies pursuant to Government Code section 65962.5. A review of the California Department of Toxic Substances Control Envirostor database indicated that there are no sites listed within one-half mile of the project site. The California State Water Resources Control Board Geotracker database lists 19 leaking underground storage tank (LUST) sites within one-half mile of the project site. The cleanup status of eighteen LUST sites are classified as closed. One LUST site located approximately 0.25 mile southeast of the project site at 41 Miles Avenue is classified as open and is currently undergoing site assessment for a release from a former underground waste oil storage tank. The closest sites identified in the Geotracker database are located approximately 150 feet away at 200 Saratoga Avenue and 335 North Santa Cruz Avenue. A former retail petroleum service station with underground storage tanks operated immediately south of the project site on the property at 335 North Santa Cruz Avenue between approximately 1948 and 1983; that site received case closure in February 1995. However, the geotechnical report for the proposed project documented petroleum hydrocarbon odor in soil boring EB-3 which was drilled approximately 30 feet north of this former retail petroleum service station. The petroleum hydrocarbon odor may be related to the former operations at 335 North Santa Cruz Avenue. The retail petroleum service station located across the street to the north of the project site at 200 Saratoga Avenue received case closure in October 2011. The Geotracker database also lists four Cleanup Program sites within one-half mile of the site. Two dry cleaners sites located approximately 900 feet to the north and south of the project site at 453-461 North Santa Cruz Avenue and 216 North Santa Cruz Avenue, respectively, are currently undergoing site assessment and/or remediation. A case concerning Los Gatos Radiator at 646

University Avenue, located approximately one-half mile from the project site, is open and currently inactive. A case involving the Los Gatos Shopping Center site at 404-418 North Santa Cruz Avenue, approximately 300 feet northeast of the project site, is closed; however, there is a Covenant and Environmental Restriction in place for the property due to residual chlorinated solvents in soil and groundwater beneath the site.

Although the project site is not reported on a list of hazardous materials sites that is compiled by governmental agencies, the geotechnical report indicated evidence of petroleum hydrocarbons present beneath the eastern portion of the project site that may be related to operations from a former service station immediately to the south. This is a potential significant impact to construction workers who may come in contact with the contaminated soil and fill material. Nearby residences and the public may also be exposed to petroleum hydrocarbon odors during site excavation and grading activities. Implementation of the following mitigation measure would ensure that impacts resulting from the contaminated soil would be reduced to less-than-significant.

Mitigation Measure

HZ-3. Prior to issuance of permits for activities involving grading or excavation on the project site, the developer shall consult with the County of Santa Clara 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, soil handling and disposal protocols, and mitigating nuisance odors during soil excavation activities. 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.

e/f. The project site is located approximately nine miles south of Norman Y. Mineta San Jose International Airport and 11 miles southeast of Reid-Hillview Airport. There are no private airstrips located in the vicinity of the project site. Therefore, there are no airport safety hazards for the people working at the project site, and there would be no impact.

- g. The Town's *Emergency Operations Plan* identifies potential threats and outlines response protocols and procedures. Evacuations are considered most likely in response to a dam failure or wildfire. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies. The project site is adjacent to a major road (Los Gatos-Saratoga Road) and within 0.3 mile of a fire station. However, the proposed project would not impair access to either, or interfere with response during an emergency. There would be no impact related to implementation of an emergency plan.
- h. The project site is located within an urbanized area and is not located in a very high fire hazard area, or in a wildland-urban interface fire area as delineated by either the California Department of Forestry and Fire Protection, or the Town. Therefore, there would be no impact related to risks associated with wildland fires.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements? (2, 3, 4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (2, 3, 8, 29)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in <i>substantial erosion or siltation on- or off-site?</i> (8, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in <i>flooding on- or off-site?</i> (8, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (2, 3, 8, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality? (2, 3, 4, 8, 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
j. Be subject to inundation by seiche, tsunami, or mudflow? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The proposed project does not involve activities that require waste discharge permits. The proposed project would be connected to the existing wastewater conveyance and treatment system.
- b. The proposed project includes the development of one-story and two-story commercial buildings. Uses may include general office space, medical offices, restaurant, bank, or other retail uses on an already-developed site. The proposed project’s water supply would be provided by the San Jose Water Company which obtains its water from three major sources: 40 percent groundwater from the Santa Clara Groundwater Basin, 50 percent imported surface water provided by Santa Clara Valley Water District, and 10 percent local surface water from a watershed in the Santa Cruz Mountains. Landscaping in the flow-through planters on the project site would be irrigated by captured storm water; all other landscaping on the project site would be irrigated by municipal water. The proposed project would result in an increase of about 72 percent of floor area, but a less-than-proportional increase in water use due to the newer uses incorporating water-conserving fixtures that would substantially reduce water use per square foot. Water conservation measures, such as lower flow fixtures have been mandated by law since the existing uses were constructed, and it is assumed many of the older fixtures would still be in use. Water use for the proposed project may increase should a restaurant operate in the proposed one- story building instead of a retail store. The Santa Clara Valley Water District manages the groundwater supplies and groundwater recharge. The proposed project is consistent with land use planning for the project site, so has been accounted for in the Santa Clara Valley Water District’s long-range planning, and the proposed project would result in a less-than-significant impact on groundwater supplies. The proposed project would be subject to current regional Water Quality Control Board storm water discharge requirements and would not substantially interfere with groundwater recharge.

- c-e. The project site is currently developed with buildings and a parking lot and it appears that storm water surface runoff flows out towards the street and into the existing catch basins along the street curb. The proposed project would be developed with an underground parking garage and additional landscaped areas that would result in an increase in pervious surfaces by 4,629 square feet. The proposed project design includes a preliminary storm water control plan consisting of three flow-through bioretention planters that would collect, reduce, and treat storm water runoff from the project site in accordance with Regional Water Quality Control Board standards (discussed below) and the guidelines presented in the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook. The treated storm water from the project site would discharge to the onsite storm drain which will flow out toward the Town storm drains beneath the streets. The preliminary plan will require final design approval prior to the issuance of building permits by the Town for the project site. The increase in pervious surfaces and storm water control plan would be a beneficial impact and would not substantially alter existing drainage patterns in a way that would result in on- or off-site erosion, siltation, or flooding and would not result in storm water runoff levels that would exceed the capacity of the existing system.
- f. Water quality degradation is regulated by the NPDES program. This program was established by the Clean Water Act to control and reduce pollutants carried to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board through nine Regional Water Quality Control Boards. The NPDES permit (Order No. R2-2015-0049, Permit No. CAS612008) for the Town is a permit that is issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), an association of thirteen cities/towns in the Santa Clara Valley (including Los Gatos), Santa Clara County, and the Santa Clara Valley Water District. SCVURPPP participants share a common NPDES permit to discharge storm water to San Francisco Bay. To reduce pollution in urban runoff to the "maximum" extent practicable, the SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of southern San Francisco Bay and the streams of Santa Clara Valley.

The proposed project has the potential to adversely affect water quality with runoff from erosion and siltation during operational and construction phases. All short-term construction projects larger than one acre in size are required to submit a NPDES Construction General Permit to the State Water Resources Control Board for approval. The proposed project would disturb an area less than one acre in size, and the applicant would not be required to obtain coverage under the State Construction General Permit. However, the proposed project would have to comply with the storm water and Low Impact Development requirements in the Town of Los Gatos NPDES permit. Low

Impact Development treatment measures include infiltration, evapotranspiration, and rainwater harvest and reuse. Chapter 12, Grading, Erosion, and Sedimentation Control, of the Town Code establishes administrative procedures, standards for review and implementation, and enforcement procedures to control erosion, sedimentation, and increases in surface water runoff from construction-related activities. The general plan also includes several goals and policies that would reduce the amount of erosion and siltation that occurs within the Town. Compliance with the NPDES permit requirements, Chapter 12, Grading, Erosion, and Sedimentation Control in the Town Code, and the goals and policies of the general plan would reduce the proposed project's construction impacts on erosion, siltation, and flooding to a less-than-significant level.

The proposed project would result in a decrease in impervious surfaces on the project site of 4,629 square feet. A preliminary storm water control plan was prepared for the proposed project and would require final design approval prior to the issuance of building permits by the Town. A copy of the Storm Water Control Plan can be found in [Appendix C, Design Plans](#). The Storm Water Control Plan includes three separate tributary areas, each with its own flow-through planter that receives runoff from the roof area, surrounding concrete, or a combination of both runoff surfaces. The biotreatment soil mix in the flow through planters would conform to the specifications provided in Appendix C of Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Handbook. Storm water would be treated in each flow-through planter prior to being discharged to the Town storm drains. In addition, the plants in the bioretention areas that would be used for storm water treatment would conform to the plant list provided in Appendix D of Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Handbook. The bioretention flow-through planters would collect and treat on-site storm water runoff and would reduce the impact of runoff during the operational phase of the proposed project to a less-than-significant level.

- g/h. According to the Federal Emergency Management Agency flood zone map in the *Town of Los Gatos 2020 General Plan EIR* (Figure 4.8-1), the project site is located in a 500-year flood zone, which has a significantly lower flood potential than a 100-year flood zone. Therefore, there would be no impact related to flooding.
- i. The project site is not located within a dam failure inundation area. Therefore, there would be no impact related to dam failure.
- j. The project site would not be subjected to seiches or tsunamis because it is not located in close proximity to a large body of water. The project site is surrounded by urban development on generally flat land and is not located in an area prone to mudflows, so mudflows are unlikely to affect the project site.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community? (1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1, 2, 3, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (1, 2, 3, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The project site is an existing commercial development located in an urbanized area surrounded by commercial, retail, and residential land uses, and bordered on two sides by public roadways (Los Gatos-Saratoga Road and North Santa Cruz Avenue) with sidewalks and bike lanes. The proposed project would not physically divide an established community.
- b. The project site is an existing commercial development with minimal landscaping and surrounded by asphalt paved parking lot. The project site has a zoning designation of Central Business District (C-2) and is located in the C-2B subdistrict.

According to the *Town of Los Gatos 2020 General Plan*, the C-2 zone applies exclusively to the downtown and encourages a mixture of community-oriented commercial goods, services, and lodging unique in its accommodation of small-town style merchants and maintenance of small-town character. The proposed project would include a mixture of retail, office, bank, and/or restaurant use in the new commercial buildings, and would integrate several of the Town’s commercial design guidelines for the C-2B subdistrict to reflect the small-town character of Los Gatos.

- The proposed project would not conflict with the current land use designation for the project site or those nearby, and would not conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- c. The project site is not located within a designated natural community conservation plan and, for the reasons described in item f in Section 4 Biological Resources, the proposed project would not conflict with or impair implementation of the Santa Clara Valley Habitat Conservation Plan. Therefore, no impacts would occur.

II. MINERAL RESOURCES

Would the project:

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

Comments:

- a/b. There are no classified mineral resources sites within Los Gatos. The proposed project would have no impact on the availability of a state or locally designated mineral resources.

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1, 2, 3, 4, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1, 2, 3, 4, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3, 4, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3, 4, 20)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (2,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (2, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

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

a/c/d. **Construction Impacts.** Construction activities would result in temporary short-term noise increases due to the operation of heavy equipment. Construction-related noise can range from about 77 to 90 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 86 to 90 dBA at 50 feet for certain types of earthmoving and impact equipment. The project site is bordered by residential land uses, restaurants, general office buildings, Los Gatos-Saratoga Road, and North Santa Cruz Avenue. Existing noise-sensitive land uses in the project area include residential uses and various commercial and retail uses. Existing noise levels in the project vicinity are dominated by traffic noise along Los Gatos-Saratoga Road and North Santa Cruz Avenue. Additional sources of noise observed during a site inspection included aircraft overflights, industrial/commercial activities, HVAC/mechanical sources, and human voices.

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

Operational Impacts. During the operational phase, the proposed project would not result in noise levels significantly beyond what is currently experienced at the project site. Sources of operational noise from the proposed project would typically be limited to parking lot vehicle movements, outdoor human activity, and mechanical/HVAC systems.

Vehicles accessing the project site would enter and exit via a driveway on Los Gatos-Saratoga Road. The project would incorporate approximately 69 parking spaces, of which 11 would be located at ground level in the central portion of the project site, and 58 would be located below ground level in a subterranean parking structure below the proposed commercial buildings.

Noise due to traffic in parking lots is typically limited by low speeds and is not usually considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems and the opening and closing of car doors and trunk lids.

Such activities can occur at any time during regular hours of operation. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day, and other factors.

It is typical for a passing car in a parking lot to produce a maximum noise level of 60 to 65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice. The closest parking would be located approximately 50 feet from the closest existing residential uses, and the closest vehicle movements would occur at a distance of approximately 40 feet from residential land uses, as vehicles utilize the ramp to access below grade parking. The proposed eight-foot masonry wall would provide acoustical shielding from vehicle movement noise levels at the residences south of the project site. With consideration of the acoustical shielding provided by the masonry wall, vehicle movements would not be expected to exceed 40-45 dB at adjacent residential land uses. Reference to existing ambient noise levels measured at a monitoring site indicates that existing ambient noise levels at the residential land uses adjacent to the project site already exceed noise levels that would be expected to occur as a result of on-site vehicle movements. Parking lot vehicle movement and human activity noise would not be considered a significant noise impact.

The proposed project may include a restaurant, to be located in the eastern building. The restaurant use would include a 1,400 square-foot outdoor patio seating area. Noise associated with outdoor dining is typically limited to human voices (conversation, laughter, etc.) and noise associated with dishes hitting together. Available data from previous WJV Acoustics studies of outdoor seating areas at restaurants indicates that noise levels associated with outdoor dining activities are typically in the range of 50-60 dB at a distance of approximately 50 feet from the outdoor dining area. The proposed outdoor dining area would be located approximately 60 feet from the closest existing residential land uses. Taking into account the distance from the patio, and the attenuation provided by the proposed eight-foot masonry wall along the property line, noise levels associated with the outdoor dining area would be expected to be in the range of approximately 40-50 dB at the closest residential land uses. Such levels would not exceed any applicable Town of Los Gatos noise level standards and would not be expected to exceed existing ambient noise levels.

The project would include roof-mounted mechanical/HVAC units. Based upon data collected by WJV Acoustics for previous acoustical studies, it is estimated that noise levels from roof-mounted HVAC units at the closest off-site land uses to the project site would be in the range of 45-50 dBA. This does include consideration of acoustic shielding provided by the proposed screening around the roof-mounted

mechanical/HVAC units. These levels would generally not be audible above existing ambient noise levels at adjacent land-uses and would not exceed any Town noise level standards.

The proposed project would comply with the Town's noise ordinance and the impact of noise generated by the proposed project would be less than significant. Therefore, the proposed project would not result in the exposure of persons to or generation of noise levels in excess of the Town standards, or to a substantial temporary or permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.

- b. The proposed project would not result in ground-borne vibrations during operational phases. Periodic and temporary ground-borne vibrations can be expected during the construction phase of the proposed project at permissible hours specified in Los Gatos Municipal Code Section 16.20.035; however, based on the size of the project, the temporary nature of potential vibrations, impacts would be less than significant.
- e-f. There are no public airports or private airstrips located within two miles of the Town. Therefore, people working at the project site would not be exposed to excessive noise levels from aircraft operations, and there would be no impact.

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a-c. The proposed project is intended for commercial use and is located in land zoned by the Town for commercial uses. Therefore, the proposed project would not impact the Town's population or housing.

14. PUBLIC SERVICES

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

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

Comments:

a/b. The Santa Clara County Fire Department provides fire protection services to the Town of Los Gatos, and the Los Gatos/Monte Serrano Police Department provides law enforcement services to the Town. The nearest fire station is located at 306 University Avenue, about 0.3 miles from the project site. The police operations building is located on Los Gatos Boulevard north of Blossom Hill Road, about 1.7 miles from the project site. The existing development in the project vicinity is adequately served by the fire and police departments.

Services are currently provided to the project site as well as to adjacent commercial and residential uses. No significant increase in demand on public safety services is expected to be required for the proposed project since services were previously provided to the existing commercial businesses on the site, as well. The proposed project would not require construction of new fire protection or law enforcement facilities and therefore, would not result in an environmental impact.

c. The proposed project is a commercial development that would not result in an increase in population or add students to existing school facilities. Therefore, the proposed project would not require any new or expanded school facilities and there would be no impact.

d/e. The proposed project would not result in an increase in population as to require the construction of new parks or buildings to provide other public services. Therefore, the project would not create any adverse physical impacts associated with the need for new parks or other facilities, and there would be no impact.

15. RECREATION

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

Comments:

- a/b. The project vicinity is served by a large number of existing park and recreational facilities that are operated by the Town, the City of Campbell, the Los Gatos Saratoga Community and Recreation District, Santa Clara County Parks Department, Mid-Peninsula Open Space District, and the California Department of Parks and Recreation.

The proposed project is a commercial development and would not result in an increase in population that would impact existing park and recreational facilities, or result in environmental impacts from the construction of additional park and recreational facilities. Therefore, there would be no impact.

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (28)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (28)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (28)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Result in inadequate emergency access? (8, 28)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (28)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

This section is based on a traffic impact analysis prepared by Hexagon Transportation Consultants on September 30, 2016. The traffic impact analysis is included as [Appendix E](#) of this initial study. The project site is located on the southwest corner of the intersection of Los Gatos-Saratoga Road and North Santa Cruz Avenue, and access to the site would be provided from Los Gatos-Saratoga Road via a driveway that would be located in between the two proposed buildings. Due to the presence of a median on the Los Gatos-Saratoga Road, access to the project site would be right-turn-in and right-turn-out provided from eastbound Los Gatos-Saratoga Road. Westbound traffic traveling along Los Gatos-Saratoga Road would access the project site by turning left at North Santa Cruz Avenue and going around the block through the residential neighborhood behind the project site on Almendra Avenue before turning right at Massol Avenue onto Los Gatos-Saratoga Road.

The signalized intersections at Los Gatos-Saratoga Road and North Santa Cruz Avenue, and Los Gatos-Saratoga Road and University Avenue, are designated as Santa Clara Valley Transportation Authority Congestion Management Program intersections. The unsignalized intersection of Los Gatos-Saratoga Road and Massol Avenue is a three-legged intersection with one-way stop control on Massol Avenue approach. The Town does not have a level of service standard or a definition of significant impact for unsignalized intersections, and the traffic impact results for the unsignalized intersection of Los Gatos-Saratoga Road and Massol Avenue is reported for information purposes only. Since the proposed project was estimated to add a negligible number of trips to the freeways in the area, a freeway segment capacity evaluation was performed in lieu of a freeway segment levels of service evaluation, for the freeway segments at State Route 17 between Bear Creek Road and State Route 9, and State Route 17 between State Route 9 and Lark Avenue. A queuing analysis was performed for the State Route 9 westbound left turn movements in the AM peak hour at the intersection with North Santa Cruz Avenue and at the intersection with University Avenue to determine whether the queue would exceed the left turn pocket storage capacity at each intersection due to no U-turn allowed for westbound traffic at the intersection of State Route 9 at Massol Avenue. Pedestrian facilities consist of sidewalks along all of the streets and crosswalks at the intersections in the study area. A Class II bike lane is located immediately adjacent to the project site along Los Gatos-Saratoga Road. Bus stops for VTA Local Route 48 are also present in both directions from the intersection of North Santa Cruz Avenue and Los Gatos-Saratoga Road. Adequate pedestrian access with pedestrian-activated signals and crosswalks are present to facilitate crossing North Santa Cruz Avenue and Los Gatos-Saratoga Road to access these bus stops. The Town, in conjunction with Caltrans, is proposing modifications to the Los Gatos-Saratoga Road/North Santa Cruz Avenue intersection, independent of the proposed project.

- a/b. Hexagon estimated project trip generation based on proposed square footage as of January 2016, prior to reduction in square footage by 922 square feet due to a change in project design in July 2016. In addition, Hexagon used guidance from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition and trip generation guidance developed by San Diego Association of Governments (SANDAG) for banks (without drive-up window). Hexagon also conservatively assumed that the proposed restaurant or retail space would operate as ITE category “high turnover sit-down restaurant” and the commercial businesses in the second building would operate as ITE category “medical office space” and SANDAG category “bank (without a drive-up window)”. Hexagon applied pass-by reductions to the project for customers visiting the proposed bank and restaurant uses on the project site as they pass by during PM peak hours. Hexagon utilized the pass-by reduction guidance provided by SANDAG for bank and high-turnover sit-down restaurant. Driveway counts were also conducted at the existing uses on the project site during peak hours on January 21 and 22, 2015 in order to give credit for the current site trip generation. The trips generated for the proposed project less trips generated by the existing use is 90 net trips (56 in and 34 out) during the AM peak hour and 48 net trips (15 in and 33 out) during the PM peak hour.

The proposed project’s traffic impact assessment also considered potential project impacts to three nearby intersections and how the proposed project may impact levels of service (LOS) at these intersections. The LOS between existing, existing plus project, and background plus project scenarios for the two signalized intersections would not change and would continue to operate at acceptable levels of service (LOS D or better). At the unsignalized intersection of Massol Avenue and Los Gatos-Saratoga Road, the northbound left turn movement (from Massol Avenue to westbound State Route 9) currently operates at LOS F during both the AM and PM peak hours and would continue to operate at LOS F under all operating scenarios. The westbound left turn movement (from State Route 9 onto Massol Avenue) is not stop-controlled, but drivers must wait for a gap in eastbound traffic in order to complete their turn. With the existing lane configuration (no U-turns allowed), this movement would operate at LOS A in the AM peak hour and at LOS C in the PM peak hour under background plus project and cumulative plus project conditions. If the intersection were modified to allow U-turns, this movement was projected to continue to operate at LOS A in the AM peak hour and LOS C in the PM peak hour. As discussed above, the Town does not have a level of service standard or significant impact criteria for unsignalized intersections. Overall, the proposed project would not generate a significant impact on the study intersections when measured against the Town’s intersection impact criteria. Therefore, the proposed project’s impact from traffic generation would be less than significant.

The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel delay in the event of overlapping construction traffic from other projects occurring in the vicinity, including projects from neighboring jurisdictions. This requirement for a Traffic Control Plan would ensure that potential impacts during construction phase of the proposed project would be less than significant.

- c. The proposed project would consist of a one-story and two-story building, and there are no airports or private airstrips located within two miles of the Town. The proposed project would not result in the change of any air traffic patterns.
- d. Project site access was evaluated by the project's traffic impact assessment to determine the adequacy of the project driveway with regard to sight distance for vehicles leaving the project site and for traffic volumes within the site vicinity. The proposed project would have one full-access driveway connected to Los Gatos-Saratoga Road that would provide access to an 11-space surface parking lot and access to a ramp that leads to 58-space below-grade parking garage. Due to the median on Los Gatos-Saratoga Road, access to the project driveway would be possible only from eastbound Los Gatos-Saratoga Road, and the driveway would be right-turn-in and right-turn-out only.

As recommended in the traffic impact assessment, the project driveway on Los Gatos-Saratoga Road should be free and clear of any obstructions in order to optimize sight distance, so that vehicles exiting the site can see approaching eastbound bicyclists and vehicles and pedestrians on the sidewalk in both directions. "No parking" zones have already been established adjacent to the project driveway, in order to provide space for the bike lane. Because the driveway is centered in a small parking area and would not be right next to a building, drivers exiting the site would also be able to see pedestrians in both directions on the sidewalk. Landscaping and signage related to the proposed project should be placed so as to ensure that adequate sight distances are maintained at the driveway. Adequate corner site distance (sight distance triangles) should be provided in accordance with the Town's standards.

Very heavy traffic flow in the eastbound direction on Los Gatos-Saratoga Road in combination with the current signal phasing at the intersection with North Santa Cruz Avenue makes it impossible for drivers exiting the project site to access or join the end of the queue in the left-turn lane on Los Gatos-Saratoga Road during the PM peak period. Thus, during the PM peak hour, drivers leaving the project site would only be able to turn right or go straight through the intersection. Prior to the PM peak hour, when

eastbound traffic volumes are not as great, drivers would be able to wait for gaps in eastbound traffic in order to access the left-turn lane or a U-turn onto westbound Los Gatos-Saratoga Road.

An analysis of potential queuing issues indicated that the 95th percentile queue at the westbound left turn movement in the AM peak hour at North Santa Cruz Avenue would exceed the storage capacity of the left turn pockets at that intersection under existing plus project and background plus project conditions, if U-turns were not allowed at Massol Avenue. The 95th percentile queue for the westbound left turn at University Avenue in the AM peak hour would also exceed that intersection's left turn pocket capacity if U-turns were not allowed at Massol Avenue. However, if U-turns were allowed at Massol Avenue, drivers who would be making those left turns at North Santa Cruz Avenue and University Avenue would instead make a U-turn at Massol Avenue, and the proposed project would not result in any additional vehicles in those left turn lanes during the AM peak hour.

Because of the median on Los Gatos-Saratoga Road, the key access issue for the project site relates to site access for vehicles on westbound Los Gatos-Saratoga Road. Vehicles traveling westbound on Los Gatos-Saratoga Road past the project site have no opportunity under existing conditions in the immediate site vicinity to make a U-turn in order to enter the project site. Under current conditions, the most direct route for a vehicle coming from east of the project site to enter the project's driveway would be to turn left from westbound Los Gatos-Saratoga Road onto southbound North Santa Cruz Avenue, turn right on Almendra Avenue into the residential neighborhood, turn right on Tait Avenue, and then turn right on Los Gatos-Saratoga Road. An estimated 173 vehicles per day are currently going through the residential neighborhood in order to access the site.

The analysis of permitting U-turns from westbound Los Gatos-Saratoga Road at Massol Avenue indicated that the number of vehicles traveling through the residential neighborhood would decrease to approximately 40 trips. The traffic impact analysis provided recommendations for making modifications to the three-legged intersection of Los Gatos-Saratoga Road and Massol Avenue so that U-turns could be made from westbound Los Gatos-Saratoga Road. If the Town does consider allowing U-turns at Massol Avenue, the traffic impact analysis further recommends that the Town monitor the queues in the westbound left-turn pocket to see if the queues overflow its capacity during the PM peak hour and to observe whether or not to prohibit U-turns during certain hours if queuing becomes a problem when eastbound traffic is heavy.

- Access to and from the project driveway would not substantially increase hazards during non-peak hours of traffic. During the PM peak hour traffic, vehicles leaving the site would only be able to turn right due to very heavy traffic flow in the eastbound direction. Vehicles leaving the site during the PM peak hour would not be able to safely enter the left turn pocket lanes on Los Gatos-Saratoga Road due to current signal phasing at the intersection and that the left turn pocket lanes queue extends past the project driveway. Although there is no significant environmental impact related to access to and from the project driveway, improvements to modify and allow U-turns at the intersection of Los Gatos-Saratoga Boulevard at Massol Avenue for westbound traffic would minimize the number of vehicle trips through the residential neighborhoods and reduce the number of westbound vehicles making left turns at North Santa Cruz Avenue and University Avenue. The project would contribute to the Town's Impact Fee Program which would be used for several of the Town's improvement projects, including the Town's proposed modifications to the Los Gatos-Saratoga Road/North Santa Cruz Avenue intersection which would improve traffic flow and public safety at this intersection. Therefore, access to the project driveway would be adequate under all analyzed scenarios in the project's traffic impact assessment and impacts from the new driveway to the site would be less than significant.
- e. The project site has frontage on two public streets: Los Gatos-Saratoga Road and North Santa Cruz Avenue. Direct emergency access to the project site would only be available from the one full-access driveway connected to Los Gatos-Saratoga Road. According to the traffic impact analysis, the proposed design for the project site indicates that there will be adequate space for on-site emergency vehicle access given that the project site driveway and all drive aisles are at least 25 feet wide. Therefore, public safety impacts associated with emergency access would be less than significant.
 - f. Policy TRA-9.5 in the *Town of Los Gatos 2020 General Plan* requires alternative transportation means whenever the traffic generated by a development would result in a significant increase in air pollution, traffic congestion, or noise. Policy TRA-9.6 requires development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion. The traffic impact analysis reported that the location lends itself well to usage of alternative modes of transportation given the project site's proximity to existing bus stops, bike lanes, and a highly pedestrian-friendly downtown environment (p. 61). Existing alternative transportation features near the project site include Class II bicycle lanes present on Los Gatos-Saratoga Road adjacent to the project site, existing bus stops near Los Gatos-Saratoga Road and North Santa Cruz Avenue, and sidewalks adjacent to the building frontage along on Los Gatos-Saratoga Road and North Santa Cruz Avenue. Although the existing transit,

bicycle, and pedestrian facilities in the study area are adequate to serve the site, improvements are planned by the Town of Los Gatos at the intersection of North Santa Cruz Avenue and Los Gatos-Saratoga Road that would enhance pedestrian safety. The project would contribute its fair share to this intersection improvement project, as well as improvements to the bicycle network, through the Town's Traffic Impact Fee. To promote alternative modes of travel, the traffic impact analysis recommended that the applicant develop a site-specific Transportation Demand Management Plan that focuses primarily on reducing employee trips to the site and provided several best practice measures that would be appropriate for the Transportation Demand Management Plan (pp. 61-62). The development of a Transportation Demand Management Plan including best practice measures such as transit ticket subsidies, the inclusion of bike racks and lockers for bicyclists, preferential parking for ridesharing vehicles, and electrical vehicle charge stations may be considered by the Town in the conditions of approval for the project. The proposed project would not have an adverse effect on existing public transit, bicycle, or pedestrian facilities in the study area. Therefore, the project would not conflict with adopted policies, plans, or programs for alternative transportation, and the impact would be less-than-significant.

17. TRIBAL CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1, 2, 3, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a1. As discussed in Section 5. Cultural Resources, the existing commercial structures are outside of the Almond Grove Historic District and are not listed in the Town’s Historic Resources Inventory (Town of Los Gatos email 2016). According to the Town of Los Gatos Municipal Code Section 29.10.020, none of the existing buildings meets the definition of historic structure because they were constructed after 1941. Therefore, these buildings are not eligible for listing in the state or local register of historical resources, and no significant impacts to historic resources would result from the proposed demolition or construction of the proposed project.

- a2. The project site is currently developed and there are no known tribal cultural resources located on the project site. Therefore, there would be no impact to tribal cultural resources.

18. UTILITIES AND SERVICE SYSTEMS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (2, 3, 30)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2, 3, 8, 30)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2, 3, 8, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (2, 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (2, 3, 8, 30)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (2, 3, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Comply with federal, state, and local statutes and regulations related to solid waste? (2, 3, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a/b/e. West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos. Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 million gallons per day (mgd) and the flow rate in 2010 was below 110

mgd, which represented a drop of over 20 mgd since 2000. According to the March 2012 San Jose/Santa Clara Water Pollution Control Plant Master Plan, the treatment plant has a planned capacity of 450 mgd. The proposed project's wastewater flow was estimated based on generation factors of 70 gallons per day per 1,000 square feet for commercial uses. At 19,700 square-feet of office commercial space, operation of the proposed project would result in the generation of approximately 1,380 gallons of wastewater per day which is an increase of 577 gallons per day. The proposed project's increase in wastewater generation would be less than 0.00001 percent of the current flow at the treatment plant which would use a less-than-significant amount of the remaining capacity.

New on-site wastewater collection lines would be installed and connect to two existing sewer laterals that drains from the eastern boundary of the site to the Town of Los Gatos sanitary sewer lines located beneath North Santa Cruz Avenue. The West Valley Sanitation District has adequate collection facilities and treatment capacity to accommodate wastewater flows from the proposed residential development.

- c. Currently, it appears that surface runoff of storm water from the project site flows out towards the street and into the existing catch basins along the street curb. A new 12-inch diameter storm drain line is proposed to be installed from the southeastern portion of the project site and through the private property at 210 Almendra Avenue for the benefit of the project. At this time, the property at 210 Almendra Avenue is currently under the same ownership as the project site and an easement will be recorded for this private storm drain which will connect to the 12-inch diameter Town storm drain line beneath Almendra Avenue that drains to the 15-inch diameter Town storm drain line beneath North Santa Cruz Avenue. No new off-site storm water drainage facilities or expansion of existing facilities are required to serve the proposed project; thus, there would be no need for new storm water facilities resulting from the proposed project. Additionally, the project applicant has prepared a preliminary storm water control plan for the proposed project. This preliminary plan includes three flow-through planters along the northern and western boundaries of the property that will treat storm water prior to discharge to the on-site storm drain. The preliminary plan would require final design approval prior to the issuance of building permits by the Town for the project site. There would be no impacts to storm water facilities.
- d. The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. Using the future projected demand factor for Commercial and Office uses from Table 4.14-1 of the *Town of Los Gatos 2020 General Plan EIR*, which is 0.0751 gallons per square foot per day, the proposed project is estimated to use approximately 1,480 gallons of water per day in comparison to the existing use of

- approximately 1,034 gallons per day. Water use at the project site may be slightly higher than the estimated 1,480 gallons per day if a restaurant were to operate in the proposed one-story commercial building instead of a retail store. Expected water needs of the proposed project would be met with existing entitlements and resources. Therefore, the proposed project would have a less-than-significant impact on existing water supplies.
- f. West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage are transported to the Guadalupe Landfill, located approximately 5 miles east of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted capacity of 28.6 million cubic yards. According to CalRecycle, the landfill had used approximately 11 million cubic yards (about 61 percent of its capacity) as of January 2011 and is expected to reach its capacity in about 2048. Therefore, there is adequate capacity at the landfill for the solid waste that would be generated by the proposed project. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste and recycling and no impact would occur.
- g. The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2014 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. As reported in the CalRecycle database, the Town exceeded those targets by limiting residential disposal to 3.9 pounds per person per day, and non-residential disposal to 7.5 pounds per person per day. The proposed project would have the same recycling and diversion opportunities, so disposal rates would be similar to the Town's existing rates. Therefore, the proposed project would be in compliance with solid waste regulations and there would be no impact.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (2, 11)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (2, 21, 22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2, 3, 8, 13, 14, 22, 23, 27)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The proposed project includes tree removal, and construction activities in the vicinity of trees that would not be removed. These activities have the potential to affect protected nesting birds. Implementation of mitigation measure BIO-1 would reduce these potential impacts to a less-than-significant level.
- b. The proposed project would contribute to cumulative project impacts in the areas of air quality and biological resources (nesting birds). However, with implementation of identified mitigation measures, the proposed project would not result in impacts that are cumulatively considerable.
- c. The proposed project has the potential to result in air quality, geological hazards, and hazardous materials impacts on adjacent residents associated with construction activity. However, with implementation of mitigation measures AQ-1, GEO-1, HZ-1, HZ-2, and HZ-3 presented in this initial study, the project would not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

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30. San Jose/Santa Clara Water Pollution Control Plant. The Plant Master Plan. Accessed on September 27, 2016 at: <https://www.sanjoseca.gov/DocumentCenter/View/5604>

Most documents are available for review at the **Town of Los Gatos Community Development Department, 110 East Main Street, Los Gatos, CA 95030, (408)-399-5706** during normal business hours.

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