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DRAFT EIR

# NORTH FORTY SPECIFIC PLAN

SCH No. 2011122070

General Plan Amendment  
GP-14-001

Zoning Amendment  
Z-14-001



PREPARED FOR  
Town of Los Gatos

April 3, 2014

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



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Draft EIR

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PREPARED FOR  
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# **SUMMARY**

## **CEQA REQUIREMENTS**

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

## **PROPOSED PROJECT**

### ***Location and Setting***

The Draft North Forty Specific Plan covers approximately 44 acres located at the northern extent of the Town of Los Gatos, southeast of the junction of the State Route 17 and State Route 85 freeways. About 27 acres of the Plan Area are in agricultural use and about 17 acres of the Plan Area have been developed with a variety of urban uses. The *Town of Los Gatos 2020 General Plan* designates the Plan Area as Mixed Use Commercial with a North Forty Specific Plan overlay.

### ***Project Description***

The proposed project is a specific plan for future development of the Plan Area. Development is expected to take place over a five to 20-year time period. The Draft Specific Plan provides a framework and development standards for the development of vacant parcels and re-development of the already-developed parcels. The Plan Area is divided into three districts (Lark, Transition, and Northern), within which a mix of commercial and residential uses is envisioned. The Draft Specific Plan limits total non-residential floor area to 580,000 square feet

and residential development to 364 units (both inclusive of existing uses). Additionally, the following maximum development capacities are established for each type of non-residential use: 250,000 square feet of office/hotel, and 400,000 square feet of commercial (includes: restaurants, retail, specialty market, health club, personal services, and entertainment). A hotel with or without a conference center is also allowed, potentially providing for between 200 and 250 conference participants. The Draft Specific Plan requires at least 30 percent (about 13.2 acres) of the Plan Area be retained in open space. The proposed project includes several changes to *Town of Los Gatos 2020 General Plan* guidance relating to Los Gatos Boulevard and the Plan Area. A zoning amendment would implement a specific plan overlay for the Plan Area.

## **SUMMARY OF IMPACTS AND MITIGATION MEASURES**

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

## **AREAS OF CONTROVERSY**

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. Based on comments on the NOP and other communications, the following topic areas are considered potentially controversial:

- Aesthetics (development standards)
- Cultural Resources (removal of potentially historic buildings)
- Traffic (congested intersections and highways)
- Schools (student generation and traffic near schools)
- Economic impacts to downtown and other commercial areas

### ***Summary of Alternatives***

Project alternatives are presented, discussed, analyzed, and compared in Section 5.0, Alternatives.

The following project alternatives were analyzed:

- No Project Alternative – as required by CEQA Guidelines, this impact considers the consequences of not approving the proposed project.
- Increased Residential/Decreased Commercial Alternative – this alternative is intended to reduce traffic generation and associated air quality and greenhouse gas emissions, by increasing the number of residential units and decreasing the amount of commercial development.
- Historic Preservation Alternative – this alternative would create an historic conservation area into which potentially historic buildings from the Plan Area could be relocated, while preserving the development capacity of the proposed project.

The environmentally-superior alternative would be the “no project” alternative, because it would reduce impacts in all but three environmental topic areas, and would be similar to the proposed project in three others. The second environmentally-superior alternative would be the “Increased Residential/Reduced Commercial” alternative, which, although it would result in increased potential for noise and toxic air contaminant impacts, would reduce overall air quality impacts, and reduce impacts for greenhouse gasses, hydrology and water quality, and most significantly, transportation and traffic. The “Historic Preservation” alternative would decrease cultural resources impacts, but otherwise be similar to the proposed project.

**Table S-1 Significant Impacts and Mitigation Measure Summary**

<b>Area of Concern</b>	<b>Significant Impact</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Residual Impact</b>
Aesthetics	Degradation of Visual Character	AES-1	New development adjacent to residential uses existing at the time of Specific Plan adoption shall provide minimum five foot side and rear setbacks to those residential uses.	Less than Significant
Air Quality	Criteria Air Pollutant Emissions – Consistency with 2010 Clean Air Plan	AQ-1	Low NO <sub>x</sub> emitting heating systems shall be required for commercial, office, and hotel uses.	Less than significant
		AQ-2	Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.	
		AQ-3	All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Air Quality (continued)	Pollutant Concentrations at Sensitive Receptors	AQ-4	<p>The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.</p> <p>Basic Dust Control Measures:</p> <ul style="list-style-type: none"> <li>a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;</li> <li>b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;</li> <li>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;</li> <li>d. All vehicle speeds on unpaved roads shall be limited to 15 mph;</li> <li>e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and</li> <li>f. Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action</li> </ul>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		AQ-5	High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.	
		AQ-6	Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).	
Biology	Special-Status Species	BIO-1	If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.</p> <p>If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		BIO-2	<p>To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).</p> <p>If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		BIO-3	<p>To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
		BIO-4	<p>Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
Biology	Tree Protection	BIO-5	<p>Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement plantings, along with where they can be planted, and any applicable maintenance requirements.</p> <p>Retained trees shall be protected during</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003).</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>	
Cultural Resources	Adverse Change to Historical Resources and Conflict with Plan Adopted for Environmental Purposes	CR-1	<p>Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the project sponsor shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.</p> <p>The project sponsor shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>set forth by the Secretary of the Interior (Secretary of the Interior's Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.</p> <p>The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.</p>	
		CR-2	<p>For potentially historic buildings proposed for retention at existing locations, the project sponsor shall prepare a historic structure(s) report (HSR) for the historic resource as a guide to the rehabilitation. The HSR shall set forth the history of the resource, describe its existing condition, make recommendations for repair, rehabilitation, replacement, reconstruction, and other treatments based on the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The HSR shall be prepared by a</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>licensed architect who meets the qualifications for historical architect as set forth in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, published in the Federal Register, June 20, 1997 (Volume 62, Number 119).</p> <p>The project sponsor shall retain the services of a historical architect as a member of the design team for the rehabilitation. The historical architect may be the same historical architect who prepared the HSR, without encountering a conflict of interest.</p> <p>The Town of Los Gatos shall review the rehabilitation plans prepared by the project architect for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</p> <p>The HSR shall specify procedures for protecting historic resources and a monitoring method to be employed by the contractor while working near the affected resource. At a minimum, the plan shall address the operation of construction equipment near adjacent historical resources, storage of construction materials away from adjacent</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			resources, and education/training of construction workers about the significance of the historical resources.	
Cultural Resources	Potential Adverse Change to Archaeological Resources	CR-3	<p>For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.</p> <p>In the event that significant paleontological, historic, and/or archaeological remains are</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).</p>	
Cultural Resources	Adverse Change to Paleontological Resources and Potentially Disturb Human Remains	CR-4	<p>If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with</p>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs will be the responsibility of the developer(s).</p>	
Hazards and Hazardous Materials	Project on a Hazardous Materials Site	HAZ-1	Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures</p>	

<b>Area of Concern</b>	<b>Significant Impact</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Residual Impact</b>
			may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.	
Hydrology and Water Quality	Excess or Polluted Storm Water Run-off	HAZ-1	See above.	Less than significant
Noise	Noise in Excess of Standards	NOI-1	A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 300 feet (or approximately 50 feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.	Less than significant
		NOI-2	Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>normally acceptable noise level of the Town of Los Gatos 2020 General Plan and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to meet these standards.</p> <p>The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:</p> <ul style="list-style-type: none"> <li>▪ Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower;</li> <li>▪ Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and</li> <li>▪ As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a</li> </ul>	

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

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.	
		NOI-5	Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.	
Noise	Ground-borne Vibration	NOI-6	Future development projects that include vibration-sensitive facilities, or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.	Less than significant
Noise	Potential Project Vicinity Permanent Ambient Noise Increase	NOI-7	Future development projects including or requiring roadway improvement projects along Burton Way in the northern portion of the Plan Area shall require a noise assessment prior to approval if existing residential uses will remain adjacent to the	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>roadway improvements . The assessment shall consider the orientation and width of the roadway; location and design of existing residences; and shall identify appropriate mitigation measures to reduce traffic noise to within the Town of Los Gatos noise standards. This is expected to consist of sound-rated windows and doors, and possible roadway noise barriers.</p>	
Noise	Project Vicinity Temporary or Periodic Ambient Noise Increase	NOI-8	<p>Future development applications shall identify the location and types of sensitive receptors that may be affected by construction noise and/or vibration. Measures to control construction noise and address potential complaints shall be proposed and called out in site plans and/or building plans:</p> <ul style="list-style-type: none"> <li data-bbox="1009 980 1643 1279">▪ Consistent with the Town Code, construction activities, which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 p.m. weekends and holidays if they meet at least one of the following noise limitations:</li> <li data-bbox="1009 1295 1643 1421">▪ No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is</li> </ul>	Less than significant

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible.</p> <ul style="list-style-type: none"> <li>• The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.</li> <li>▪ Locate stationary and mobile noise generating equipment as far as possible from sensitive receptors. Staging areas shall not be located adjacent to sensitive receptors, such as residences.</li> <li>▪ Conduct a pre-construction meeting with nearby sensitive receptors to outline the construction schedule and what types of noises will be heard. Post construction schedules outside the construction site.</li> <li>▪ Designate a point of contact that will be responsible for responding to complaints about noise during construction. Develop a process to respond to and address complaints.</li> <li>▪ Submit a vibration study identifying the nearest sensitive receivers, construction activity, and mitigation measures as needed.</li> </ul>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Transportation/ Traffic	Conflict with Measure of Effectiveness –Streets Level of Service	TR-1	<p>The following intersection improvements shall be completed at the Los Gatos Boulevard/Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.</p> <p>a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;</p> <p>b. addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).</p>	Less-than-Significant
		TR-2	<p>The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:</p> <p>a. addition of a third eastbound left turn lane on Lark Avenue;</p> <p>b. addition of third northbound left turn lane on Los Gatos Boulevard;</p> <p>c. addition of a third westbound lane on Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
			<p>the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and</p> <p>d. modification and re-striping of intersection and restriction of parking as needed.</p>	
		TR-3	<p>Applicants for development or redevelopment projects within the Northern District shall pay a pro-rata share of improvements at the Samaritan Drive/National Avenue intersection or other improvement related to relieving congestion at the Samaritan Drive/National Avenue intersection. Improvements could include, but are not limited to, lane or traffic control improvements to the Samaritan Drive/National Avenue intersection and/or signalization of the Samaritan Drive/Samaritan Court intersection. Pro-rata share shall be based on percent of project trips, per distribution patterns in the North 40 Transportation Impact Analysis, as a share of total trips within the intersection. Fees shall be paid to the City of San Jose prior to issuance of building</p>	

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

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
Transportation/ Traffic	Conflict with Measure of Effectiveness – Bicycles and Pedestrians	TR-6	Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.	Less than significant
Transportation/ Traffic	Hazardous Design or Incompatibility	TR-7	Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.	Less than significant
Transportation/ Traffic	Cumulative Traffic Impacts	CUM-TR-1	<p>Project developers shall pay a pro-rata share towards the construction of the following off-site intersection improvement at the Lark Avenue/southbound State Route 17 onramps intersection.</p> <p>a. Reconfiguration of the eastbound lanes on Lark Avenue to convert the existing right-turn only lane to a shared through/right turn lane, with the following final configuration: one left turn lane (onto State Route 17) two through lanes, and one shared through/right turn lane at Garden Hill Drive.</p>	

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure	Residual Impact
		CUM-TR-2	<p>The following signal light adjustments shall be completed no later than the occupancy of 50 percent of the retail square footage.</p> <p>a. Increase cycle length and associated green time to accommodate the increase in traffic.</p>	
Utilities	New or Expanded Utilities Facilities	See note.	Note: This impact is mitigated through measures presented for air quality, hazardous materials, and noise.	Less than significant
Utilities	Wasteful use of Fuel, Water, or Energy	See note.	None: This impact is mitigated through measures presented for air quality and transportation/traffic.	Less than significant

*Source:* EMC Planning Group Inc. 2014

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# 1.0

## INTRODUCTION

### 1.1 REPORT ORGANIZATION

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

- S **Summary**, presented earlier, provides an overview of the proposed project and key environmental issues, as well as a listing of all environmental impacts and mitigation measures presented in the EIR.
- 1.0 Introduction** provides basic information on EIRs, the California Environmental Quality Act (CEQA), and the determination to prepare an EIR.
- 2.0 Project Description** provides information on the regional and local setting for the proposed project, and a description of the proposed project.
- 3.0 Analysis and Impacts** presents the setting as applicable to each environmental issue area addressed, analysis of the environmental effects of the proposed project, environmental effects when combined with the effects of cumulative projects, and mitigation measures to avoid or reduce environmental effects.
- 4.0 Alternatives** presents the environmental effects of variations of the proposed project or alternatives to the proposed project.
- 5.0 Other CEQA Topics** presents additional information required in EIRs.
- 6.0 Documentation** provides a bibliography of sources referenced in the EIR, a list of persons contacted, and a list of report preparers.

## 1.2 PURPOSE AND STANDARDS

### ***Authorization and Purpose***

EIRs are authorized by Public Resources Code section 21000 et seq., which establishes CEQA. CEQA was passed by the California Legislature in 1970 to establish protocols for environmental review of proposed projects, and has been amended numerous times since. The California Office of Planning and Research developed the CEQA Guidelines to assist in implementing CEQA.

### ***Lead Agency***

In accordance with CEQA Guidelines section 15050, if a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR, and is referred to as the lead agency. The lead agency is typically the agency that will carry out the project or that has the greatest responsibility for supervising or approving the project. The Town of Los Gatos is the lead agency for this EIR.

### ***Scope of Analysis***

This draft EIR has been prepared by the lead agency to evaluate the environmental consequences of the proposed North Forty Specific Plan (hereinafter “proposed project” or “Draft Specific Plan”). The scope of this draft EIR has been determined based on the lead agency’s knowledge and understanding of the proposed project and its context, and on input from responsible agencies through the Notice of Preparation (NOP) comment process described below.

This draft EIR has been prepared as a program EIR, as described in CEQA Guidelines section 15168. Alternatively this draft EIR may be considered a “first tier” EIR prepared pursuant to CEQA Guidelines section 15152. These labels are complementary, not mutually exclusive. Refer to Section 2.4 EIR Uses and Approvals for more explanation of the role of this EIR for future project reviews under CEQA.

### ***Preparation Standards and Methods***

This draft EIR has been prepared by EMC Planning Group (hereinafter “Consultant”) under contract to the Town of Los Gatos in accordance with CEQA and its implementing guidelines, which were in effect at the time the EIR was released for public review. This draft EIR has been prepared using available information from private and public sources noted herein, as well as

information generated by the consultant through field investigation. This draft EIR will be used to inform public decision-makers and their constituents of the environmental impacts of the proposed project.

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

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

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

## **I.3 EIR AND PUBLIC COMMENT PROCESS**

### ***Notice of Preparation***

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

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

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

Based upon the decision to prepare an EIR, the Town of Los Gatos prepared and distributed an NOP for a 30-day comment period on December 22, 2011. However, subsequent changes were made to the project description and a revised NOP was circulated for comment from February 13, 2013 to March 14, 2013 in accordance with CEQA Guidelines section 15082.

A scoping meeting was held at the Los Gatos Town Council Chambers on March 6, 2013. Several members of the public attended the scoping meeting; however no agency representatives were present. Written responses to the original NOP were received from the following agencies:

- California Department of Transportation (December 22, 2011);
- Native American Heritage Commission (December 28, 2011);
- County of Santa Clara Roads and Airports Department (January 4, 2012);
- City of Campbell (January 11, 2012);
- Los Gatos – Saratoga High School District (January 23, 2012);
- Santa Clara Valley Transportation Authority (January 12, 2012);
- Santa Clara Valley Water District (January 23, 2012); and
- Bay Area Air Quality Management District (January 26, 2012).

Written responses to the revised NOP were received from the following agencies and individuals:

- Lynlee Bischoff (February 17, 2013);
- City of San Jose Department of Public Works (February 22, 2013);
- County of Santa Clara Roads and Airports Department (March 6, 2013);
- Los Gatos Unified School District (March 6, 2013);
- Leonard Pacheco (March 7, 2013);
- County of Santa Clara Parks and Recreation Department (March 8, 2013);
- County of Santa Clara Department of Planning and Development (March 11, 2013);

- County of Santa Clara Department of Environmental Health, Solid Waste and Site Mitigation Programs (March 13, 2013);
- Carpenters Local Union 405 (March 15, 2013);
- Santa Clara Valley Transportation Authority (March 15, 2013);
- Rhodie Firth (March 15, 2013); and
- Ed Rathmann (undated).

The California Office of Planning and Research assigned State Clearinghouse Number 2011122070 to the proposed project. The revised NOP, and responses to the NOP received from responsible agencies and individuals are contained in [Appendix A](#).

## **Public Comment Process**

In accordance with CEQA Guidelines section 15105, the draft EIR is available for a 45-day public comment period, during which any person or organization may provide comments on the content of the draft EIR to the lead agency. Comments may be submitted by the following means:

- Letter or delivery to Town of Los Gatos Community Development Department, 110 East Main Street, Los Gatos, CA 95030;
- email to Joel Paulson ([jpaulson@losgatosca.gov](mailto:jpaulson@losgatosca.gov)); or
- FAX to (408) 354-7593.

The draft EIR and many of the referenced sources are available for public review at the Town of Los Gatos Community Development Department. The lead agency will respond in the final EIR to any comment that raises a valid environmental concern. The dates of the public review period is provided on the Notice of Completion form distributed with the draft EIR. Additional information on the proposed project or the review process can be obtained from the Town of Los Gatos Community Development Department during regular business hours at the contacts provided on the inside title page of this draft EIR. Information on the public review period can also be found on the Office of Planning and Research website: <http://www.ceqanet.ca.gov/QueryForm.asp>.

## **Public Hearings**

The Town of Los Gatos Planning Commission will consider the EIR and the proposed project at a public hearing and provide a recommendation. The Los Gatos Town Council will consider the EIR and the proposed project and make final determinations on both. Public comment will be accepted at the Planning Commission and Town Council hearings. The dates for those hearings will be determined following the conclusion of the 45-day public review period, and completion of the final EIR. Hearing dates will be advertised in accordance with the provisions of State meeting laws and the Los Gatos Town Code.

## **I.4 TERMINOLOGY USED IN THE EIR**

### ***Characterization of Impacts***

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

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

### ***Abbreviations and Acronyms***

AB	Assembly Bill
AM	Morning
BMP	Best Management Practices
BTU	British Thermal Unit

CalEEMod	California Emissions Model
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Level Equivalents
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
CO <sub>2</sub> e	Carbon Dioxide Equivalents
dB	Decibels
DnL	Day-Night Noise Levels
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
GHG	Greenhouse Gas
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
HSR	Historic Structure(s) Report
ITE	Institute of Transportation Engineers
LEED	Leadership in Energy and Environmental Design
LESA	Land Evaluation and Site Assessment
LOS	Level of Service
MLD	Most Likely Descendent
mgd	Million Gallons per Day
MRP	Municipal Regional Storm Water Permit
NOP	Notice of Preparation
NO <sub>x</sub>	Nitrogen Oxides
NO <sub>2</sub>	Nitrogen Dioxide

## 1.0 INTRODUCTION

NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
O <sub>3</sub>	Ozone
PG&E	Pacific Gas and Electric Company
PM	Afternoon
PM <sub>2.5</sub>	Fine Particulate Matter
PM <sub>10</sub>	Inhalable Particulate Matter
ROG	Reactive Organic Gasses
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SO <sub>2</sub>	Sulfur Dioxide
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
µg/m <sup>3</sup>	micrograms per cubic meter
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VOC	Volatile Organic Compounds
VTA	Santa Clara Valley Transportation Authority

## 2.0

# PROJECT DESCRIPTION

## 2.1 PLAN AREA LOCATION AND SETTING

### ***Plan Area Location and Planning History***

The area encompassed by the Draft Specific Plan (hereinafter the “Plan Area”) comprises approximately 44 acres located at the northern extent of the Town of Los Gatos, at the junction of the State Route 17 and State Route 85 freeways. Access to the Plan Area is from the two adjoining surface streets: Los Gatos Boulevard on the southeast and Lark Avenue on the southwest. The Plan Area has been designated for development by the Town’s general plan for many years. In 1999 a draft specific plan was developed, but the Town Council never adopted that plan. A new draft specific plan has recently been prepared. [Figure 1, Regional Location](#), [Figure 2, Project Vicinity](#), and [Figure 3, Assessor’s Parcel Map](#), identify the project location. The Plan Area is comprised of 33 parcels.

### ***Plan Area Existing Conditions***

About 27 acres of the Plan Area are in agricultural use and about 17 acres of the Plan Area have been developed with a variety of urban uses. Portions of the Plan Area along Los Gatos Boulevard are developed with older residences and older and newer commercial buildings. Additional residences are located on side streets and within the orchard area, with a total of about 32 houses within the Plan Area. With a median household size of 2.39 persons in Los Gatos, the current population of the Plan Area is estimated at about 76 residents (United States Census Bureau 2013). Although most of the residences appear to be on small lots, several of the houses fronting on Los Gatos Boulevard or Bennett Way are actually located on the larger agricultural parcels. Existing commercial uses include a gasoline station on the corner of Los Gatos Boulevard and Lark Avenue, medical offices, car rental, retail, and eating and drinking establishments. Existing commercial uses within the Plan Area comprise about 66,000 square feet of floor area.

Bennett Way and Burton Road extend into the Plan Area and provide access to most of the residences. Much of the remaining Plan Area is planted in walnut orchards, with several supporting farm buildings, with primary access on Noddin Avenue off Los Gatos Boulevard. The Assessor's parcel map uses an alternative spelling of "Noddon" Avenue, and places it farther to the south -- refer to [Figure 3, Assessor's Parcel Map](#). A large barn, two sheds, and a gasoline pump are located at the end of Noddin Avenue at the northeast end of the Plan Area, and another shed is located at the southwest end of the Plan Area. Access to the agricultural area is also possible from Lark Avenue and Burton Road. The agricultural portions of the Plan Area are fenced, and the access points are gated. [Figure 4, Plan Area Existing Conditions](#), and [Figure 5, Plan Area Photographs](#), illustrate the existing land uses within the Plan Area boundaries.

The Plan Area is essentially level, but as much as ten feet lower than the adjacent Los Gatos Boulevard. A culvert beneath State Route 17 provides a route for water to drain northward off the Plan Area. Wells, septic systems, and several municipal water transmission lines exist within the Plan Area. In addition to the orchard trees, there are several large cork oak trees between the barn and the sheds, and landscaping, including several large trees, at the residences.

### ***Project Vicinity Existing Conditions***

The project vicinity is principally developed land within the greater San Jose metropolitan area. To the northeast of the Plan Area are the State Route 85 freeway, houses, and a few offices. To the southeast of the Plan Area are a hospital, medical offices, other commercial buildings, and houses. To the southwest of the Plan Area are houses, a reservoir, and commercial uses. To the northwest of the Plan Area lie the State Route 17 freeway, an orchard, a private school, a tennis/swim club, a small number of houses, apartments, a mobile home park, Los Gatos Creek, and the Los Gatos Creek recreation trail. The State Route 17/State Route 85 interchange occupies a large area to the north of the Plan Area. [Figure 6, Project Vicinity Existing Conditions](#), and [Figure 7, Project Vicinity Photographs](#), illustrate the existing land uses near the Plan Area.



Not to Scale



Figure 1  
Regional Location  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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Source: ESRI 2010



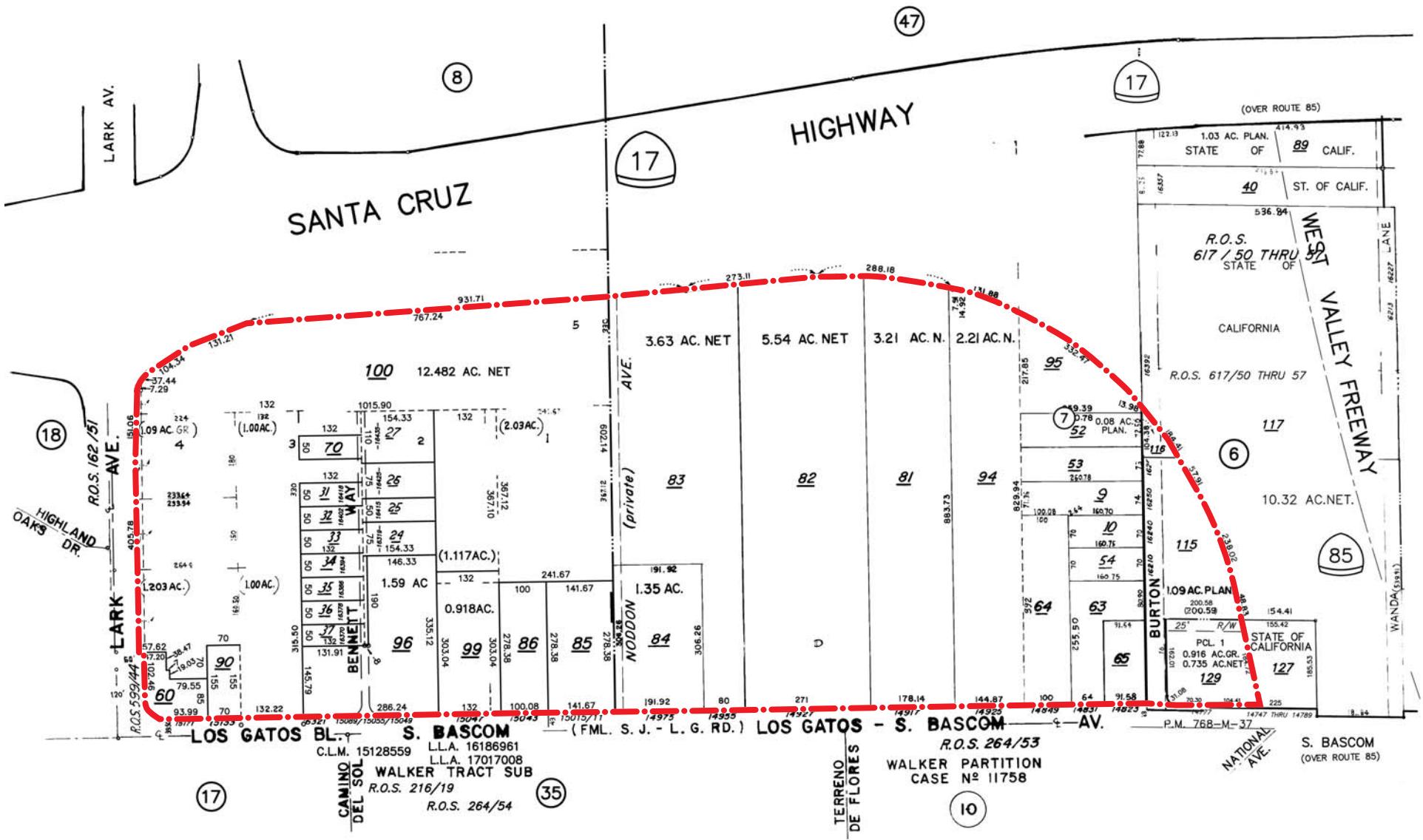
0 0.5 miles



Figure 2  
Project Vicinity  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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A circular logo containing a diagonal line from the top-left to the bottom-right, with the right side shaded black.

not to scale

—● Project Boundary

Source: Santa Clara County 2011

E

M

C

Figure 3  
**Assessors Parcel Map**  
North Forty Specific Plan IEIR

## 2.0 PROJECT DESCRIPTION

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**Legend**

- Project Boundary
- Sound Barrier Wall
- Commercial Building
- Barn
- House
- Orchard



0 400 feet

Source: Google Earth 2011

Figure 4

**Plan Area Existing Conditions**

North Forty Specific Plan EIR

E M C

## 2.0 PROJECT DESCRIPTION

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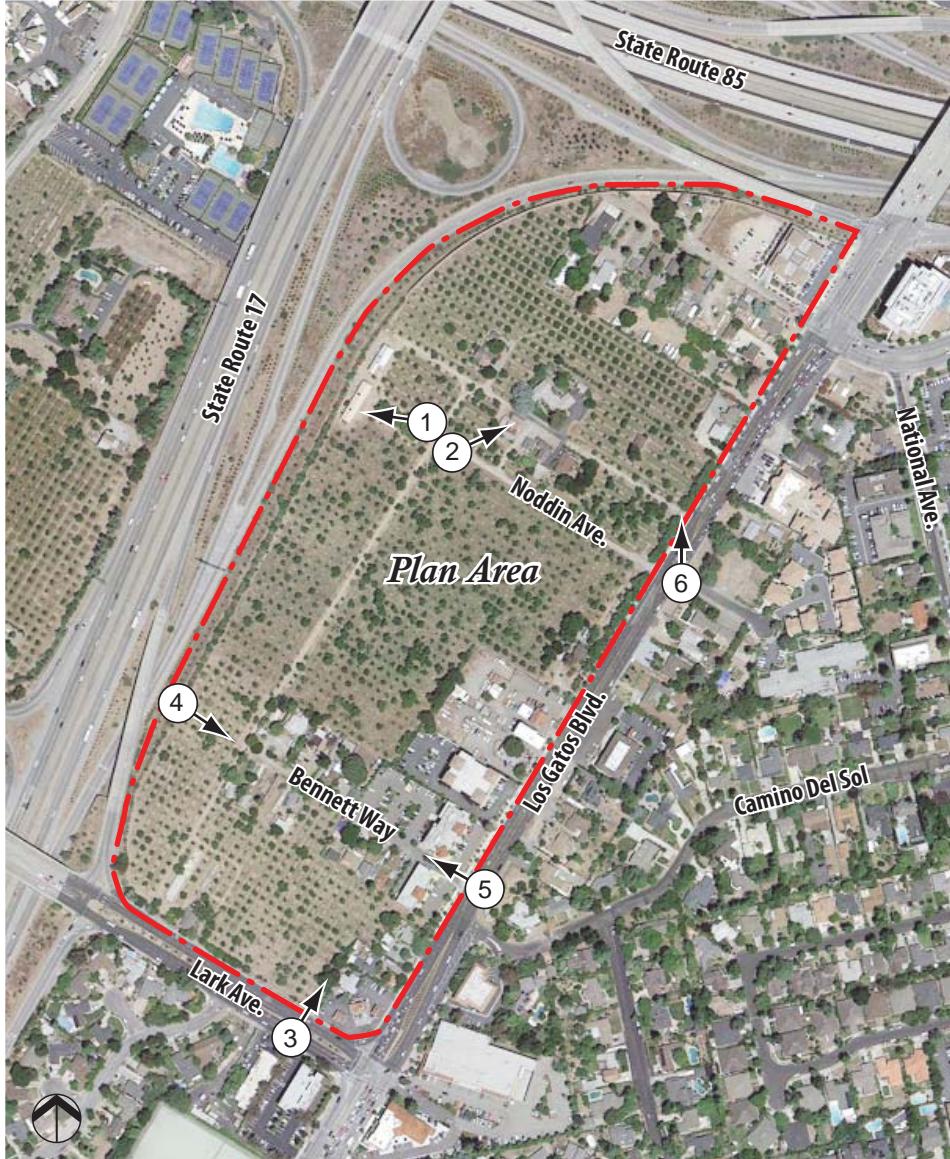
① Cork oak trees, fueling station, and equipment shed



② Main barn



③ Orchard and houses



④ Residential section of Bennett Way



⑤ Bennett Way from office buildings on Los Gatos Boulevard



⑥ Trees lining Los Gatos Boulevard in front of the Plan Area

Source: Google Earth 2011



Figure 5  
Plan Area Photographs  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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0 900 feet

— • Project Boundary

Source: Google Earth 2011

E

M

C

Figure 6  
Project Vicinity Existing Conditions  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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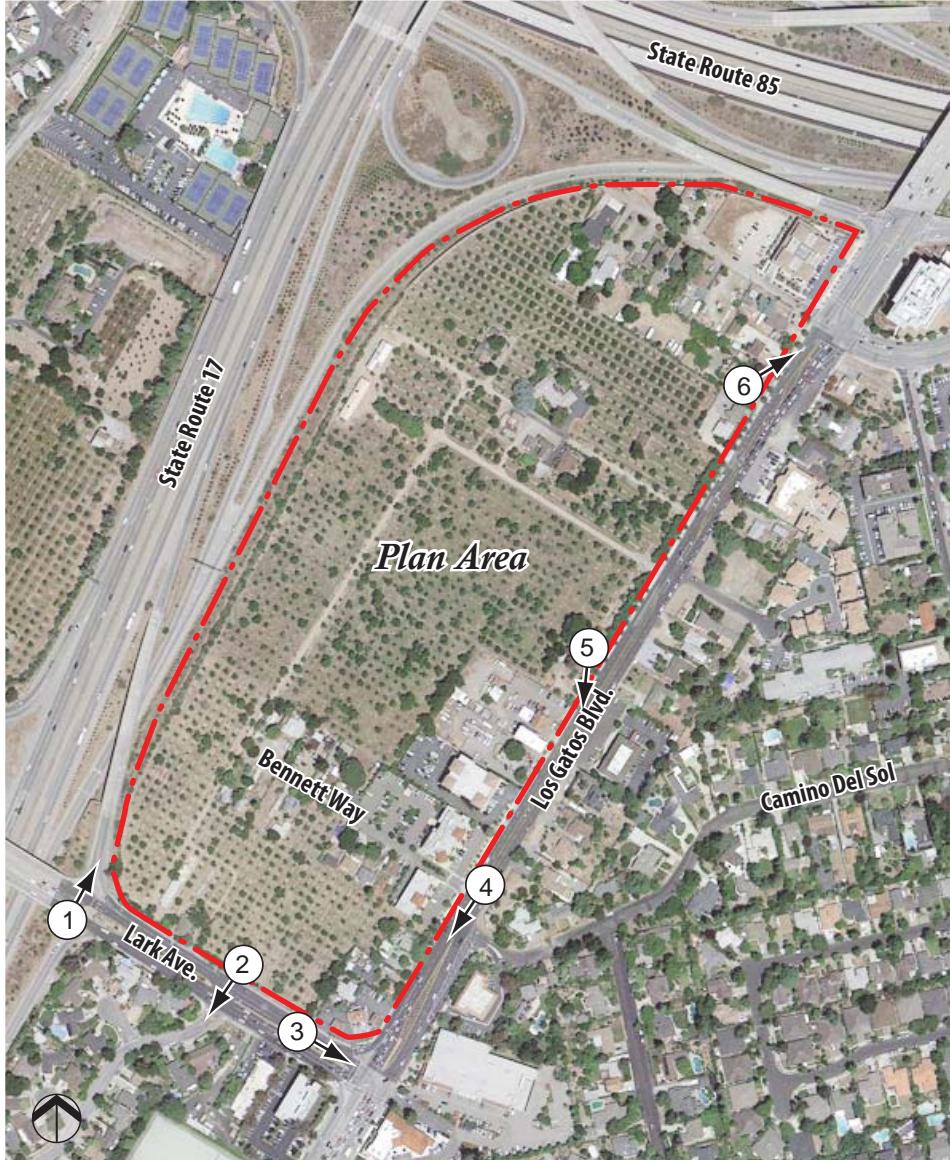
① Northbound on-ramp at Lark Avenue



② House on Highland Oaks Drive



③ Shopping centers at intersection of Los Gatos Boulevard and Lark Avenue



④ Offices along Los Gatos Boulevard



⑤ House and office buildings along Los Gatos Boulevard



⑥ Samaritan Medical Center

Source: Google Earth 2011



Figure 7  
Project Vicinity Photographs  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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## **Plan Area and Vicinity Planning Designations**

The *Town of Los Gatos 2020 General Plan* identifies the Plan Area with the “North 40 Specific Plan Overlay” land use designation, includes visions and policies directed toward the future development of the Plan Area, and directs creation of a specific plan to provide detailed guidance for development. The proposed project is a specific plan that fulfills this directive of the *Town of Los Gatos 2020 General Plan*. The *Town of Los Gatos 2020 General Plan* designates the Plan Area as Mixed Use Commercial with a North Forty Specific Plan overlay. Land use designations for the Plan Area and vicinity are shown in [Figure 8, Land Use Designations](#). The Plan Area carries a variety of zoning classifications, corresponding to the existing uses: RC Resource Conservation on the agricultural areas; CH Restricted Highway Commercial and CH:PD Restricted Highway Commercial/Planned Development on the commercial areas; and R-1:8 Single Family Residential on the residential areas.

Properties on the opposite side of Los Gatos Boulevard are designated in the *Town of Los Gatos 2020 General Plan* for Mixed Use Commercial, and properties on the opposite side of Lark Avenue are designated for Mixed Use Commercial, Medium Density Residential, and Low Density Residential.

## **Town Vision for the Plan Area**

On March 1, 2012, the Los Gatos Town Council established the following Vision Statement for the Plan Area.

The North 40 reflects the special nature of our hometown. It celebrates our history, agricultural heritage, hillside views, and small town character. The North 40 is seamlessly woven into the fabric of our community, complementing other Los Gatos residential and business neighborhoods. It is respectful of precious community resources and offers unique attributes that enrich the quality of life of all of our residents. Guiding Principles to achieve this vision:

- The North 40 will look and feel like Los Gatos.
- The North 40 will embrace hillside views, trees, and open space.
- The North 40 will address the Town’s residential and/or commercial unmet needs.
- The North 40 will minimize or mitigate impacts on town infrastructure, schools, and other community services.

## 2.2 PLAN INCONSISTENCIES

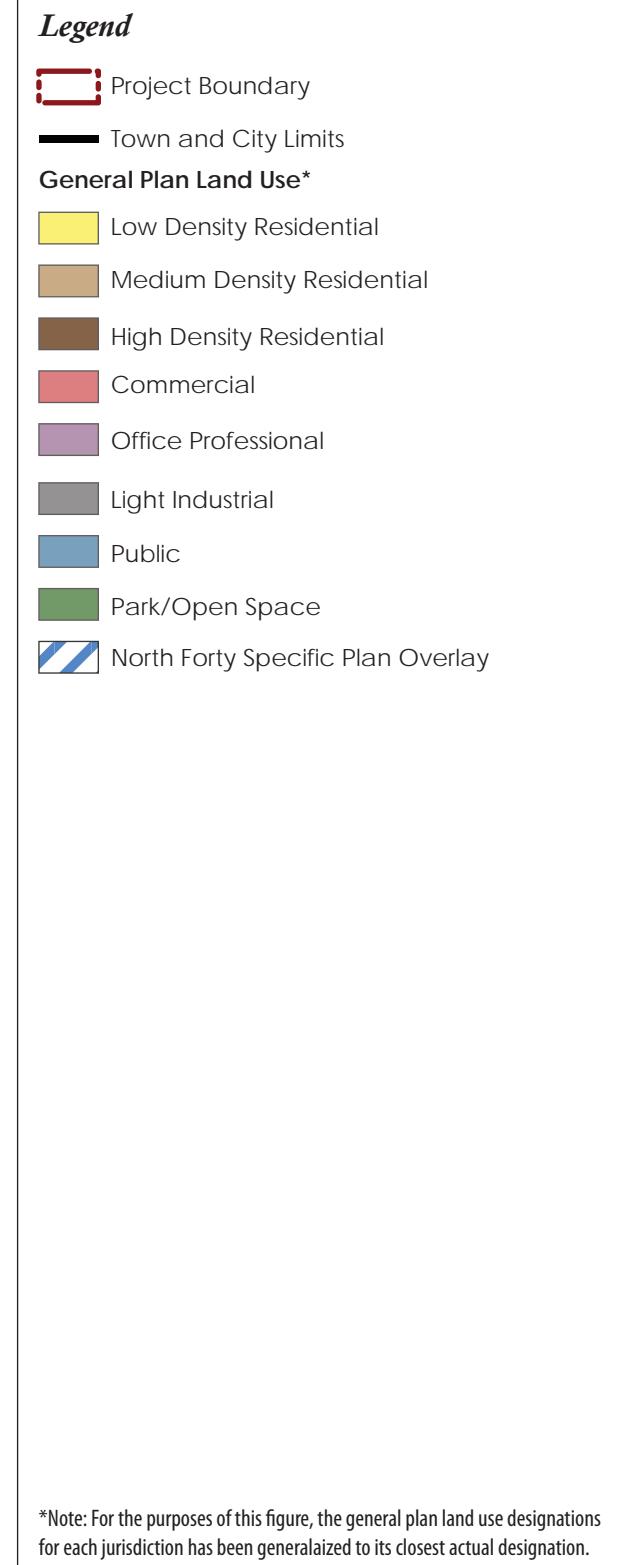
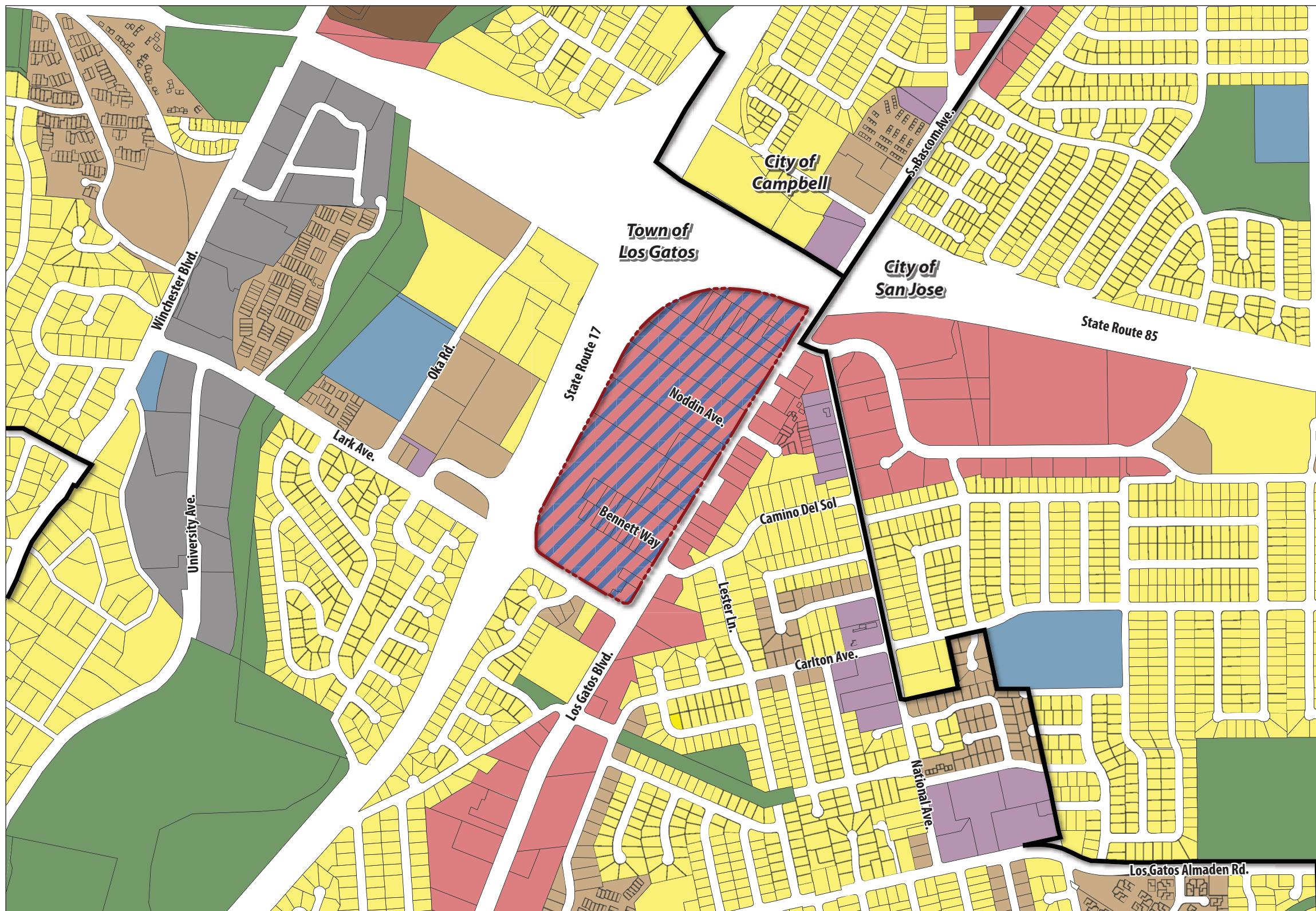
CEQA Guidelines Section 15125 (d) requires that an EIR discuss any inconsistencies between the proposed project and the applicable general plan and regional plans. Regional plans include air quality plans, water quality plans, transportation plans, and other similar types of regional plans. The proposed project is evaluated throughout the EIR in terms of inconsistencies with the policies of the *Town of Los Gatos 2020 General Plan*. Inconsistencies with the following plans are addressed in the other sections of this EIR as noted:

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

## 2.3 PROJECT DESCRIPTION

### Project Overview

The proposed project is a specific plan for future development of the Plan Area. Development is expected to take place over a five to 20-year time period. The Draft Specific Plan provides a framework and development standards for the development of vacant parcels and re-development of the already-developed parcels. The Plan Area is divided into three districts, within which a mix of commercial and residential uses is envisioned. The Draft Specific Plan limits total non-residential floor area to 580,000 square feet and residential development to 364 units (both inclusive of existing uses). Additionally, the following maximum development capacities are established for each type of non-residential use: 250,000 square feet of office/hotel, and 400,000 square feet of commercial (includes: restaurants, retail, specialty market, health club, personal services, and entertainment). A hotel (with or without a conference center) is allowed. The conference facility could provide space for between 200 and 250 conference participants. The Draft Specific Plan requires at least 30 percent (about 13.2 acres) of the Plan Area be retained in open space.



Source: City of San Jose 2013, Town of Los Gatos 2008, Santa Clara County 2008, City of Monte Sereno 2007, City of Campbell 2001

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Figure 8  
Land Use Designations  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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## **Proposed Planning Approvals**

### **Specific Plan Adoption, General Plan Amendments, and Zoning Amendments**

The proposed project includes the adoption of the Draft Specific Plan, text amendments to the *Town of Los Gatos 2020 General Plan*, and amendments to the Town's zoning ordinance and zoning map. The Draft Specific Plan and proposed general plan text amendments would be adopted by resolution, and proposed zoning amendments would be adopted by ordinance.

The Draft Specific Plan provides supplemental policy direction to that found in the *Town of Los Gatos 2020 General Plan*, which identifies the site for preparation of a specific plan. The Draft Specific Plan land uses are consistent with General Plan policy direction, and no significant policy changes are proposed. The Draft Specific Plan calls for several text amendments to the *Town of Los Gatos 2020 General Plan*. The General Plan Overlay Designation guidelines and Policy LU-11.4 will be amended as follows:

Added to General Plan Overlay Designation guidelines (additions shown in bold):

**Continue the “boulevard treatment” along the southwestern end of Los Gatos Boulevard, with interconnections from one parcel’s drive aisle to the next where feasible.**

Amendment of the General Plan Overlay Designation guidelines (deletions shown in brackets/additions shown in bold):

**Allow for future development of [Develop] gateway or landmark features at Los Gatos Boulevard and Lark Avenue and Los Gatos Boulevard and the Highway 85 off-ramp.**

Amendment of General Plan Policy LU11.4 (deletions shown in brackets/additions shown in bold):

Policy LU-11.4 Include a variety of [regional destination and local-serving] commercial uses **reflective of Town Council’s Vision and Guiding Principles for the North Forty Land Uses shall** [in the North Forty area,] follow[ing] a logical land use pattern that takes advantage of the site opportunities while protecting adjacent uses.

Zoning amendments are required to accommodate the types of development proposed, because the current zoning reflects existing conditions, not the land uses described in the *Town of Los Gatos 2020 General Plan* or proposed in the Draft Specific Plan. The zoning amendment would

implement a specific plan overlay for the Plan Area. The Draft Specific Plan's development standards and design guidelines would serve as the zoning for the Plan Area, supplementing and/or superseding the existing Town of Los Gatos zoning code.

### **Subdivision**

Ultimately the Plan Area would undergo a series of subdivisions, lot line adjustments, and/or mergers to provide a parcel configuration suitable for the uses proposed.

## **Project Characteristics**

### **Phasing**

The Draft Specific Plan establishes a framework for future development, which is expected to occur within a range of five to 20 years. The Plan Area includes many small individually owned parcels, and where there are concentrations of these parcels, re-development would be likely to take place over a longer timeframe than within the larger parcels. Therefore, early phases of development are likely to take place within the larger parcels and contiguous assembled parcels; these parcels are primarily those currently used for walnut orchards. The existing single-family residences within the Plan Area would become legal non-conforming uses, and could continue as such indefinitely.

### **Site Preparation**

Site preparation would include vegetation removal, demolition, and grading. As described under Phasing, above, site preparation is anticipated to occur incrementally over a range of five to 20 years. Some of the structures in the Plan Area are expected to contain lead-based paint and/or asbestos, and the removal of these must comply with regulations in effect at the time of demolition. Some of the existing buildings are likely to remain when the Draft Specific Plan is built out.

### **Parameters for New Land Uses and Structures**

The Draft Specific Plan does not include any specific development plans, but rather sets forth the land use types, general locations, densities, size limitations, and design requirements for future development. Following adoption of the Draft Specific Plan, the Town can consider and approve development proposals within the Plan Area.

**Districts and Land Uses.** The Draft Specific Plan establishes three districts (Lark District, Transition District, and Northern District), allowing a mix of uses within each, but in general

terms, placing residential land uses and lower intensity retail and office uses to the south end of the Plan Area, with more intense commercial uses, such as entertainment, restaurant, and shopping uses, at the north end. The three proposed districts occupy roughly the southern, central, and northern thirds of the Plan Area, although overlap zones at the district boundaries allow for flexible arrangement of land uses in these areas. [Figure 9, Specific Plan Districts](#), illustrates the locations of these districts and the boundary edge overlay zones. The following paragraphs provide an overview of typical allowed uses. A detailed listing of allowed and conditionally allowed uses is presented in Chapter 2 of the Draft Specific Plan.

The southern-most district is the Lark District, which allows most residential uses, offices, personal services, restaurants, public buildings, and parks. Commercial uses within the Lark District are focused along Los Gatos Boulevard. The Lark District is the only district allowing detached residential uses (cottage cluster), with a conditional use permit; live-work lofts are not allowed in the Lark District.

The Transition District allows most uses from the Lark District and provides a buffer between the principally residential Lark District and the active commercial uses of the Northern District. Uses additional to those allowed in the Lark District include live-work lofts, specialty markets, retail, and a hotel. Health clubs and outdoor entertainment are allowed with a conditional use permit.

The Northern District allows all of the commercial uses from the other districts, but adds uses that are less compatible with residential uses, including large drug stores and supermarkets. Several additional uses are allowed with a conditional use permits, including drive-up service (except for restaurants), overnight business hours, new vehicle sales, car wash, and live theater. In the Northern District, residential uses are only allowed over first-floor commercial uses.

**Development Limits.** The Draft Specific Plan places build-out limits on development within the Plan Area. The Draft Specific Plan limits residential use to 364 units -- for a net increase of about 332 units. Based on a median household size of 2.39 persons in Los Gatos, the population of the Plan Area at build-out would be about 870 residents, a net increase of about 794 residents. The Draft Specific Plan limits total non-residential floor area to 580,000 square feet -- for a net increase of about 514,000 square feet. Additionally, the Draft Specific Plan establishes the following maximum development capacities for each type of use: 250,000 square feet of office and/or hotel; and 400,000 square feet of commercial (includes: restaurants, retail, specialty market, health club, personal services, and entertainment). The Draft Specific Plan includes limitations on commercial store sizes. The maximum size for any given retail tenant space is 50,000 square feet.

Residential development is further limited by total square footage. New residential “cottage cluster,” “garden cluster,” townhome, and row house units are allowed a maximum of 400,000 gross square feet. New stacked flat, multi-family, apartments, and affordable units are allowed a

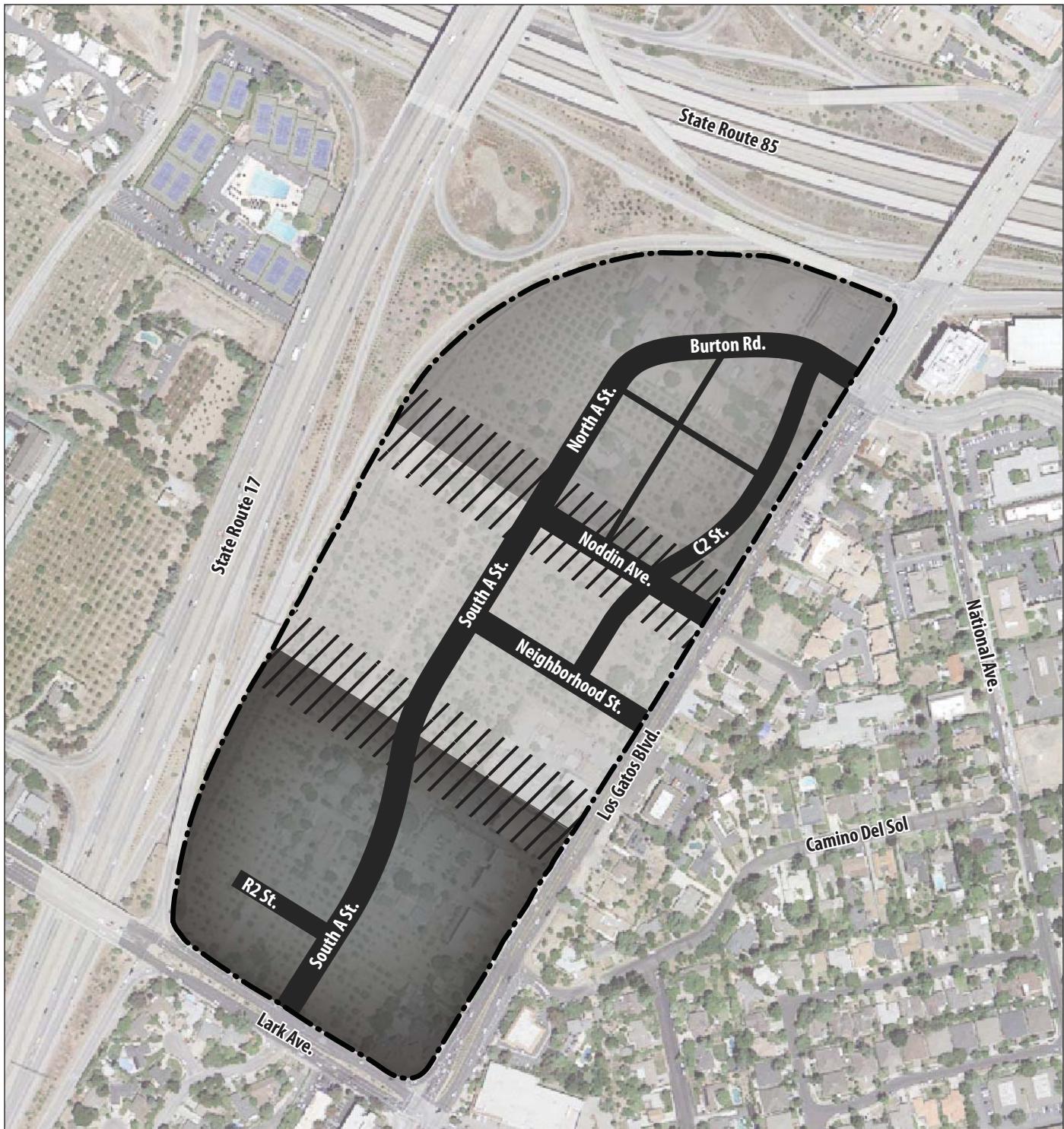
maximum of 300,000 net square feet. Cottage cluster homes are limited to 1,200 square feet each. It is anticipated that regardless of the type of residential unit, a condominium map might be used to establish the legal description of the unit.

A conference center would be allowed in conjunction with a hotel, providing for between 200 and 250 conference participants – although conference facilities can vary considerably, this would equate to approximately 10,000 square feet of conference area. At a standard ratio of 1.95 guest rooms per 1,000 gross square feet, the remaining 115,000 square feet could support about 200 to 225 guest rooms. A comparable facility would be the Four Seasons' Palo Alto Conference Center, with about 7,000 square feet of conference space and 200 rooms (United States Environmental Protection Agency Energystar webpage 2013; Four Seasons Hotels 2013).

The Draft Specific Plan requires at least 30 percent (about 13.2 acres) of the Plan Area be retained in open space, both as hardscaped open space and landscaped open space. Hardscaped areas (sidewalks, paseos, plazas) are required to occupy at least 10 percent of the Plan Area (about 4.4 acres). Parking and roadways are not counted toward the hardscaped open space requirement. Green open space is required to occupy at least 20 percent of the Plan Area (about 8.8 acres). If increased height is permitted for buildings in the Transition District (from 35-foot to 45-foot height), then the green open space requirement increases to 25 percent for that property.

**Development Standards.** The Draft Specific Plan includes several generalized development standards to address site design and building design. In addition to the minimum of 30 percent open space, the Draft Specific Plan establishes district edge and perimeter overlay zones that limit building height and expand setback requirements in those areas. Setback requirements are presented for each of the major streets within or adjacent to the Plan Area. The development standards also address parking, signage, and mixed use design.

The Draft Specific Plan includes additional detailed standards for non-residential and residential uses. The detailed non-residential standards provide information on building height limits, limitations on retail store sizes, and the design of outdoor ancillary uses, such as storage or disposal. In general, non-residential buildings can be no higher than 35 feet (or up to 45 feet if additional open space is provided or the project is for affordable housing), but several exceptions allow for additional height, the limit to which is to be determined by the Town in issuing a conditional use permit and architecture and site review approval. Hotels are limited to 45 feet unless the Town grants a conditional use permit and architecture and site approval to allow additional height. Certain building elements are permitted to exceed the height limits. The detailed residential standards control setbacks and exceptions to setbacks, landscaping, and building height. In general, residential buildings are allowed to be up to 35 feet in height, but exceptions are allowed up to 45 feet, and in the Lark District, at least 15 percent of buildings must be no more than 25 feet high.



**Legend**

- Project Boundary
- Lark District
- Northern District
- Transition District
- / District Edge Overlay



0 400 feet

Source: RRM Design Group 2013, Google Earth 2011

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Figure 9  
Specific Plan Districts  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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**Design Guidelines.** The Design Guidelines provide additional direction on building, site, and landscape design, including outdoor spaces, parking lots, utilities, and screening. The Design Guidelines are largely based on existing Town design guidelines. A tree list is provided in the Design Guidelines.

**Illustrative Build-out Scenarios.** Although the Draft Specific Plan does not include a site plan for future development or a specific land use table, two illustrative development scenarios have been developed for the EIR to provide examples of possible build-out. These are summarized in [Table 1, Illustrative Build-out Scenarios](#).

**Table 1 Illustrative Build-out Scenarios**

Use	Development Scenario A Square Feet or Units	Development Scenario B Square Feet or Units
<b><i>COMMERCIAL</i></b>		
Shopping Center	269,000 square feet	<b>400,000 square feet</b>
Hotel (with conference facility)	150 rooms	150 rooms
Medical or Dental Offices	62,500 square feet	<b>None</b>
General Offices	62,500 square feet	<b>None</b>
<b><i>RESIDENTIAL</i></b>		
Single-family/Cluster Homes	73 units	73 units
Apartments	73 units	73 units
Stacked Flat or Townhouse	218 units	218 units

*Source:* Fehr and Peers 2014

*Note:* Potential build-out scenario for purposes of study. **Bold** text highlights differences between alternative scenarios.

Both scenarios include the maximum number of residential units and the maximum commercial development, with the difference occurring in the square footage of commercial and office in each scenario.

## Infrastructure

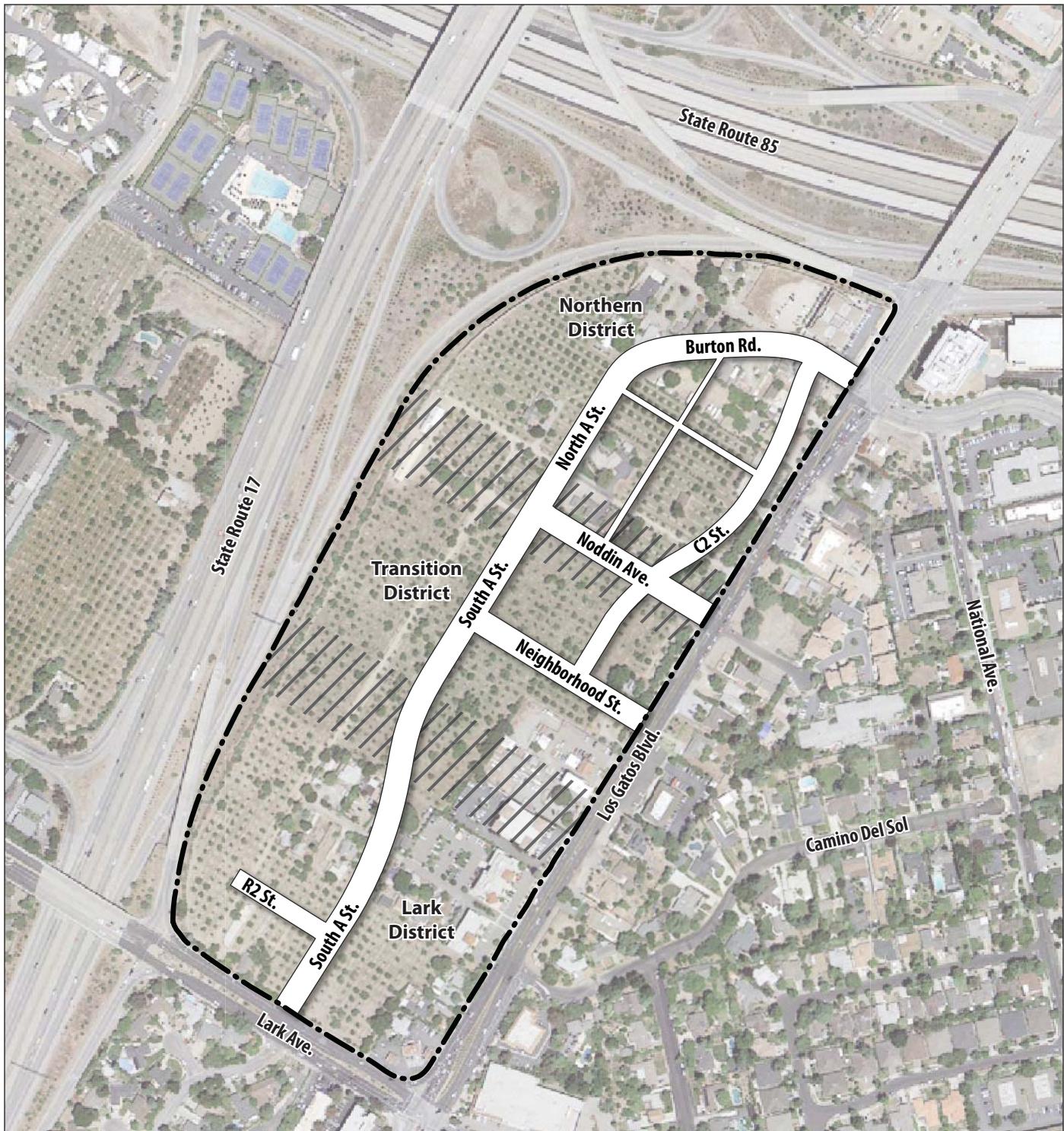
**Circulation.** The Draft Specific Plan includes new private streets within the Plan Area, as illustrated in [Figure 10, Conceptual Backbone Circulation Plan](#). The principal street through the Plan Area connects from Burton Road (opposite Samaritan Drive at Los Gatos Boulevard) to Highland Oaks Drive at Lark Avenue. Noddin Avenue (re-aligned with Terreno de Flores Lane)

and “Neighborhood Street,” also connect to Los Gatos Boulevard. A fourth Los Gatos Boulevard connection is permitted between “Neighborhood Street” and Lark Avenue, but not illustrated in the Draft Specific Plan. The access from Lark Avenue would be separated by at least 300 feet from Los Gatos Boulevard and from the State Route 17 freeway on-ramp. In addition to those shown in the Draft Specific Plan, interior connecting streets would be constructed as needed to provide access within the Plan Area.

Landscaped medians and enlarged landscaped areas on the Plan Area side of each street are proposed for Los Gatos Boulevard and Lark Avenue. Approximately ten feet of additional road right-of-way would be dedicated on the north side of Lark Avenue along the Plan Area frontage.

**Water.** Water for the Plan Area would be supplied by the San Jose Water Company. Approximately 780 feet of 12-inch off-site supply line would be constructed between the Seven-mile Station and the Plan Area at Lark Avenue. This extension would be located within the Lark Avenue right-of-way and on San Jose Water Company property to the south of Lark Avenue. Other off-site water connections would be within the Los Gatos Boulevard right-of-way. A 12-inch water line would pass through the Plan Area to Los Gatos Boulevard, with an emergency connection to the water system within Los Gatos Boulevard. Within the Plan Area, 10-inch water pipes would be looped. Proposed on-site and off-site water lines are shown in [Figure 11, Conceptual Backbone Water Infrastructure](#). Three existing decommissioned water transmission lines within the Plan Area (running generally to the west of the commercial parcels) would be removed, and an active 24-inch San Jose Water Company transmission line in the same general area would be relocated to within planned road rights-of-way. A 72-inch raw water pipeline owned by the Santa Clara Valley Water District within Burton Road would remain.

**Sewer.** Wastewater collection would be provided to the Plan Area by the West Valley Sanitation District. New wastewater collection lines would be constructed within the Plan Area and connected to an existing 10-inch trunk line located beneath State Route 17. The existing wastewater line under State Route 17 terminates at the eastern edge of the Oka Road right-of-way and would be extended approximately 30 feet within the Oka Road right-of-way to connect to the main within Oka Road. Two parcels (the southern-most and northern-most parcels along Los Gatos Boulevard) would continue to discharge to the wastewater collection trunk lines in Lark Avenue and Los Gatos Boulevard. [Figure 12, Conceptual Backbone Wastewater Infrastructure](#), shows the proposed on- and off-site sewer lines.



**Legend**

— Project Boundary    □ Roadway    // District Edge Overlay



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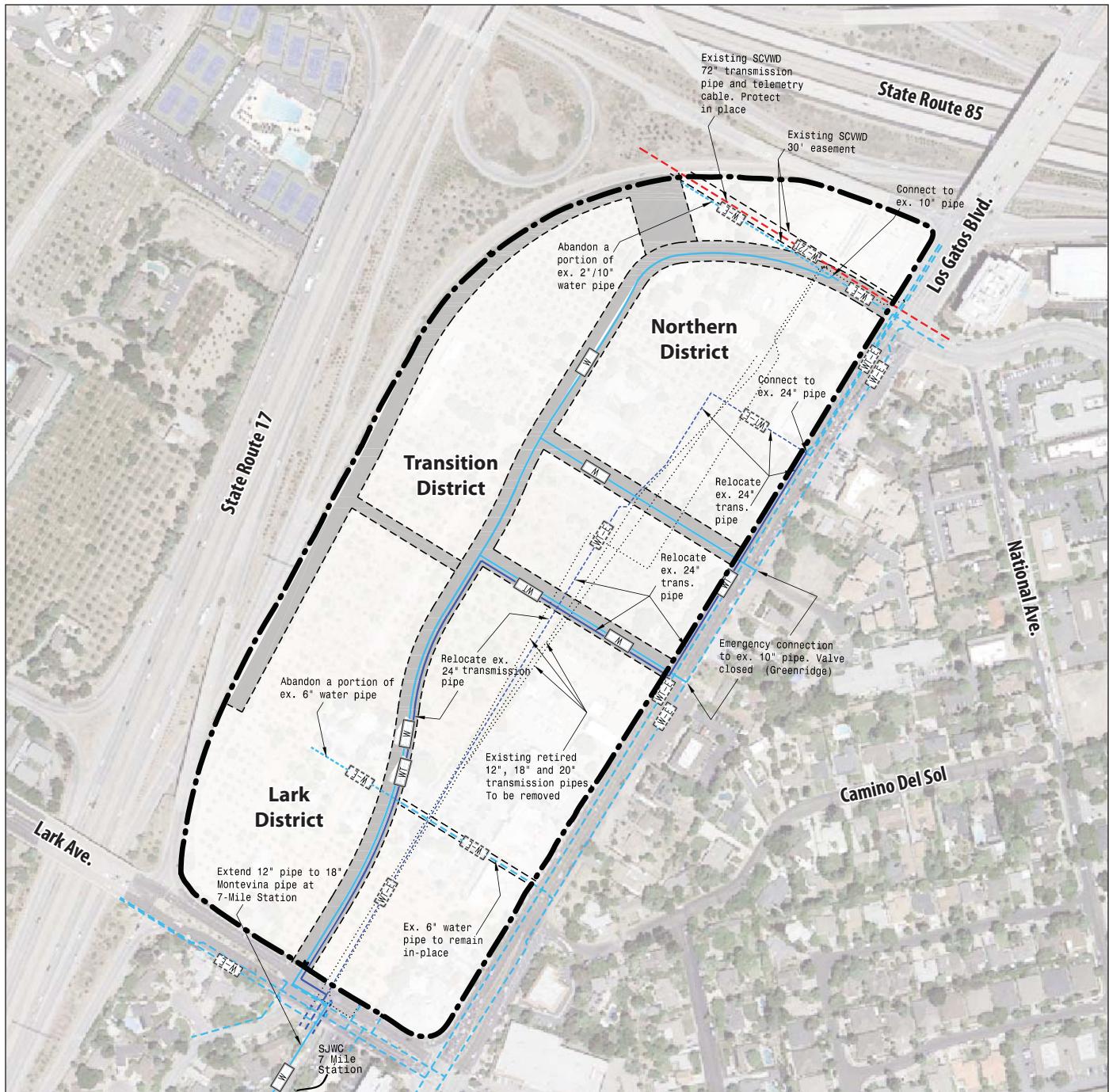
Source: RRM Design Group 2013, Google Earth 2011

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Figure 10  
Conceptual Backbone Circulation Plan  
North Forty Specific Plan EIR

## 2.0 PROJECT DESCRIPTION

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#### Legend

- Project Boundary
- █ Utility Easement
- Backbone Potable Water Pipe (SJWC - Distribution)
- Backbone Potable Water Pipe (SJWC - Transmission)
- Existing Potable Water Pipe (SJWC)



- Existing Potable Water Pipe (SCVWD)
- Existing Potable Water Pipe to be Abandoned (SJWC - Transmission)
- Existing Potable Water Pipe to be Abandoned (SJWC - Distribution)
- .... Existing Retired Potable Water Pipe to be Removed (SJWC)

Source: MacKay and Somp 2013, Google Earth 2011

Figure 11

## Conceptual Backbone Water Infrastructure

North Forty Specific Plan EIR

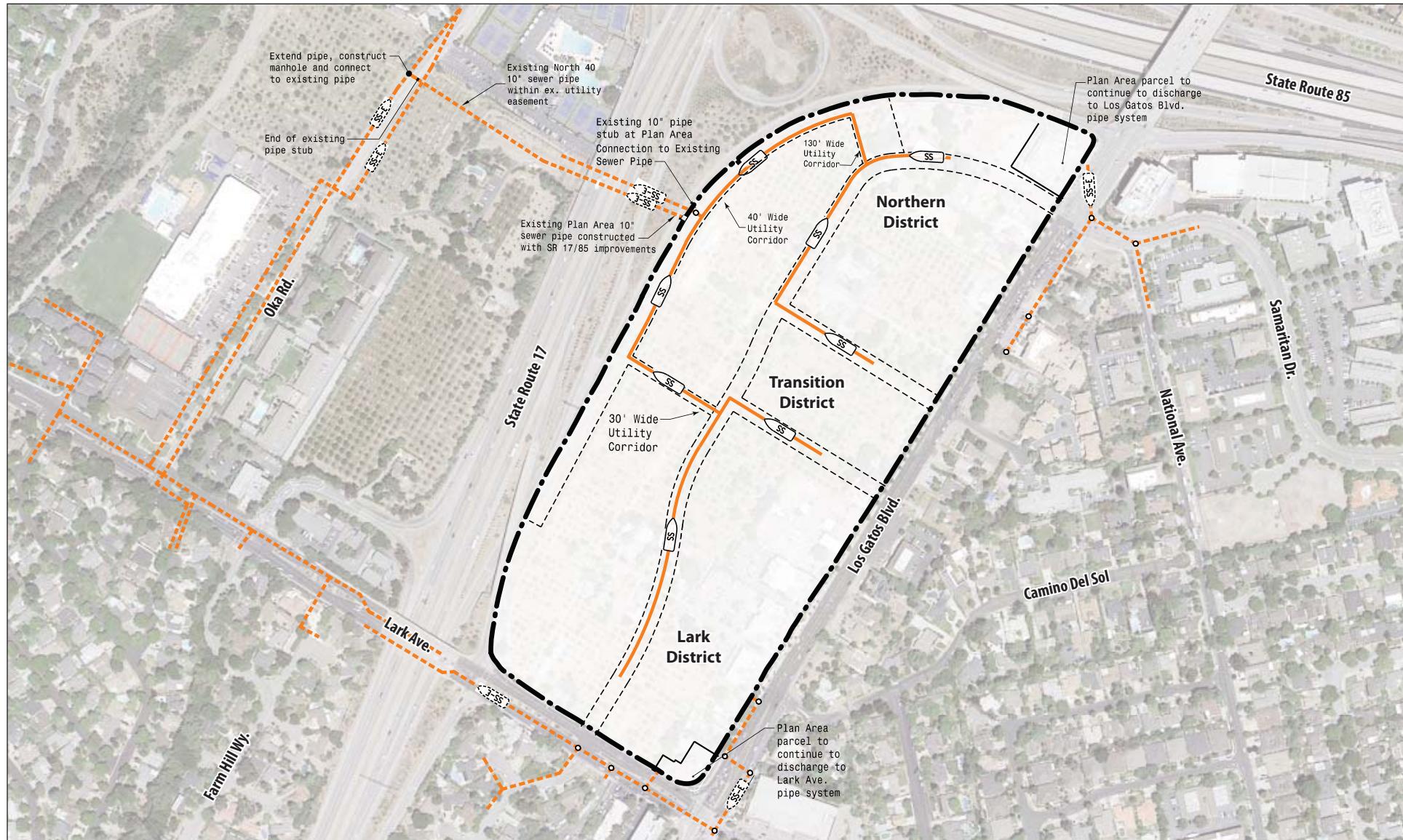
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## 2.0 PROJECT DESCRIPTION

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**Legend**

- Project Boundary
- Utility Easement
- Existing Sewer Pipe
- Backbone Sewer Pipe

Source: MacKay and Samps 2013, Google Earth 2011

Figure 12

## Conceptual Backbone Wastewater Infrastructure

North Forty Specific Plan EIR

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## 2.0 PROJECT DESCRIPTION

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**Storm Drainage.** New storm drainage collection pipes and intakes would be constructed within the Plan Area. These would drain to an existing 36-inch pipe that runs from the Plan Area beneath State Route 17 to Oka Road, west of State Route 17. A new 42-inch pipe would be constructed within an existing easement to connect the existing pipe near Oka Road to an existing outfall at Los Gatos Creek. The new connecting pipe would run for approximately 800 feet from the east side of the Oka Road right-of-way to 50 feet short of Los Gatos Creek. About 100 feet of the pipe connection would be within the Oka Road right-of-way and about 700 feet would be within an existing easement on the north edge of the orchard adjacent to the Bonnie View mobile home park. The plug in the existing outfall would be replaced with a flap gate. The existing components of the off-site drainage system were constructed by Caltrans as part of the State Route 85 freeway project, in anticipation of development within the Plan Area. The new storm drainage system would serve all but two parcels within the Plan Area; these two parcels will continue to discharge storm water to either the Lark Avenue storm drain or the north end of the Los Gatos Boulevard storm drain. The existing storm drainage pipe beneath Los Gatos Boulevard, which serves properties on Los Gatos Boulevard opposite the Plan Area, would be re-routed to flow through the Plan Area. A detention basin would be located within the Plan Area. The Draft Specific Plan storm drain system is sized to accommodate a 10-year storm. Storm water flows exceeding the 10-year level would be allowed to collect in open space areas, streets, and parking lots. [Figure 13, Conceptual Plan Area Backbone Storm Water Infrastructure](#), shows the proposed on- and off-site storm water drainage areas (including off-site contributory areas along Los Gatos Boulevard), lines, and basin.

The Draft Specific Plan includes guidelines that address the vision of the Watershed Action Plan, specifically promotion of drought-tolerant plantings, natural drainage systems, reductions in impervious surfaces, preference for non-structural BMPs, and pre-treatment of storm water.

## Off-site Changes

Off-site improvements would include:

- Modifications would be made to Los Gatos Boulevard and Lark Avenue. On Lark Avenue, the existing left turn lane onto Highland Oaks Drive would be removed (with continued emergency access for Highland Oaks Drive) in favor of a left turn lane into the Plan Area. Eventual improvements on Los Gatos Boulevard include a center median from Samaritan Drive to Lark Avenue, although this may be constructed by either Plan Area developers as part of the proposed project, or by the Town as a separate project. The median is intended to prevent left turns at Terreno de Flores Lane, Camino del Sol, Noddin Lane, and Bennett Way. Left turns into the Plan Area from Los Gatos Boulevard would be allowed at the existing Samaritan Drive/Burton Road intersection and at a new

signalized intersection approximately mid-way between Noddin Avenue and Bennett Way. Curb, gutter, and sidewalk improvements would be constructed or modified along the Plan Area frontage of both Los Gatos Boulevard and Lark Avenue;

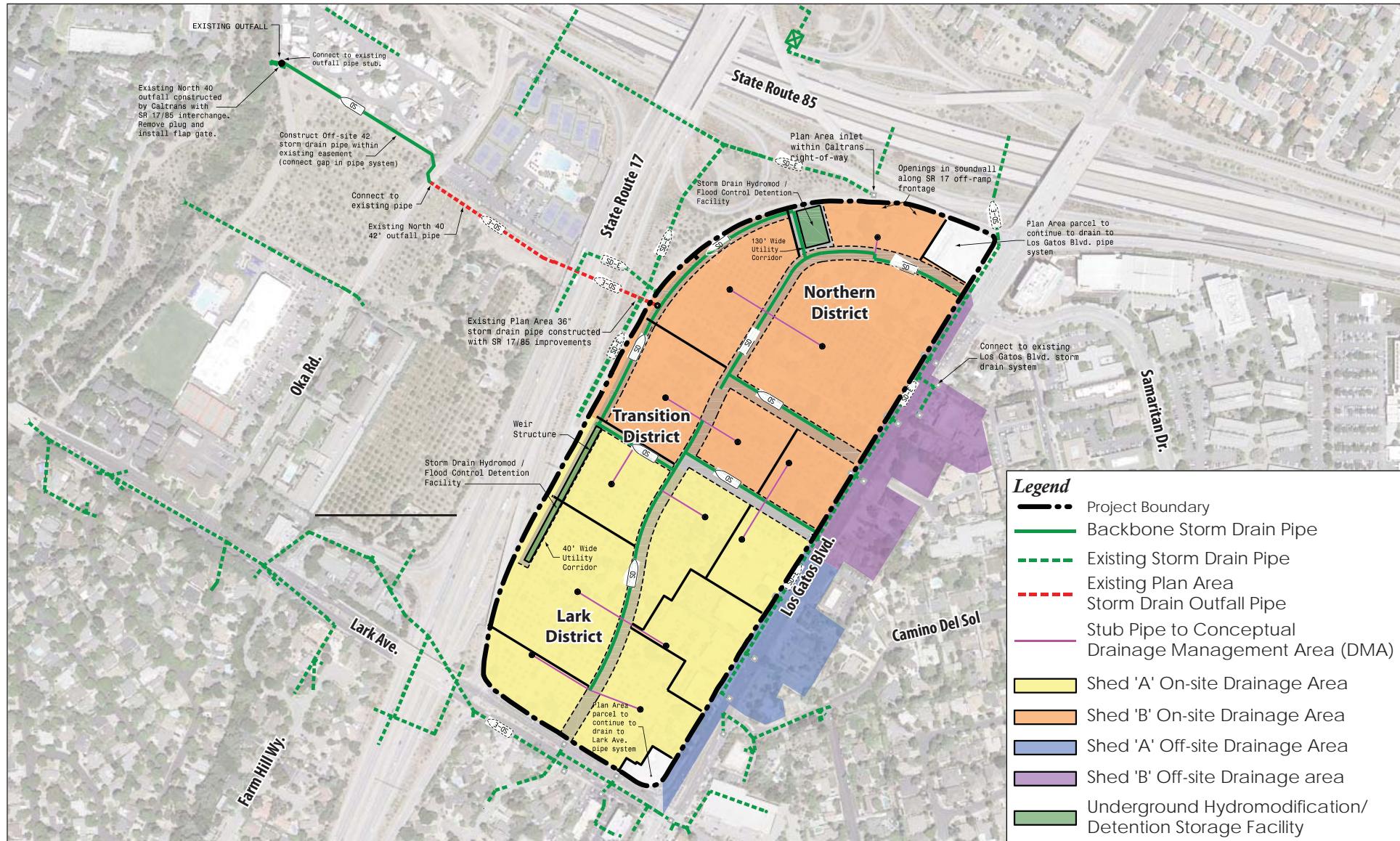
- About 800 feet of new storm drainage pipe and related improvements within Oka Road and between Oka Road and Los Gatos Creek (south of the Bonnie View mobile home park) would be constructed;
- About 30 feet of new wastewater pipe within the Oka Road right of way would be constructed;
- Up to 1,150 feet of existing wastewater pipe in Oka Road may be upgraded from 12-inch to 15-inch, dependent upon actual sewer generation within the Plan Area; and
- About 780 feet of new water pipe within Lark Avenue and between Lark Avenue and the Seven-mile Station (south of Lark Avenue) would be constructed.

Off-site utility improvements are described in greater detail in the Infrastructure section above.

## 2.4 EIR USES AND APPROVALS

This EIR can be characterized either as a “Program EIR” prepared pursuant to CEQA Guidelines section 15168 or as a “First Tier EIR” prepared pursuant to CEQA Guidelines section 15152. These labels are complementary, not mutually exclusive. Regardless of its title, the document is intended to act as an analytical superstructure for subsequent more detailed analyses associated with individual project applications (e.g., for small-lot tentative maps). The Town’s goal in preparing the current document is to minimize the amount of new information that will be required in the future at the “project level” by dealing as comprehensively as possible in this document with cumulative impacts, regional considerations, and similar “big picture” issues. The Town recognizes that, although the EIR addresses a considerable number of environmental topics at a high level of detail, the document does not include the level of detail necessary for all topic areas to qualify as a true across-the-board “project EIR.”

According to CEQA Guidelines section 15168(c)(5), “[a] program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible.” Later environmental documents (EIRs, mitigated negative declarations, or negative declarations) can incorporate by reference materials from the program EIR regarding regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors. (CEQA Guidelines, § 15168(d)(2).) These later documents need only focus on new effects that have not been considered before. (*Id.* At (d)(3).)



Source: MacKay and Samps 2013, Google Earth 2011

Figure 13  
Conceptual Backbone Stormwater Infrastructure  
North Forty Specific Plan EIR

E M C

## 2.0 PROJECT DESCRIPTION

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CEQA Guidelines section 15168(c), entitled “Use With Later Activities,” provides, in pertinent part, as follows:

Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared:

- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a negative declaration

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- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
- (4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

Here, the Town anticipates preparing a “written checklist” similar to the typical Initial Study whenever landowners within the Specific Plan area submit applications for site-specific approvals such as small-lot tentative maps, conditional use permits, or other discretionary elements. In some instances, the Town’s expectation, at least at present, is that the written checklists may conclude that no further analysis on certain topics beyond that found in the Program EIR will be necessary. These topics include the following: agricultural resources; biological resources; geology, soils, and mineral resources; land use and planning; population, housing, and public services; recreation; and utilities and service systems. Thus, the new analyses for future site-specific actions will focus on other issues and impacts regarding which the Program EIR lacks detailed site-specific information.

Future site-specific approvals may also be narrowed pursuant to the rules for tiering set forth in CEQA Guidelines Section 15152. “[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on “the big picture,” and can then use streamlined CEQA review for individual projects that are consistent with such... [first tier decisions] and are...consistent with local agencies’ governing general plans and zoning.”” (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4<sup>th</sup> 29, 36.). Before deciding to rely in part on a first tier EIR in connection with a site-specific project, the lead agency must prepare in “initial study

or other analysis” to assist it in determining whether the project may cause any significant impacts that were not “adequately addressed” in a prior EIR. (CEQA Guidelines, § 15152(f); Pub. Resources Code, § 21094(c).) Where this analysis finds such significant effects, an EIR is required for the later project. In contrast, “[a] negative declaration or mitigated negative declaration shall be required” where there is no substantial evidence that the project may have significant impacts not adequately addressed in the prior EIR, or where project revisions accepted by the proponent avoid any such new significant effects or mitigate them “to a point where clearly” they are not significant.

Section 15152 further provides that, where a first tier EIR has “adequately addressed” the subject of cumulative impacts, such impacts need not be revisited in the second- and/or third-tier documents. Furthermore, second- and third-tier documents may limit the examination of effects to those that “were not examined as significant effects” in the prior EIR or “[a]re susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, or other means.” In general, “[s]ignificant environmental effects have been ‘adequately addressed’ if the lead agency determines that:

- (A) They have been mitigated or avoided as a result of the prior [EIR] and findings adopted in connection with that prior [EIR]; or
- (B) They have been examined at a sufficient level of detail in the prior [EIR] to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.”

Here, as noted above, the Town anticipates preparing a “written checklist” similar to the typical Initial Study whenever landowners within the Specific Plan area submit applications for site-specific approvals such as small-lot tentative maps. The Town will assess, among other things, whether any of the significant environmental effects identified in this Program/First Tier EIR have been “adequately addressed.” Thus, the new analyses for these site-specific actions will focus on impacts that cannot be “avoided or mitigated” by mitigation measures that either (i) were adopted in connection with the Specific Plan or (ii) were formulated based on information in this EIR.

Finally, for all portions of the Plan Area for which site-specific zoning will be instituted concurrently or shortly after adoption of the Specific Plan, future environmental review can also be streamlined pursuant to Public Resources Code Section 20183.3 and CEQA Guidelines Section 15183. These provisions, which are similar but not identical to the tiering provisions, generally limit the scope of necessary environmental review for site-specific approvals following the preparation of an EIR for a “zoning action.” For such site-specific approvals, CEQA generally applies only to impacts that are “peculiar to the parcel or to the project” and have not

been previously disclosed, except where “substantial new information” shows that previously-identified impacts will be more significant than previously assumed. Notably, impacts are considered not to be “peculiar to the parcel or to the project” if they can be substantially mitigated pursuant to previously adopted uniformly applied development policies or standards. As noted above, the Town anticipates that, in assessing the extent to which the Specific Plan EIR has previously addressed significant effects that might occur with individual projects, the Town is likely to conclude that, in some instances (specified above), no further analysis beyond that found in the Program EIR will be necessary.

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

## **Local Agencies**

- Town of Los Gatos (Lead Agency)
  - Specific Plan Approval;
  - General Plan Amendment;
  - Zoning Amendment;
  - Subdivisions;
  - Conditional Use Permits;
  - Architecture and Site Reviews;
  - Encroachment Permits for improvements within a Town street right-of-way;
  - Grading Permits;
  - Tree Removal Permits;
  - Demolition Permits; and
  - Building Permits.
- County of Santa Clara Department of Environmental Health, Solid Waste, and Site Mitigation Programs
  - Construction within a contaminated soils clean-up area.

## **Regional Agencies**

- Santa Clara Valley Water District (Responsible Agency)
  - New discharges to Water District facilities.
  - Water Resources Protection Ordinance encroachment permit.
- Regional Water Quality Control Board (Responsible Agency)
  - National Pollutant Discharge Elimination System Permits.
- Santa Clara Valley Transportation Authority (Responsible Agency)
  - Bus stop construction and/or re-location.

## **State Agencies**

- California Department of Transportation (Responsible Agency)
  - Encroachment Permits for improvements within a state highway right-of-way.
- California Department of Toxic Substances Control (Responsible Agency)
  - Construction within a contaminated soils clean-up area.

## **2.5 PROJECT OBJECTIVES**

CEQA Guidelines section 15124 (b) requires a description of project objectives to state the underlying purpose of the proposed project, and to assist in the development of alternatives.

Following are the project objectives:

1. Provide a specific plan that is consistent with the *Los Gatos 2020 General Plan* and the Town's adopted vision statement for the Plan Area. Future development within the Plan Area should seamlessly integrate with the existing development within Los Gatos, while preserving significant public views and providing trees and open space. Future development of the Plan Area should also provide for the Town's unmet commercial and residential needs and minimize adverse effects on Town infrastructure, services, and schools.
2. Provide a residential program that designates a variety of development intensities to help achieve the Town's unmet needs, including the young working professionals and empty-

nester move-down buyers, as well as complies with the Town of Los Gatos Housing Element, with a minimum of 20 percent of the residential units having sales prices or rents for low income earners.

3. Encourage a diversity of residential offerings and affordability levels for the targeted buyers, including cottage/garden cluster, rowhome/townhomes, condominium flats, multifamily affordable, and vertical mixed use.
4. Offer a commercial program that will complement the existing uses within the Town and capture retail sales that are currently leaking out of the Town.
5. Limit the commercial program to a maximum of 580,000 square feet of commercial (with a maximum of 400,000 square feet of retail, restaurants, personal services, health club and entertainment, and up to 250,000 square feet being office and/or hotel uses).
6. Allow for the construction of office uses in the North District of the Plan Area.
7. Create a sustainable community by designing the Specific Plan's public spaces and expanding the Plan Area's street frontage to encourage alternative forms of transportation such as walking, bicycling, and public transportation.
8. Respect the history of the site by featuring distinctive and attractive building design and landscaping that gestures towards its agrarian roots.
9. Assist the Town with satisfying its Regional Housing Needs Allocation for market rate and affordable housing units.

## 2.0 PROJECT DESCRIPTION

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# 3.0

## ENVIRONMENTAL EFFECTS

### 3.1 AESTHETICS

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would result in less-than-significant aesthetic impacts (Final EIR page 2-6), with implementation of the *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Development of the Plan Area was considered in this determination.

Town staff has indicated that citizens have expressed concern over the visual impact of new buildings in the Plan Area and removal of the on-site trees. A comment was submitted by a member of the public regarding aesthetics in response to the NOP. The comment can be found in [Appendix A](#).

#### ***Environmental Setting***

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

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

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

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

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

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

## **Policy and Regulation**

### **State**

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

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

## **Town of Los Gatos**

One of the *Town of Los Gatos 2020 General Plan*'s vision statement consensus points relates to aesthetics:

**Foster a pedestrian-oriented community with a small-town character.**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to aesthetics and visual resources are applicable to the proposed project.

**Goal LU-1 To preserve, promote, and protect the existing small-town character and quality of life within Los Gatos.**

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

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

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

**Goal LU-6 To preserve and enhance the existing character and sense of place in residential neighborhoods.**

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

**Goal CD-1 Preserve and enhance Los Gatos's character through exceptional community design.**

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

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

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

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

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

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

**Goal CD-2** To limit the intensity of new development to a level that is consistent with surrounding development and with the Town at large.

**Policy CD-2.1** Building setbacks shall increase as mass and height increase.

**Policy CD-2.2** Limit the amount of increase in the floor area of a project when the number of units is reduced as part of the development review process.

**Goal CD-3** To require utilities, landscaping and streetscapes to contribute to Los Gatos's high-quality character.

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

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

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

**Goal CD-4 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.**

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

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

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

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

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

**Policy CD-4.6** Encourage mixtures of tree species, both deciduous and evergreen, to screen projects, add variety, create a more natural environment, and avoid future problems of insect infestation or other blights that might destroy the desired tree cover.

**Goal CD-6 To promote and protect the physical and other distinctive qualities of residential neighborhoods.**

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

**Policy CD-6.2** Balance the size and number of units to achieve appropriate intensity.

**Policy CD-6.3** Encourage basements and cellars to provide "hidden" square footage in lieu of visible mass.

**Policy CD-6.4** New homes shall be sited to maximize privacy, livability, protection of natural plant and wildlife habitats and migration corridors, and adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant ecological or visual impacts affecting open spaces, public places, or other properties.

**Goal CD-7 To preserve the quality of the private open space throughout Los Gatos.**

**Policy CD-7.1** Maximize quality usable open space in all new developments.

**Goal CD-16 Promote and protect viewsheds and scenic resources.**

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

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

**Policy HOU-2.5** New single-family, multi-family, and mixed-use developments shall be compatible with the character of the surrounding neighborhood.

**Policy VLR-6.1** Encourage innovative designs, phased design schemes, and mixes of uses in the Vasona Light Rail area that are consistent with the Los Gatos Boulevard Plan and Commercial Design Guidelines.

The Town has adopted commercial and residential design guidelines to ensure high quality architecture and building site design. Policies under Goal CD-17 establish a policy framework for Town procedures and standards for aesthetic review of proposed projects.

The *Town of Los Gatos 2020 General Plan* emphasizes the importance of visual characteristics in the area, and presence of views from north-south streets toward the Santa Cruz Mountains (*Town of Los Gatos 2020 General Plan* page CD-24). The only north-south street near the Plan Area is Los Gatos Boulevard.

The *Town of Los Gatos 2020 General Plan*'s description of the North Forty Specific Plan overlay area provides the following guidelines related to aesthetics:

- Include high-quality architecture and design that reflects the rural and agricultural history of the site.

- Develop gateway or landmark features at Los Gatos Boulevard and Lark Avenue and at Los Gatos Boulevard and the Highway 85 off-ramp [Note that the Draft Specific Plan proposes changes to this language – refer to Section 2.0 Project Description].
- Provide a vegetative buffer and screening along Highways 17 and 85.
- Preserve Town character and views.

The Town Council's vision statement for the Plan Area includes the following guiding principles relating to aesthetics:

- The North 40 will look and feel like Los Gatos.
- The North 40 will embrace hillside views, trees, and open space.

Two of the objectives of the *Los Gatos Boulevard Plan* call for the protection of views from Los Gatos Boulevard. The objectives also establish the importance of building architecture, streetscape design, signage, and gateways within the Los Gatos Boulevard corridor (Town of Los Gatos 1997, page 6).

The Town's tree ordinance is described in Section 3.4 Biological Resources.

## **Standards of Significance**

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

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- substantially degrade the existing visual character or quality of the site and its surroundings;
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect. In addition to the *Town of Los Gatos 2020 General Plan*'s policies, the General Plan specifically indicates that development of the Plan Area may have a significant impact on visual resources if it would:

- lack high-quality architecture and design that reflects the rural and agricultural history of the site; or
- fail to provide a vegetative buffer and screening along Highways 17 and 85.

## **Impacts, Analysis, and Mitigation**

### **Less-than-Significant Impact: Effects on a Scenic Vista**

Views toward the Santa Cruz Mountains are identified in the *Town of Los Gatos 2020 General Plan* as scenic vistas. Scenic vistas in general (Policy CD-16.1) and from adjacent private property (Policy CD-6.4 and CD-16.3) are to be protected. No general plan policies specifically protect scenic vistas from State Route 17 or State Route 85, although both the General Plan guidance on the Plan Area and the Town Council's vision statement speak to protecting views. *Town of Los Gatos 2020 General Plan* policy for the Plan Area also calls for a vegetative buffer and screening along the freeways. These two General Plan directives work in tandem, requiring screening of Plan Area development while at the same time preserving views.

The Draft Specific Plan establishes development parameters for the Plan Area that will potentially have an effect on views of scenic vistas, including requirements for open space and landscaping, and limitations on density, bulk, and height of future development. Of these, height limits and landscaping are most likely to have effects on views.

**Height.** Height limits are discussed here in terms of effects on views, and later in this section in terms of effects on visual character and consistency with the *Town of Los Gatos 2020 General Plan*. The Draft Specific Plan allows a hotel up to 45 feet tall, and residential and non-residential buildings up to 35 feet tall. A further height limit of 25 feet is placed on any portion of a building within 50 feet of Lark Avenue or Los Gatos Boulevard. Some exceptions to these height limits are allowed, with approval of a conditional use permit and architecture and site approval. In approving height exceptions, the Town must find that the increased height results in a harmonious visual balance and is necessary for excellent design that cannot be achieved otherwise. Building height exceptions cannot extend such that they significantly interfere with views of the ridgeline (this is assumed to apply to views from off-site locations). Following are the allowed exceptions to the Draft Specific Plan's 35-foot height limit:

- Architectural features (towers, cupolas, roof pitches of 8:12 or greater, etc.) are allowed to exceed the height limit. This exception provides for both architectural enhancements and accommodation of mechanical equipment. The Draft Specific Plan does not provide a maximum additional height that is allowed for these features. As an example of the additional height that might be allowed, a 30-foot wide building with a 6:12 roof pitch could add 7.5 feet of height (.5 foot rise per foot of run times 15-foot span), for a maximum height of 42.5 feet (35 feet plus 7.5 feet for this height exception).

- A 10-foot increased height bonus (up to 45 feet tall) for residential uses may be allowed in the Transition District. This exception requires that the development be affordable housing or that an additional five percent open space requirement be provided on the subject property.
- An unspecified increase in height may be allowed for office or residential uses in the Transition District and office uses in the Northern District. No maximum additional height is given for this exception. No additional open space is required for this exception.
- An unspecified increase in height may be allowed for a hotel. This exception would apply in the Transition District or Northern District, the two districts in which a hotel is allowed. No maximum additional height is given for this exception. It is assumed that the Plan Area is limited to a single hotel; although this hotel could potentially be housed in two buildings with each potentially granted a height exception.

Each of these exceptions requires Architecture and Site Review. The Planning Commission must approve a conditional use permit for most height exceptions, subject to required findings. Such determinations are appealable to the Town Council. The effect of Plan Area buildings on scenic vistas cannot be precisely determined without specific building designs; however, the Draft Specific Plan requires that building height may not have significant adverse effects on the ridgeline, which must be confirmed through Planning Commission review and approval. The tops of buildings are expected to be below the ridgeline, as discussed below.

The most prominent view across the Plan Area toward the Santa Cruz Mountains is from southbound State Route 17. To assess potential effects on scenic vistas, a photograph across the Plan Area from State Route 17 southbound at State Route 85 was analyzed. The selected view placed the Plan Area near the middle of the foreground, and the Santa Cruz Mountains in the background. Building elevations relative to the mountain ridgeline, and a low elevation vegetation line were estimated based on three buildings visible in the view. [Figure 14, Plan Area View from State Route 17](#), illustrates the features visible from this viewpoint. Several visual simulations were prepared to illustrate the visual effects of a likely build-out scenario. The visual simulations are included in [Appendix B](#).

The photographic view from State Route 17 at the State Route 85 overpass shows that the Santa Cruz Mountains ridgeline is variable where it forms the backdrop to the Plan Area. Three significant buildings are visible in this view: Stanford Cancer Institute, located across Los Gatos Boulevard from the Plan Area; the top of the northern-most office building within the Plan Area along Los Gatos Boulevard; and the equipment shed near the western edge of the Plan Area. From this viewpoint, the ridgeline is at a low point behind the equipment shed. Based on the equipment shed, which is about 16 feet tall, the ridgeline extends to a height equivalent to an 80- to 110-foot tall building located on the side of the Plan Area nearest State Route 17. About midway between the ground line and the ridgeline is another horizontal line defined by the top

of visible lower-elevation vegetation; this line marks a break between the foreground and background, and foreground buildings that break this line will appear to interrupt the view toward the mountains. The vegetation line is at an elevation roughly equivalent to a 35- to 55-foot tall building located on the side of the Plan Area near State Route 17. A building located in the approximate location of the equipment shed could be about 35 tall before breaking the vegetation line; a building at the near side of the Plan Area could be somewhat taller if located to the north of the equipment shed, and a building located more distant from the western edge of the Plan Area could be taller yet. For some locations within the Plan Area the Draft Specific Plan height limits would be adequate to prevent disruptions of mountain views. For some locations within the Plan Area, the Draft Specific Plan height limits could allow building heights to exceed the vegetation line, and slightly disrupt mountain views. The visual simulations confirm that future development is likely to partially obscure the lower slopes of the mountains, but that the higher portions of the mountains would remain visible in the background above the buildings. This impact would be less than significant.

**Landscaping.** The Draft Specific Plan describes a tree buffer along the State Route 17 and State Route 85 frontages, consistent with *Town of Los Gatos 2020 General Plan* policy, which calls for a vegetative buffer and screening along the freeways. Two General Plan directives work in tandem, and the ideal vegetative screen would obscure buildings while preserving sightlines to the mountains. Based on the preceding view analysis for buildings, trees planted in the buffer area would ideally reach an average height of between 35 and 55 feet, and preferably, not significantly exceed 100 feet, or exceed 100 feet in only limited locations, so as not to block views of the mountains. The Draft Specific Plan provides a list of three acceptable trees for the perimeter areas adjacent to the freeways. The listed trees reach mature heights of between 40 and 100 feet. The *Town of Los Gatos 2020 General Plan* recognizes that the trees within the Town often block views toward the mountains. The proposed plantings could, at maturity, partially obscure views of the mountains from State Route 17; however, views would be only partially obscured and only during a brief span of roadway. The landscape buffer along State Route 17 and State Route 85 would implement General Plan policy, and the landscape screening would have a less-than-significant impact on scenic views.

### **No Impact: Damage to Scenic Resources in a State Scenic Highway**

Neither of the adjacent state highway segments is designated as a scenic highway. Therefore, the proposed project would not damage scenic resources within a state scenic highway.



Refer also to photosimulations in Appendix B

Source: Google Earth 2011

Figure 14  
Plan Area View from State Route 17  
North Forty Specific Plan EIR

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**Less-than-Significant Impact with Mitigation: Degradation of Visual Character**

The Plan Area includes both existing commercial and existing residential development along much of Los Gatos Boulevard, and agricultural use within the interior of the Plan Area. Approximately 27 acres of the Plan Area are in agricultural use and approximately 17 acres of the Plan Area are developed. Most of the developed land is on or close to Los Gatos Boulevard. In the area along Los Gatos Boulevard that is not developed, dense vegetation obscures views into the Plan Area. The clearest views into the Plan Area are from Lark Avenue and northbound State Route 17.

The proposed project would result in development of most of the undeveloped land within the Plan Area consistent with surrounding land uses within urbanized Santa Clara County. Development is expected to occur over a period of five to 20 years. The Draft Specific Plan establishes development parameters for the Plan Area that will affect how development changes the character of the Plan Area, including requirements for open space and landscaping, and limitations on height, density, and bulk of future development.

**Building Height.** The effect of proposed building height limits on views is discussed earlier. Building height is also discussed later in terms of consistency with the *Town of Los Gatos 2020 General Plan*. In regard to changes to site character, the proposed project would result in development heights mostly similar to the existing office buildings within the Plan Area and along Los Gatos Boulevard. In several areas, the Draft Specific Plan would allow buildings taller than those currently existing. Plan Area building limits would be less than some buildings in neighboring jurisdictions that are near, and visible from, the Plan Area and Los Gatos Boulevard.

The Draft Specific Plan includes several height limits (applying in different districts) and several height exceptions. The perimeter overlay zone's 25-foot height limit within the first 50 feet from Lark Avenue and Los Gatos Boulevard ensures height consistency with existing commercial and residential uses along those streets, and to prevent a walled-in feel along those streets.

**Building Set-backs.** A landscaped setback of at least 30 feet is required along Lark Avenue, and a setback of 20 (hardscape at a market hall use) to 30 feet (landscaped) is required along Los Gatos Boulevard. A 30-foot setback requirement is provided for State Route 17 and State Route 85.

During the transition from existing conditions to build-out of the Draft Specific Plan, new commercial and/or residential development would be likely to be constructed adjacent to existing uses, in particular, existing houses within the Plan Area. New buildings are permitted a zero side and rear set-back. This could result in new buildings, potentially up to 35 feet tall or more, contiguous to side and rear yards of existing houses. This would result in potential

shading at the existing homes. Several *Town of Los Gatos 2020 General Plan* policies address compatibility of new development with existing development, including Policies LU-1.4, LU-6.5, CD-1.1, CD-1.2, CD-1.4, CD-1.5, CD-2.1, CD-6.1, CD-6.4, CD-16.3, and HOU-2.5. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

### **Mitigation Measure**

*AES-1. New development adjacent to residential uses existing at the time of Specific Plan adoption shall provide minimum five foot side and rear setbacks to those residential uses.*

**Landscaping.** The Draft Specific Plan describes a tree buffer along the State Route 17 and State Route 85 frontages, consistent with *Town of Los Gatos 2020 General Plan* policy. The Draft Specific Plan permits zero rear setbacks, but also requires a minimum 30-foot setback to property lines adjacent to a freeway. Therefore, the Draft Specific Plan provides a suitable space for the required vegetative buffer.

The Draft Specific Plan landscaping requirements are mostly presented in the Design Guidelines section. The landscaping requirements parallel the Town's existing design guidelines, but a palette of landscape plants for use in the Plan Area is presented. A unique aspect of the proposed landscaping plan is the inclusion of fruit and nut trees (or related flowering trees) to evoke the historic orchard use of the Plan Area. The orchard trees could be used within the Lark Avenue and Los Gatos Boulevard frontages.

**Intensity.** The Draft Specific Plan limits development intensity primarily through caps on the square footage of various types of land uses, and the requirements for open space and setbacks discussed above. Non-residential development is further limited by a maximum area coverage of 50 percent. Maximum 50 percent area coverage is consistent with the C-1 (Neighborhood Commercial) and CH (Restricted Highway Commercial) districts. Also related to intensity, the Draft Specific Plan sets green open space at 20 percent minimum and hardscape open space at ten percent minimum. These two parameters may be measured beyond the particular building site, so that on some sites the amount may be more or less. The proposed intensity is consistent with other similar commercial districts within Los Gatos.

**Structure Bulk.** The Draft Specific Plan development standards do not directly address bulk of structures. However, building form is addressed in the Draft Specific Plan design guidelines. The Design Guidelines require approaches such as vertical and horizontal façade variations, color and texture changes, and decorative features to break up uniform wall planes. The Draft Specific Plan Design Guidelines are similar to the Town's Commercial Design Guidelines.

The open space requirements, height limits, and design requirements would ensure that development in the Plan Area would be compatible with other development within the Town and with the Town's aesthetic standards. The streetscape and frontage improvements would include landscaping and have no significant adverse impact on visual character. The off-site improvements would be mostly underground, and these would have no effect on visual character.

### **Less-than-Significant Impact: Light or Glare**

*Town of Los Gatos 2020 General Plan* Policy CD-3.2 requires that lighting at new development be designed to minimize glare, light spill onto neighboring properties, and light pollution of the night sky. Adjacent development would be separated from the Draft Specific Plan's development by the width of Los Gatos Boulevard, Lark Avenue, and the two freeways, as well as additional setbacks within the Plan Area. The minimum separation between adjacent development and the Draft Specific Plan development would be about 150 feet, which would be far enough to prevent significant light spill or glare at those locations. The Draft Specific Plan's Mixed Use standards require attention to commercial lighting to ensure that it does not intrude upon residential uses. During the transition from existing conditions to build-out of the Draft Specific Plan, new commercial and/or residential development would likely be constructed adjacent to existing uses, in particular, existing houses within the Plan Area. The Draft Specific Plan Design Guidelines require commercial development avoid reflective building materials and provide shielding for exterior lighting that is visible from neighboring residential areas. This would be a less-than-significant impact.

### **No Impact: No Conflict with Plan or Policy Adopted for Environmental Purposes**

**Trees (General Plan Policies LU-1.3, CD-4.2, CD-4.3).** The Plan Area includes a number of significant trees, particularly in the area of the agricultural complex, including large cork oak trees and Atlas cedars. The Draft Specific Plan does not include any policies to protect the large on-site trees, and it is assumed that future development within the Plan Area would remove most if not all trees. The Town's tree ordinance requires replacement of trees that are removed, with the number of replacement trees based on the canopy size. The tree ordinance implements the Town's tree protection policies. Development within the Plan Area would be required to adhere to the tree ordinance replacement standards, so no conflict would occur.

**Compatibility with Existing Development (General Plan Policies LU-1.4, LU-6.5, CD-1.1, CD-1.2, CD-1.4, CD-1.5, CD-2.1, CD-6.1, CD-6.4, CD-16.3, and HOU-2.5).** Refer to the discussion of Degradation of Visual Character, presented earlier.

**Small Town Character. (General Plan Goal LU-1 and General Plan Policies LU-1.3, LU-1.4, and LU-1.8).** An overarching theme of the *Town of Los Gatos 2020 General Plan* is the preservation of the existing small town character that is especially reflected in the downtown areas and older residential neighborhoods. Policies directed specifically at this goal address preservation of trees and natural environment and context with adjoining development, both discussed earlier. This section considers the explicit direction of *Town of Los Gatos 2020 General Plan* Policy LU-1.8, which states that commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos. The Draft Specific Plan echoes this policy direction in both the development standards and the design guidelines. The success with which the policy direction would be implemented is difficult to ascertain. The qualities that convey the “small town character” in the Town’s downtown area, among others, are the result of a long series of individual design decisions made over the course of more than one hundred years and influenced by a progression of market conditions and architectural traditions. Emulating “small town character” in new development is a potentially-elusive endeavor, and success may be dependent to a significant degree on the quality of development plans and the judgment exercised in the design review process. Nonetheless, the Draft Specific Plan does address the desire to attain a small town feel to the new development, consistent with *Town of Los Gatos 2020 General Plan* policies.

**Building Height.** The effect of proposed building height limits on views and visual character is discussed earlier. The *Town of Los Gatos 2020 General Plan* establishes building height limits of 35 to 50 feet within the Town. The Draft Specific Plan, as a subset of, and an amendment to the General Plan, may establish a height limit within the boundaries of the Plan Area. If the Town Council adopts the Draft Specific Plan with the proposed height limits, the new height limits would be automatically consistent with the *Town of Los Gatos 2020 General Plan*.

**Viewsheds (General Plan Policies CD-6.4, CD-16.1, CD-16.3).** Refer to the discussion of Effects on a Scenic Vista, presented earlier.

**Vegetative Buffers (General Plan’s North Forty Guidance).** *Town of Los Gatos 2020 General Plan* guidance for the Plan Area requires the inclusion of a vegetative buffer along State Route 17 and State Route 85. The presence of an existing sound wall at State Route 85 somewhat diminishes the need for a buffer at this location, although there may still be some value obtained by planting trees that would form a vegetative canopy above the top of the wall. The Draft Specific Plan Land Use and Development Standards require a landscape buffer adjacent to the state highways, and the Design Guidelines (and Draft Specific Plan Appendix B) establish a palette of trees for use in the perimeter/buffer areas. The Draft Specific Plan is consistent with the *Town of Los Gatos 2020 General Plan* guidance to include a landscape buffer along State Route 17 and State Route 85.

## 3.2 AGRICULTURAL RESOURCES

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the Town would result in the significant and unavoidable loss of Unique Farmland, and the Town Council adopted a statement of overriding considerations finding that the benefits of development on this land will outweigh the significant and unavoidable environmental impact. A Land Evaluation and Site Assessment (hereinafter “LESA”) analysis was prepared to evaluate the value of farmland within the Plan Area (Engeo 2013d). The LESA analysis was peer reviewed by the EIR consultant, EMC Planning Group, and the analysis was determined to be adequate. The LESA analysis and the peer review correspondence are included as [Appendix C](#). No comments addressing agricultural resources were received during the NOP process.

### ***Environmental Setting***

Slightly less than two-thirds of the Plan Area (about 27 acres) is planted in walnut orchard. The remaining approximate one-third of the Plan Area has been developed with houses and commercial buildings between the 1940s and present. The Plan Area has been used for agriculture, mostly orchards, since at least the 1930s. The earliest aerial photograph available is from 1939, and most of the Plan Area and vicinity was planted in orchards at that time.

Santa Clara County’s first orchards were planted at the Santa Clara Mission. The first record of commercial orchards in the Santa Clara Valley is from 1852. The first fruit tree nursery was established the following year, and a horticultural society was formed. Initial fruit orchard plantings were concentrated in the immediate vicinity of San Jose. The earliest noted orchards in Los Gatos date to 1856, 1873, and 1874, and orchards became widespread in the Santa Clara Valley during the 1800s (Sawyer 1922, pages 137-140). Orchard acreage began to decline with the spread of urbanization beginning in the 1950s, and most of the current agricultural production in Santa Clara County is in the vicinity of Morgan Hill and Gilroy.

The Plan Area was part of a large land grant, but by 1876, maps show the land grant divided into numerous parcels; one of these parcels was owned by the Walker family and included the Plan Area. Portions of this parcel were further subdivided through the early 1900s, but the Walkers held most of the land into the 1930s or 1940s, when the Yuki family began acquiring parcels (Carey and Company, Inc. 2011, General Plan page CD-14). The date at which agricultural use of the Plan Area began is not known, but is likely between the 1880s and the 1930s. In 1888, Robert Walker, who owned the Plan Area and surrounding land, is listed as running a 415-acre farm with 260 acres devoted to barley, 20 acres to vegetables, and the remainder was used for pasture. Census records from 1920, 1930, and 1940 list land owners in the Plan Area as orchardists or farmers. A 1939 aerial photograph shows the entire area planted in orchards (Carey and Company, Inc. 2013).

Under the Farmlands Mapping and Monitoring Program, established pursuant to California Government Code section 65570, the California Department of Conservation publishes a map of important farmlands and a list of soil types that qualify for determination as important farmlands. Important farmlands encompass three sub-categories: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The sections of the Plan Area that are planted in orchard are designated Unique Farmland. Unique Farmland is farmland of lesser quality soils but used for production of some of the state's leading agricultural crops. This land is usually irrigated, but can include some non-irrigated orchards or vineyards appropriate in certain climatic zones of California (California Department of Conservation 2010).

The Plan Area soils are classified as Flaskan complex on 0-2 percent slopes. This soil is noted as very deep and well drained. The United States Department of Agriculture Natural Resource Conservation Service classifies each soil type with a Storie Index that indicates the suitability of soils for most kinds of crops. The rating is based on soil profile characteristics; texture of the surface horizon; slope; and other conditions, such as high water table, risk of erosion, and high alkalinity. The Flaskan complex soils have a Storie Index of 80, which is considered to have no limitations to agriculture (United States Geological Survey, Natural Resources Conservation Service 2013).

## ***Policy and Regulation***

### **California Government Code**

**Section 51201. Definitions.** As used in this chapter, unless otherwise apparent from the context, the following terms have the following meanings:

- (a) “Agricultural commodity” means any and all plant and animal products produced in this state for commercial purposes, including, but not limited to, plant products used for producing biofuels.
- (b) “Agricultural use” means use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes.
- (c) “Prime agricultural land” means any of the following:
  - (1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
  - (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to either agricultural use, as defined in subdivision (b), recreational use as defined in subdivision (n), or open-space use as defined in subdivision (o), or any combination of those uses and which is established in accordance with the provisions of this chapter.

### **Town of Los Gatos**

The *Town of Los Gatos 2020 General Plan* does not include goals or policies directly relating to agricultural resources.

### **Standards of Significance**

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

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

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

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

## ***Impacts, Analysis, and Mitigation***

### **Less-than-Significant Impact: Important Farmland Conversion**

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

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

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

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

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

The portions of the Plan Area that are planted in orchard are currently zoned Resource Conservation. The proposed project includes re-zoning to accommodate the planned urban uses. The Town of Los Gatos has anticipated urban uses within the Plan Area since at least 1989, when a Commercial Specific Plan Committee was formed by the Town Council; the original Draft North Forty Specific Plan was prepared in 1999. The proposed re-zone from Resource Conservation to the urban uses described by the Draft Specific Plan is consistent with the *Town of Los Gatos 2020 General Plan*, and does not constitute a significant environmental impact.

### **Less-than-Significant Impact: Other Adverse Effects on Farmland**

The proposed project does not have the potential to otherwise affect agricultural resources. Another remnant orchard exists to the west of State Route 17 (both sides of Oka Road), and the storm water pipe extension would be constructed along the edge of this property. However, there is an existing easement that is clear of orchard trees along the north edge of the property, so the agricultural operations would not be significantly affected during construction. This orchard is isolated from the orchard within the Plan Area, and also planned for eventual development, with General Plan land use designations of Low Density Residential and Medium Density Residential. Development in the Plan Area would not cause development on the other orchard. Other off-site pipeline construction and frontage improvements would take place in areas without agricultural uses.

## **3.3 AIR QUALITY**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would be inconsistent with clean air planning efforts because projected vehicle miles traveled would increase at a greater rate than population growth. The *Town of Los Gatos 2020 General Plan* would result in a significant and unavoidable impact on air quality, and the Town Council adopted a statement of overriding considerations.

The following technical report was prepared for the proposed project and is referenced in this section, and included in [Appendix D](#):

- Illingworth and Rodkin. *North 40 Specific Plan Air Quality and Greenhouse Gas Emissions Assessment Los Gatos, California*. October 22, 2013.

No NOP comments pertaining to air quality were received.

## ***Environmental Setting***

### **Air Basin Characteristics and Climate**

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

Winds in the valley are greatly influenced by the terrain and temperature gradients. The prevailing winds flow roughly parallel to the Santa Clara Valley's northwest-southeast axis. A north-northwesterly sea breeze flows through the Santa Clara Valley during the afternoon and early evening, and a light south-southeasterly flow occurs during the late evening and early morning. In the summer, the southern end of the Santa Clara Valley sometimes becomes a "convergence zone," when air flowing from the Monterey Bay gets channeled northward into the southern end of the Santa Clara Valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with winter storms (Bay Area Air Quality Management District 2010a).

### **Criteria Air Pollutants and their Effects on Human Health**

The six most common and widespread air pollutants of concern, or "criteria pollutants," are ground level ozone, nitrogen oxides, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, volatile organic compounds are a key contributor to the criteria pollutants because they react with other substances to form ground level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in [Table 2, Common Air Pollutants](#). The primary pollutants of concern in Santa Clara County include ozone, carbon monoxide, and particulate matter 10 and 2.5 microns or less in size (Bay Area Air Quality Management District 2010a).

**Table 2 Common Air Pollutants**

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone (O <sub>3</sub> )	Created by the chemical reaction between nitrogen oxides and volatile organic compounds in the presence of heat and sunlight. Ground level ozone is the principal component of smog.	<ul style="list-style-type: none"> <li>▪ Motor vehicle exhaust;</li> <li>▪ Industrial emissions;</li> <li>▪ Gasoline vapors;</li> <li>▪ Chemical solvents.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reduced lung capacity; Irritation of lung airways and inflammation;</li> <li>▪ Aggravated asthma;</li> <li>▪ Increased susceptibility to respiratory illnesses (i.e. bronchitis).</li> </ul>
Volatile Organic Compounds (VOC)	Precursor of ground-level ozone.	<ul style="list-style-type: none"> <li>▪ Petroleum transfer and storage;</li> <li>▪ Mobile sources;</li> <li>▪ Organic solvents.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential carcinogen (e.g. benzene);</li> <li>▪ Toxic to plants and animals.</li> </ul>
Nitrogen Oxides (NO <sub>x</sub> )	Group of highly organic gases containing nitrogen in varying amounts. Many nitrogen oxides are odorless and colorless.	<ul style="list-style-type: none"> <li>▪ Motor vehicles;</li> <li>▪ Electric utilities;</li> <li>▪ Industrial, commercial, and residential sources that burn fuel.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Toxic to plants;</li> <li>▪ Reduced visibility;</li> <li>▪ Respiratory irritant.</li> </ul>
Suspended and Fine Particulate Matter (PM <sub>10</sub> ) (PM <sub>2.5</sub> )	Describes particles in the air, including dust, soot, smoke, and liquid droplets. Others are so small that they can only be detected with an electron microscope.	<ul style="list-style-type: none"> <li>▪ Motor vehicles;</li> <li>▪ Factories;</li> <li>▪ Construction sites;</li> <li>▪ Tilled farm fields;</li> <li>▪ Unpaved roads;</li> <li>▪ Wood burning.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Aggravated asthma;</li> <li>▪ Increases in respiratory symptoms;</li> <li>▪ Decreased lung function;</li> <li>▪ Premature death;</li> <li>▪ Reduced visibility.</li> </ul>
Carbon Monoxide (CO)	Colorless, odorless gas that is formed when carbon in fuel is not burned completely.	<ul style="list-style-type: none"> <li>▪ Fuel combustion;</li> <li>▪ Industrial processes;</li> <li>▪ Highly congested traffic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chest pain for those with heart disease;</li> <li>▪ Vision problems;</li> <li>▪ Reduced mental alertness;</li> <li>▪ Death (at high levels).</li> </ul>

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Sulfur Oxides (SO <sub>x</sub> )	Sulfur oxide gases are formed when fuel containing sulfur such as coal and oil is burned and when gasoline is extracted from oil, or metals are extracted from ore.	<ul style="list-style-type: none"> <li>▪ Electric utilities (especially coal-burning);</li> <li>▪ Industrial facilities that derive their products from raw materials to produce process heat.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Respiratory illness, particularly in children and the elderly;</li> <li>▪ Aggravates existing heart and lung diseases.</li> </ul>
Lead	Becomes airborne as a component of exhaust following fuel combustion.	<ul style="list-style-type: none"> <li>▪ Combustion of leaded gasoline.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Organ, brain, nervous system damage;</li> <li>▪ Behavioral disorders;</li> <li>▪ Anemia;</li> <li>▪ Mental retardation and lowered IQ.</li> </ul>

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

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

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

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

**Nitrogen Oxides (Ozone Precursor).** Most nitrogen oxides are created during combustion of fuels. Nitrogen oxides are a major contributor to ozone formation. Nitrogen dioxide is a reddish-

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

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

Although particles greater than ten microns in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than ten microns in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

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

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

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

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

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

### Toxic Air Contaminants and their Effects on Human Health

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

**Diesel Emissions.** Diesel exhaust is the predominant toxic air contaminant in urban air and is estimated to represent about two-thirds of the cancer risk from toxic air contaminants. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and toxic air contaminants. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter. Diesel exhaust also contains over 40 cancer-causing

substances, most of which are readily adsorbed on the soot particles. Among the toxic air contaminants contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Short-term exposure to diesel particulate matter is associated with variable irritation and inflammatory symptoms. Diesel engine emissions are responsible for a majority of California's estimated cancer risk attributable to air pollution. Diesel particulate matter is a significant fraction of California's particulate pollution (California Air Resources Board 2005; Bay Area Air Quality Management District 2012a; California Office of Environmental Health Hazard Assessment 2001 a, b).

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The United States Environmental Protection Agency (EPA) regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce nitrogen oxides and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards are being phased in through 2014 (United States Environmental Protection Agency 2004). Ultralow sulfur off-road diesel fuel, 15 parts per million (ppm) is now the standard in California, replacing the current 500 ppm fuel (Clean Diesel Fuel Alliance 2013). The Tier 4 engines and ultralow sulfur fuels will reduce emissions by up to 65 percent compared to older engines and fuel (U.S. Environmental Protection Agency 2004). California's Regulation for In-use Off-road Diesel Vehicles establishes a state program to reduce nitrogen oxides and particulate emissions from older construction equipment. Several provisions of the regulation are currently suspended (pertaining to fleet composition and vehicle retrofits), and some provisions are in force (idling restrictions and reporting). As the regulation is fully implemented, it will reduce construction equipment emissions over time (California Air Resources Board 2010/2011, 2013d).

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

Asbestos is also found naturally-occurring in certain rock formations in the California Coast Ranges and elsewhere. Asbestos is the generic term for the naturally-occurring fibrous (asbestiform) varieties of six silicate minerals. These minerals are: chrysotile, tremolite (when fibrous), actinolite (when fibrous), crocidolite (fibrous riebeckite), anthophyllite (when fibrous), and amosite (fibrous cummingonite-grunerite). Chrysotile is the most common asbestos mineral in California and belongs to the serpentine mineral group. Naturally occurring asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or weathered. At the

point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. Weathered asbestos becomes a component of the soil and can migrate downstream. Asbestos-containing rock has sometimes been used for unpaved gravel roads, landscaping, and fill. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations.

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

### **Pollutant Concentrations Affecting Sensitive Receptors**

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, parks, retirement homes, and hospitals. In addition, certain air pollutants, such as carbon monoxide, only have significant effects if they directly affect a sensitive population. Within the Plan Area, there are several residences, which are considered sensitive receptors. The nearest existing sensitive receptors outside of the Plan Area include residences to the north, east, and west of the Plan Area and a private school to the west of the Plan Area.

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

average daily trips greater than 100,000. The California Air Resources Board (CARB) acknowledges that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities, and other quality of life issues (California Air Resources Board 2005). Current average daily traffic on State Route 17 near the Plan Area is 86,000 trips. Average daily traffic on State Route 85 near the Plan Area is 110,000 trips (California Department of Transportation 2011, Illingworth and Rodkin 2013).

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

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce nitrogen oxides and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards are being phased in through 2014 (United States Environmental Protection Agency 2004). California’s Regulation for In-use Off-road Diesel Vehicles establishes a state program to reduce nitrogen oxides and particulate emissions from older construction equipment. The regulations restrict the addition of equipment with older diesel engines (Tier 0, 1 or 2) to equipment fleets, and are phased in through 2018. Currently-owned older equipment is permitted to continue in use. Idling restrictions and reporting requirements are also in effect (California Air Resources Board 2010/2011, 2013). Ultralow sulfur diesel fuel (15 ppm) became the standard in California in 2006, replacing the previous 500 ppm low sulfur diesel fuel standard (Clean Diesel Fuel Alliance 2013). The Tier 4 engines and ultralow sulfur fuels will reduce emissions by up to 65 percent compared to older engines and fuel (United States Environmental Protection Agency 2004).

**Other Sources.** Other potential sources of concentrated air pollutant emissions potentially affecting sensitive receptors include stationary sources (power and industrial plants, large generators, etc.) and farming operations (chemical sprays). The Air District lists three stationary sources within the Plan Area or within 1,000 feet of the Plan Area: the gas station within the Plan Area at the corner of Los Gatos Boulevard and Lark Avenue (Air District identification number G11554); Lark Avenue Car Wash on the south side of Lark Avenue (Air District identification number G3539); and San Jose Water Company operates a back-up generator, south of Lark Avenue (Air District identification number 19792).

## **Regulation and Policy**

### **Federal and State Clean Air Acts**

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

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

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

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

### **Federal and State Standards for Air Pollutants**

Ambient air quality is described in terms of compliance with the state and national standards. In general, criteria pollutants are pervasive constituents, such as those emitted in vast quantities by

the combustion of fossil fuels. Both the state and federal governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. [Table 3, Federal and State Ambient Air Quality Standards](#), lists state and federal ambient air quality standards for common air pollutants. The state standards generally have lower thresholds than the federal standards, yet both are applicable to the proposed project. When thresholds are exceeded at regional monitoring stations, an “attainment plan” must be prepared that outlines how an air quality district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods.

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

**Table 3 Federal and State Ambient Air Quality Standards <sup>a</sup>**

Pollutant	Averaging Time	California Standards <sup>1</sup>		Federal Standards <sup>2</sup>			
		Concentration <sup>3</sup>		Primary <sup>3,4</sup>		Secondary <sup>3,5</sup>	
		ppm	µg/ m <sup>3</sup>	ppm	µg/ m <sup>3</sup>	ppm	µg/ m <sup>3</sup>
Ozone	1 Hour	0.09	180	-	-	-	-
	8 Hour	0.07	137	0.075	147	0.075	147
PM <sub>10</sub>	24 Hour	-	50	-	150	-	150
	Annual	-	20	-	-	-	-
PM <sub>2.5</sub>	24 Hour	-	-	-	35	-	35
	Annual	-	12		12	-	15
Carbon Monoxide (CO)	1 Hour	20	23,000	35	40,000		
	8 Hour	9	10,000	9	10,000		
Nitrogen Dioxide (NO <sub>2</sub> )	1 Hour	0.18	339	0.100 <sup>6</sup>	188	-	-
	Annual Mean	0.03	57	0.053	100	0.053	100
Sulfur Dioxide (SO <sub>2</sub> )	1 Hour	0.25	655	0.075	196	-	-
	3 Hour	-	-	-	-	0.5	1,300

### 3.0 ENVIRONMENTAL EFFECTS

Lead <sup>7</sup>	30 Day Average	-	1.5	-	-	-	-
	Rolling 3 Month	-	-	-	0.15	-	0.15
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer - visibility of ten miles or more due to particles when relative humidity is less than 70 percent. Method: Beta attenuation and transmittance through filter tape.				No Federal Standards	
	Sulfates	24 Hour	-	25			
	Hydrogen Sulfide	1 Hour	0.03	42			
	Vinyl Chloride <sup>7</sup>	24 Hour	0.01	26			

Source: California Air Resources Board 2013a

#### Notes:

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm.
7. The CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

## **Toxic Air Contaminants Regulation**

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

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

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

## **United States Environmental Protection Agency**

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

## **California Air Resources Board**

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

## Bay Area Air Quality Management District

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

Air pollutants of concern in the air basin are ozone, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and toxic air contaminants (Bay Area Air Quality Management District 2010a).

## Air Basin Attainment Status

CARB is required to designate areas of the state as attainment, non-attainment, or unclassified with regard to its compliance with state standards for criteria air pollutants. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “non-attainment” designation indicates that a pollutant concentration violated the standard at least once, excluding an “unclassified” designation signifies that available data does not support either an attainment or non-attainment status. A “non-attainment transitional” status infers that the air basin has had fewer than three exceedences at any one monitoring station. The California Clean Air Act divides districts into moderate, serious, and severe air pollution non-attainment categories, with increasingly stringent control requirements mandated for each category.

Ambient air quality is monitored by the Air District at eight locations in Santa Clara County. The ozone and particulate matter standards have been exceeded and therefore the Air Basin does not meet the state ambient air quality standards for these pollutants. The ozone attainment status is currently “non-attainment” and the suspended and fine particulate matter attainment status is currently “non-attainment.” On October 29, 2012, EPA proposed that the Bay Area be reclassified as in attainment for the 24-hour national fine particulate standard. Other criteria pollutants are not considered to have a non-attainment status (Bay Area Air Quality Management District 2010a, 2012a). [Table 4, San Francisco Bay Area Air Basin Attainment Status Designations](#), identifies the current status within the air basin for each criteria pollutant.

**Table 4 San Francisco Bay Area Air Basin Attainment Status Designations**

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

*Source:* Bay Area Air Quality Management District, 2012b

*Note:* On October 29, 2012, EPA proposed that the Bay Area be re-classified as in attainment for the PM2.5 federal standard.

### **California Green Building Standards Code**

The California Green Building Standards Code has several provisions that indirectly reduce air pollutant emissions. Section 5.106.4 requires bicycle parking for most non-residential developments, and section 5.106.5.2 requires the provision of designated non-residential parking for low-emitting, fuel efficient, or carpooling vehicles. Sections 4.504.2 and 5.504.4 establish volatile organic gas limits for finish materials, such as paints, applicable to all types of development.

### **Air Quality Management Plans**

The federal Clean Air Act requires areas with unhealthful levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts and other agencies, such as the Bureau of Automotive Repair and the Department of Pesticide Regulation, prepare State Implementation Plan elements and submit them to CARB for review and approval. CARB forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register. The 1990 amendments to the federal Clean Air Act set deadlines for attainment based on the severity of an area's air pollution problem (California Air Resources Board 2013c).

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

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

**SSM 12 Space Heating.** Establish NO<sub>x</sub> limits for industrial and commercial space heating.

**MSM A-2 Zero Emission Vehicles and Plug-in Hybrids.** Expand the use of Zero Emission (ZEV) and Plug - in Hybrid (PHEV) passenger vehicles and light - duty trucks within the Bay Area, working in partnership with the Bay Area Electric Vehicle Corridor coalition.

**MSM C-1 Construction and Farming Equipment.** Reduce emissions from construction and farming equipment by 1) cash incentives to retrofit construction and farm equipment with diesel particulate matter filters or upgrade to a Tier III or IV off - road engine; 2) work with [California Air Resources Board], [California Energy Commission] and others to develop more fuel efficient off - road engines and drive - trains; 3) work with local communities, contractors and developers to encourage the use of renewable alternative fuels in applicable equipment.

**TCM C-1 Support Voluntary Employer - Based Trip Reduction Program.**

Support voluntary employer trip - reduction programs through the implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs, the Spare the Air Program, encouraging cities to adopt transit benefit ordinances, and supporting Bay Area shuttle service providers.

**TCM C-2 Implement Safe Routes to Schools and Safe Routes to Transit.**

Facilitate safe routes to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists.

**TCM C-3 Promote Rideshare Services and Incentives.**

Promote rideshare services and incentives through the implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs including marketing rideshare services, operating rideshare information call center and website, and providing vanpool support services.

**TCM D-1 Bicycle Access and Facilities Improvements.**

Expand bicycle facilities serving transit hubs employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.

**TCM D-2 Pedestrian Access and Facilities Improvements.**

Provide funding for projects to improve pedestrian access to transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.

**TCM D-3 Local Land Use Strategies.**

Promote land use patterns, policies, and infrastructure investments that support mixed - use, transit - oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.

**TCM E-2 Parking and Pricing Management Strategies.**

Promote policies to implement market - rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash - out", unbundling of parking in residential and commercial leases, shared parking at mixed use facilities, etc.

**LUM 4 Land Use Guidelines.** Provide guidance to local governments re: 1) air quality and greenhouse gases in General Plans, and 2) how to address and mitigate population exposure related to land use development.

**ECM 1 Energy Efficiency.** Provide 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy - efficient building codes; and 3) incentives for improving energy efficiency at schools.

**ECM 2 Renewable Energy.** Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.

**ECM 3 Urban Heat Island Mitigation.** Mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.

**ECM 4 Shade Tree Planting.** Promote planting of low - VOC - emitting shade trees to reduce urban heat island effects, save energy, and absorb CO<sub>2</sub> and other air pollutants.

The Air District prepared a fine particulate matter inventory and published *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area* in 2012, for inclusion in the State Implementation Plan (Bay Area Air Quality Management District 2012a).

## **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* policies relating to air quality are applicable to the proposed project.

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

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

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

**Policy ENV-12.3** Require design criteria for site plans to reduce the effects of high air pollution concentrations associated with roadways by appropriate placement of structures, use of landscaping, and parking arrangements.

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

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

Several *Los Gatos Sustainability Plan* policies affect both air quality and greenhouse gas emissions, and are presented in Section 3.7 Greenhouse Gasses.

## **Standards of Significance**

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

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

- expose sensitive receptors to substantial pollutant concentrations;
- create objectionable odors affecting a substantial number of people; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

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

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

The air district's quantitative thresholds for criteria pollutants do not apply to plan level analysis, but would apply to future development projects within the Plan Area, and are provided here for reference:

- Nitrogen oxides and volatile organic compounds: 54 pounds/day;
- Inhalable particulate matter (PM<sub>10</sub>): 82 pounds/day;
- Fine particulate matter (PM<sub>2.5</sub>): 54 pounds/day; and
- Carbon monoxide: A quantitative carbon monoxide impact analysis is required (comparing project emissions to the state standards), if none of the following are met:
  - Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
  - The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or

- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

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

- Increased cancer risk of 10.0 cases in one million for individual projects or 100 cases in one million (from all local sources) for cumulative sources;
- Increased non-cancer risk of 1.0 Hazard Index (Chronic or Acute) for individual projects or 10.0 Hazard Index (from all local sources) for cumulative sources; and
- Ambient fine particulate matter increase of 0.3  $\mu\text{g}/\text{m}^3$  annual average for individual projects or 0.8  $\mu\text{g}/\text{m}^3$  annual average (from all local sources) for cumulative sources.

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact with Mitigation: Criteria Air Pollutant Emissions – Consistency with 2010 Clean Air Plan**

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

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

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

**Support the primary goals of the 2010 Clean Air Plan.** The primary goals of the 2010 Clean Air Plan are to attain air quality standards; to reduce population exposure and protect public health in the Bay Area; and to reduce greenhouse gas emissions and protect the climate. This is considered to have been accomplished if there are no significant project-level air quality or greenhouse gas impacts, or if significant impacts are mitigated to a less-than-significant level. As discussed in this section, all significant air quality effects can be mitigated to a less-than-significant level. No significant greenhouse gas emission effects are identified (refer to Section 3.7 Greenhouse Gas Emissions).

**Include applicable 2010 Clean Air Plan control measures.** There are 55 control measures in the 2010 Clean Air Plan, many of which are applicable only for industrial or regional implementation, and do not apply to other types of projects. Fifteen control measures (summarized earlier in the Regulation and Policy section) are potentially applicable to residential and commercial projects. The 2011 CEQA Air Quality Guidelines do not state the extent to which a project must be consistent with applicable control measures; this EIR assumes a standard of substantial conformance. Project consistency with each of the applicable control measures is discussed below, based in part, on the implementation expectations stated in the 2010 Clean Air Plan. Refer to the Policy and Regulation section above for text summaries of the control measures, or to the 2010 Clean Air Plan for full descriptions (Bay Area Air Quality Management District 2010a, Volume 2).

**SSM 12 Space Heating.** The proposed project would meet current California Energy Code requirements for furnace efficiency, but not necessarily NO<sub>x</sub> emissions specified in the control measure. The Air District Regulation 9 Rule 4 applies to smaller single-family furnaces (less than 175,000 BTUs), but not to commercial heating systems. All residential furnaces manufactured or installed in the Air District since 1984 have been subject to this rule, and compliance is expected at the proposed project. Commercial heating systems may not meet the low NO<sub>x</sub> standards. The proposed project would not be in conformance with this control measure. Implementation of a mitigation measure presented below would reduce this inconsistency to a less-than-significant level.

**MSM A-2 Zero Emission Vehicles and Plug in Hybrids.** An applicable implementation measure from this control measure is the expansion of charging stations for electric vehicles. The Draft Specific Plan does not include any requirements for vehicle charging stations. However, California Green Building Standards Code section 5.106.5.2 requires designation of approximately eight percent of non-residential parking spaces for low-emitting, fuel-efficient, and carpool/van pool vehicles, which would meet the intent of this control measure.

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

**TCM C-1 Support Voluntary Employer - Based Trip Reduction Program.** Under this control measure, the Town is encouraged to require mitigation of vehicle travel as part of

new development approval, and develop innovative ways to encourage rideshare, transit, cycling, and walking to work commute trips. General Plan Policy ENV-12.2 and the Draft Specific Plan's circulation section suggest similar direction. However, many of the Draft Specific Plan discussions do not include enforceable policy direction. The proposed project includes a mix of residential and commercial uses that would encourage walking within the Plan Area. The Draft Specific Plan's provisions for non-motorized linkages to adjacent areas, transit service, car-pooling, and similar transportation demand measures are discussed in Section 3.13 Transportation and Traffic. The proposed project would be in conformance with this control measure.

**TCM C-2. Implement Safe Routes to Schools and Safe Routes to Transit.** The Plan Area is about one and one-quarter to one and one-half miles from the elementary and middle schools, within a feasible distance for walking or bicycling to school. The Town has a safe routes to school program, but the Draft Specific Plan does not address connections from the Plan Area to the safe routes to school. Refer to discussion of safe routes to school in Section 3.13 Transportation and Traffic. With implementation of a mitigation measure presented in that section, the proposed project would be in conformance with this control measure.

**TCM C-3 Promote Rideshare Services and Incentives.** This control measure calls for the Town to encourage ridesharing and create incentives to promote ridesharing. The proposed project includes a mix of residential and commercial uses that would encourage walking within the Plan Area. The Draft Specific Plan includes provisions to encourage ridesharing and similar transportation demand management strategies. Refer to Section 3.13 Transportation and Traffic. The proposed project would be in conformance with this control measure.

**TCM D-1 Bicycle Access.** The Draft Specific Plan's main internal street would effectively be a Class III bicycle route. Los Gatos Boulevard would include a Class II bike lane on each side. No bicycle lanes are included on the Draft Specific Plan's cross-section for Lark Avenue, although space for bike lanes is reserved and there is a reference to a future bike lane between Los Gatos Boulevard and Street A. Refer to Section 3.13 Transportation and Traffic. The proposed project would be in conformance with this control measure.

**TCM D-2 Pedestrian Access.** The Draft Specific Plan includes sidewalks and pedestrian connections throughout the Plan Area. Sidewalks are provided on the streets adjacent to the Plan Area to provide reasonable pedestrian access to adjacent services. The proposed project would be in conformance with this control measure. Refer also to Section 3.13 Transportation and Traffic.

**TCM D-3 Local Land Use Strategies.** The Draft Specific Plan, consistent with the *Town of Los Gatos 2020 General Plan*, includes a mixed land use that facilitates walking and places services close to higher density residential development. The proposed project would be in conformance with this control measure.

**TCM E-2 Parking and Pricing Management Strategies.** The Draft Specific Plan encourages shared parking arrangements between adjacent businesses, including a policy to encourage “park once” design, with walking from that one parking location to locations within the Plan Area. Parking garages are encouraged to reduce the land area dedicated to parking. The proposed project would be in conformance with this control measure.

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

**ECM-1 Energy Efficiency.** The proposed project would be required to comply with the Town’s sustainability plan and state energy efficiency codes, including the California Energy Code and the California Green Building Standards Code. The proposed project would be in conformance with this control measure.

**ECM 2 Renewable Energy.** The Draft Specific Plan does not include any policies regarding renewable energy. The *Los Gatos Sustainability Plan* includes requirements for several renewable energy programs, which should be reflected in the Draft Specific Plan. With implementation of the mitigation measures presented below, the proposed project would be in conformance with this control measure.

**ECM 3 Urban Heat Island.** This measure addresses the use of cool roof and cool pavement materials. General Plan Policy ENV-13.1 and the *Los Gatos Sustainability Plan* include similar requirements, which should be reflected in the Draft Specific Plan. With implementation of the mitigation measures presented below, the proposed project would be in conformance with this control measure.

**ECM 4 Shade Trees.** This measure addresses the use of shade trees to reduce the heat island effect. General Plan Policy ENV-13.1 and *Los Gatos Sustainability Plan* Policy EC-10 provide similar requirements that would be implemented during construction. The Draft Specific Plan includes a minimum of 20 percent green open space, a substantial portion of which is likely to include shade trees. Refer to Section 3.7 Greenhouse Gasses. With implementation of the Town’s sustainability plan measures, the proposed project would be in conformance with this control measure.

The proposed project would implement many of the control measures, which are requirements of the Draft Specific Plan or other Town plans, such as the *Los Gatos Sustainability Plan*. Several of the control measures would not be implemented, as noted above. Mitigation measures presented in Section 3.13 Transportation and Traffic and the mitigation measures presented below would eliminate conflicts with the 2010 Clean Air Plan and reduce impacts associated with inconsistencies with applicable control measures of the 2010 Clean Air Plan to a less-than-significant level.

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

As identified in the discussion above, the Draft Specific Plan does not adequately address several of the control measure requirements of the 2010 Clean Air Plan, if not amended to include policies requiring these control measures. This would be a significant environmental impact.

## **Mitigation Measures**

*AQ-1. Low NO<sub>x</sub> emitting heating systems shall be required for commercial, office, and hotel uses.*

*AQ-2. Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.*

*AQ-3. All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.*

## **Less-than-Significant Impact: Criteria Air Pollutant Emissions**

The Air Basin is in non-attainment for ozone and particulate matter. Future emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM<sub>10</sub> or PM<sub>2.5</sub>) from specific development projects within the Plan Area could result in an increase in non-attainment criteria pollutants within the Air Basin. Vehicle miles traveled is the Air District's recommended measure of a plan's long-term effect on criteria air pollutant emissions.

**Vehicle Miles Traveled.** To compare vehicle miles traveled, the Plan Area's existing population and trips were compared to projected population and trips. The existing population is estimated at 76 people. The existing number of employees was estimated at 165, based on 66,000 square feet of commercial uses with approximately 2.5 employees for every 1,000 square feet. Therefore, the total existing service population (residents plus employees) was estimated at 241 people. The number of future residents at full build-out is anticipated to be 870 people. The

number of future employees is anticipated at 1,485 total workers under development scenario A and 1,333 total workers under development scenario B, for a total service population of 2,355 or 2,203 people. Therefore, service population is expected to increase by over 800 percent in the Plan Area.

Daily existing trips were estimated at 3,140 based on standard trip rates for single-family residences and shopping centers. Using total daily trips for both development scenarios provided by Fehr and Peers, development scenario A would increase the number of vehicle trips generated within the Plan Area by approximately 402 percent; whereas development scenario B would increase vehicle trips by 394 percent. Under both alternatives, service population increase would exceed vehicle trip increase. As a result, the proposed project would have a less-than-significant impact with respect to increases in vehicle travel compared with service population.

**Daily Air Pollutant Emissions Estimates.** The Air District does not recommend numerical thresholds for plan level criteria air pollutant analysis. However, for informational purposes, a CalEEMod analysis was conducted to estimate criteria air pollutant emissions from build-out of the Draft Specific Plan. Based on this analysis, emissions of volatile organic compounds (64.4 to 67.2 pounds per day) and nitrogen oxides (62.7 to 63.7 pounds per day) would exceed project analysis level thresholds (54 pounds per day) by approximately 20 percent. Operational particulate matter emissions would not exceed project analysis level thresholds (Illingworth and Rodkin 2013).

Construction emissions are a potential source of both criteria air pollutants and toxic air contaminants. Construction emissions can have adverse effects on nearby sensitive receptors. As with operational emissions, the Air District's 2011 CEQA Air Quality Guidelines do not establish a numerical threshold for plan level analysis of construction impacts. Specific construction data that is necessary to analyze such impacts accurately is not typically available within a plan document. For informational purposes, the Air Quality assessment presented an estimate of daily construction emissions, based on typical equipment, and a six-year construction period. That estimate projected that average daily emission of ROG could be about 8.9 pounds per day for development scenario A and about 9.0 pounds per day for development scenario B. NO<sub>x</sub> emissions could be about 7.4 pounds per day for development scenario A and 7.3 pounds per day for development scenario B. Refer also to the discussion of pollutant concentrations at sensitive receptors, below.

### **Less-than-Significant Impact with Mitigation: Pollutant Concentrations at Sensitive Receptors**

**Construction Dust.** The Air District has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to

reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of particulate matter in the form of fugitive dust because initial site preparation activities typically involve the most intensive grading. During other construction phases, additional materials would be imported to the Plan Area 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 within the Plan Area. Construction of the storm water drainage connection west of Oka Road would take place adjacent to the Bonnie View mobile home park. Construction of the water main connection south of Lark Avenue would take place adjacent to houses on Highland Oaks Drive. Construction in these locations would result in dust emissions (particulate matter) that could affect residents of these areas. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

## **Mitigation Measure**

*AQ-4. The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.*

*Basic Dust Control Measures:*

- a. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;*
- b. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered;*
- c. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;*
- d. *All vehicle speeds on unpaved roads shall be limited to 15 mph;*
- e. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and*
- f. *Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

*Additional Dust Measures*

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

**Health Effects from Roadway Emissions.** The Plan Area is adjacent to two arterial streets and two freeways. High volumes of traffic, including heavy diesel trucks, use these roads. State Route 85 has an average daily traffic volume of 110,000 vehicles, State Route 17 has an average daily traffic volume of 86,000 vehicles, and the Lark Avenue onramp has a daily volume of 14,400 vehicles. State Route 17 traffic includes about 2.5 percent heavy duty trucks and about three percent other trucks. Los Gatos Boulevard and Lark Avenue have daily traffic volumes of fewer than 30,000 vehicles.

The Air District publishes screening tables for roadways with higher than 10,000 daily trips. According to the tables, the diesel particulate matter and total organic gas emission cancer risks associated with Los Gatos Boulevard and Lark Avenue are less than significant beyond ten feet from the edge of those roadways. For the state highways, Illingworth and Rodkin conducted in-depth dispersion modeling of toxic air contaminants to evaluate health risk factors. Cancer risks were projected to be the highest at the southwest corner of the Plan Area, near the State Route 17 on-ramp from Lark Avenue, where the cancer risk was 14.3 cases in one million. Cancer risks that exceed the Air District's ten-in-one million threshold were projected to extend northward for about three-quarters of distance of the Area Plan's western boundary, and extend into the Plan Area by about 100 to 140 feet. No levels in excess of the Air District's threshold were projected along State Route 85. Non-cancer health risks from diesel particulate matter and total organic gas emission did not exceed the Air District's threshold. The location of health risks in excess of thresholds is identified on [Figure 15, Health Risks](#).

Health risks from fine particulate matter near State Route 17 and State Route 85 were also assessed by Illingworth and Rodkin. Fine particulate matter concentrations were projected to be the highest at the southwest corner of the Plan Area, near the State Route 17 on-ramp from Lark Avenue, where the concentration was projected to be 0.33 micrograms per cubic meter. Fine particulate matter concentrations in excess of the Air District's threshold of 0.30 micrograms per cubic meter were projected to extend northward for about one-quarter of distance of the Area Plan's western boundary, and extend into the Plan Area by about 75 feet. No levels in excess of the Air District's threshold were projected along State Route 85.



### Legend

- Project Boundary
- Orange box: Cancer Risk Over 10 per Million
- Blue hatched box: Fine Particulate Matter Concentrations over 0.3 Micrograms per Cubic Meter
- Blue diamond: Point of Greatest Effect



0 400 feet

Source: Illingworth and Rodkin, Inc. 2013, Google Earth 2011

E M C

Figure 15  
Health Risks  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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The Draft Specific Plan designates a perimeter overlay zone at all of the Plan Area boundaries. The perimeter overlay zone includes a minimum 30-foot setback of buildings from the State Route 17 property boundary. The Draft Specific Plan also includes a landscaped buffer along State Route 17. Beginning in 2014, more stringent diesel engine and fuel requirements will reduce the future concentration of toxic air emissions, and reduce the extent of significant impacts within the Plan Area. However, residential uses could be placed within areas with toxic air contaminants in excess of standards. This is a significant environmental impact. Implementation of the following mitigation measures would reduce toxic air contaminant health risks to a less-than-significant level.

## Mitigation Measures

*AQ-5. High efficiency filtration (MER V rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.*

*AQ-6. Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).*

**Carbon Monoxide Concentrations.** The proposed project would increase traffic volumes at numerous intersections and reduce levels of service at several intersections. However, the proposed project would not result in hourly traffic volumes in excess of 44,000 vehicles at any of the street intersections, and therefore, the proposed project would not result in a significant environmental impact from concentrations of carbon monoxide.

**Cancer Risk from Stationary Sources.** The gas station within the Plan Area has a screening level cancer risk that is significant to a distance of about 100 feet from the gas pumps. Additional analysis was conducted by Illingworth and Rodkin, who determined that cancer risk at 50 feet from the pumps would be 2.4 cases in one million. The Lark Avenue Carwash has gas pumps, with a cancer screening level risk of 1.6 cases in one million. The San Jose Water Company operates a back-up generator at the reservoir south of Lark Avenue, and at least 350 feet from the Plan Area. Illingworth and Rodkin estimated the cancer risk at the nearest Plan Area boundary to be 5.8 cases in one million. All of the stationary sources within 1,000 feet of the Plan Area have cancer risk levels below the threshold of 10 new cases in one million. Toxic air emissions from stationary sources would have a less-than-significant environmental impact.

**Asbestos.** The proposed project includes demolition of buildings that could include asbestos-containing materials. Standard requirements for permitting removal and handling of asbestos would reduce potential effects from asbestos from building demolition to a less than significant

level. Soils-borne asbestos is considered a significant issue when susceptible populations may be exposed to asbestos, such as at playgrounds and schools, or residential yards. Since the Plan Area is not adjacent to a stream that could have transported asbestos from ridge tops, the likelihood of high levels of asbestos in the soil is low, and considered a less-than-significant impact.

### **No Impact: Substantial Odors**

Based on the land uses proposed in the Draft Specific Plan, there is no potential for substantial odors. No industrial uses that typically produce significant odors would be developed within the Plan Area; uses would be residential and commercial and not associated with significant odors. There are no significant odor-producing uses in the vicinity of the Plan Area that could affect proposed sensitive uses.

### **No Impact with Mitigation: General Plan Inconsistency**

Most of the *Town of Los Gatos 2020 General Plan* air quality policies call for implementing adequate mitigation measures to respond to project effects. Several adverse air quality impacts are identified and mitigation measures are presented to reduce impacts to a less-than-significant level. *Town of Los Gatos 2020 General Plan* Policy ENV-12.3 specifically requires design criteria for site plans to reduce the effects of high air pollution concentrations associated with roadways by appropriate placement of structures, use of landscaping, and parking arrangements. A toxic air emissions impact is identified for residential uses near State Route 17. Mitigation Measure AQ-5 requires enhanced air filtering and Mitigation Measure AQ-6 requires separation between residential yards and State Route 17, to reduce potential effects to a less-than-significant level.

Because a large portion of air emissions are related to vehicle operation, many of the air quality impacts are mitigated through transportation measures. Refer to Section 3.13 Transportation and Traffic for discussion of alternative transportation modes and mitigation measures to improve usability of alternative transportation modes.

## **3.4 BIOLOGICAL RESOURCES**

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant biological resources impacts from the build-out of the *Town of Los Gatos 2020 General Plan*. A biological resources evaluation report (EMC Planning Group 2012) was prepared to evaluate the proposed project effects on sensitive biological resources, and is included in [Appendix E](#). An arborist report was prepared by Deborah Ellis MS, and is included as [Appendix F](#).

A search of the California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CNDDDB) was conducted for the Cupertino, San Jose West, Castle Rock Ridge, and Los Gatos United States Geological Survey (USGS) quadrangles in order to evaluate potentially occurring special-status species in the project vicinity (CDFW 2013). Records of occurrence for special-status plants were reviewed for those same USGS quadrangles in the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2013). A United States Fish and Wildlife Service (USFWS) threatened and endangered species list was also generated for Santa Clara County (United States Fish and Wildlife Service 2013).

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

Consultant biologist Bill Goggin conducted a reconnaissance-level biological survey on June 27, 2011 to document existing habitats and evaluate the potential for special-status species to occur in the Plan Area. The field survey included access to the existing orchards and agricultural buildings; private residences and commercial properties were only observed from the orchards and publicly accessible areas.

Biological resources were documented in field notes, including species observed, dominant plant communities, and wildlife habitat characteristics. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level were noted. Observations of any potential wetlands and/or potential wildlife movement corridors were recorded. Representative site photographs were taken at several locations to document habitat conditions.

Consultant biologist Andrea Edwards conducted a focused botanical survey to determine the presence or absence of Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) on October 7, 2011, in potentially suitable habitat located along the margins of the orchards, residences, commercial properties, and open areas. The focused botanical survey was floristic in nature and consistent with currently accepted protocols (California Department of Fish and Wildlife 2009; California Native Plant Society 2001). The suitable habitats for special-status plants within the Plan Area were systematically surveyed during the site visit.

Consultant biologists conducted four baseline, non-breeding season focused surveys for burrowing owl (*Athene cunicularia*) at the area containing potentially suitable habitat (i.e. ground squirrel burrows), located in the northeastern portion of the Plan Area, between residential and commercial properties. Ms. Edwards conducted the early morning surveys on October 24

and 28, 2011; the late afternoon surveys were performed on October 25 by Ms. Edwards and on October 27 by Mr. Goggin. The surveys were conducted following the Burrowing Owl Consortium protocol guidelines (California Department of Fish and Wildlife 1995), in order to determine the presence or absence of this species.

Presence/absence surveys for California red-legged frog (*Rana draytonii*) were performed for the Plan Area by Mr. Goggin on October 7 and 27, 2011. Surveys consisted of one evening and one daytime survey event. Each survey lasted approximately two and a half hours and was directed toward establishing California red-legged frog presence/absence within 500 feet of any on or off-site culverts, and within non-native grassland habitats containing ground squirrel burrows. The survey areas included the on-site orchards and artificial drainage features along the eastern, southwestern and western boundaries of the Plan Area, and off-site Los Gatos Creek located approximately 0.4-mile northwest of the Plan Area.

A nesting bird survey was conducted by Mr. Goggin on October 7 and 27, 2011 (outside the breeding bird season). The survey methods employed were adapted from the Bureau of Land Management and CDFW survey recommendations for conducting pedestrian transect avian nest search surveys. Walking transects spaced between 40 to 80 feet apart were conducted within on-site habitats. Opportunistic visual scanning searches were conducted from on and off-site vantage points using a pair of handheld 8x42-power binoculars. On-site habitat, as well as suitable habitat located within 300 feet of the Plan Area boundary, was surveyed to identify potentially present nesting birds and/or their habitat features (i.e. nests, roost sites).

This impact analysis is based on a review of existing scientific literature, aerial photographs, and technical background information describing biological resources in the vicinity; the biological surveys described above; and consideration of applicable federal, state, and local policies and programs.

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

## ***Environmental Setting***

The Plan Area is situated in the California Floristic Province's San Francisco Bay Area sub-region, which is reasonably well-defined by geographic features such as Mount Tamalpais, the Santa Cruz Mountains, and the northern Diablo Range, including Mount Diablo and Mount Hamilton. The sub-region is less well defined by vegetation, encompassing a diversity of plant community types, from wet redwood forest to dry oak-pine woodland and chaparral (Jepson Flora Project 2011). The Plan Area experiences a Mediterranean-type climate, which can be characterized as having moist, mild winters, and dry summers. Rainfall between the months of April and October is relatively rare, totaling approximately 15 percent of the average annual precipitation of 26.9 inches at the Los Gatos weather station (Western Regional Climate Center 2011).

Most of the Plan Area consists of walnut orchards, but it also contains several private residences, and commercial businesses and medical offices. The Plan Area is situated on the San Jose West and Los Gatos USGS quadrangle maps. Topography on the relatively flat site slopes gently from about 290 feet in the northern portion of the Plan Area to an elevation of about 315 feet in the southern portion.

## Existing Biological Resources

**Plant Communities.** As the plant communities and land use types found in the Plan Area consists mainly of agricultural (orchard) areas and developed (residential and commercial) properties, natural plant communities are generally lacking. Most of the Plan Area is vegetated with non-native irrigated English walnut (*Juglans regia*) orchard trees, along with various non-native ornamental trees and shrubs planted near structures. Other vegetation present in the Plan Area consists of patches of non-native annual grassland scattered in openings throughout the existing orchards, several cork oaks (*Quercus suber*) and numerous native coast live oak trees (*Quercus agrifolia*), as well as ruderal areas, ornamental areas, and developed areas. Non-native species observed in non-native grassland patches within the orchards include: ryegrass (*Lolium* sp.), wild oats (*Avena* sp.), shortpod mustard (*Hirschfeldia incana*), bindweed (*Convolvulus arvensis*), cheeseweed (*Malva parviflora*), bermuda grass (*Cynodon dactylon*), and scarlet pimpernel (*Anagallis arvensis*).

The 2011 focused survey finding for Congdon's tarplant was negative, as this plant species was not observed within the Plan Area.

Two tree surveys conducted in the Plan Area by consulting arborist Deborah Ellis excluded the commercially grown English walnuts, which are planted throughout the on-site orchards. The 2011 survey, updated in 2013, identified 190 trees protected by the Town of Los Gatos Tree Ordinance (Ellis 2011, 2013 page 23). These trees include 50 different species, both native oaks and non-native ornamental landscaping. The Plan Area includes 44 native coast live oaks, which appear to grow naturally at the Plan Area (i.e. they do not appear to have been planted as landscape plants). The Plan Area also includes 27 non-native olive trees (*Olea europaea*), 13 non-native Arizona cypresses (*Cupressus arizonica*), 10 non-native cork oak, and nine non-native glossy privets (*Ligustrum lucidum*). Together, these species constitute about 58 percent of the on-site protected trees that were surveyed.

**Wildlife Habitats.** The quality of wildlife habitat within the Plan Area ranges from low to moderate. The Plan Area's degraded habitat condition is due to the fact that the vast majority of the Plan Area occurs within a heavily and regularly disturbed agricultural setting; the Plan Area is surrounded by busy roads, highways, and urban development; as well as, the high degree of regular disturbance and human presence due to the Plan Area's residences. Due to its regular disturbance from ongoing agricultural activities, the Plan Area is not expected to support significant wildlife habitat opportunities for any listed species.

Specifically, California red-legged frog was not observed during 2011 focused surveys. No suitable wetland, dispersal or foraging habitat exists within the Plan Area for this species, and no suitable access to the Plan Area from occupied habitat nearby (Los Gatos Creek located 0.4-mile from the site) is present for this species.

However, numerous mature trees in the Plan Area provide suitable nesting bird habitat. In particular, the land located in the north/northeastern portion of the Plan Area that contains several private residences with numerous large, mostly non-native, trees provides suitable habitat for nesting and foraging bird and bat species. During the 2011 nesting bird survey, an adult Cooper's hawk (*Accipiter cooperii*) was observed nesting in this area outside the orchard portion of the Plan Area, and on a subsequent 2011 site visit a Cooper's hawk was observed foraging in the area. Based on the observed Cooper's hawk nesting activity, presence of numerous mature trees, and a reliable prey-base in the form of small rodents on the site and in the surrounding landscape, the Plan Area has the potential to support nesting birds protected by the California Fish and Game Code regulations and the federal Migratory Bird Treaty Act. These nesting birds would be protected from nest disruption during the nesting bird season (February 1- August 31).

Raptors generally known to use non-native grasslands in orchard settings include: red-tailed hawk (*Buteo jamaicensis*) (observed), white-tailed kite (*Elanus leucurus*) and red-shouldered hawk (*Buteo lineatus*). Other birds, such as Says phoebe (*Sayornis saya*), California quail (*Callipepla californica*), California thrasher (*Toxostoma redivivum*), rufous-sided towhee (*Pipilo crissalis*) and western meadowlark (*Sturnella neglecta*), may use non-native grasslands within agricultural settings for breeding. Reptiles that breed in grasslands, and are associated with non-native grasslands in this area, include: western fence lizard (*Sceloporus occidentalis*), terrestrial garter snake (*Thamnophis elegans*), and gopher snake (*Pituophis melanoleucus*).

Small mammals that could be expected to occur within on-site habitats include: brush rabbit (*Sylvilagus bachmanii*), Botta's pocket gopher (*Thomomys bottae*), and deer mouse (*Peromyscus maniculatus*). Other mammals potentially using the Plan Area as an urban movement corridor include: skunk (*Mephitis mephitis*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), Virginia opossum (*Didelphis marsupialis*), and raccoon (*Procyon lotor*).

## **Policy and Regulation**

### **Federal**

**Endangered Species Act.** The federal Endangered Species Act of 1973 (referred to hereafter as the “Act”) protects species that the USFWS has listed as “Endangered” or “Threatened.” Permits may be required from USFWS if activities associated with a proposed project would result in the “take” of a federally listed species or its habitat. Under the Act, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to

attempt to engage in any such conduct.” USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in take. “Take” of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

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

**Clean Water Act.** Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into “Waters of the United States.” including wetlands. Certain natural drainage channels and wetlands are considered jurisdictional ‘Waters of the United States.’ The U.S. Army Corps of Engineers (USACE) is responsible for administering the Section 404 permit program. The agency determines the extent of its jurisdiction within ‘Waters’ as defined by ordinary high water marks on channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2006 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.

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

## **State**

**California Endangered Species Act.** Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an incidental take permit from the CDFW is required for projects that could result in the take of a state-listed Threatened or Endangered species. “Take” is defined under these laws as an activity that would directly or indirectly kill an

individual of a species. If a proposed project would result in the take of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

**Nesting Birds and Birds of Prey.** Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders *Falconiformes* or *Strigiformes*) are specifically protected in California under provisions of the California Fish and Game Code, Section 3503.5. This section of the code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the breeding season, is considered a take by the CDFW.

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

**California Porter-Cologne Water Quality Control Act.** Under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state RWQCB is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

Under the California Porter-Cologne Water Quality Control Act, the applicable RWQCB may necessitate Waste Discharge Requirements for the fill or alteration of “Waters of the State,” which according to California Water Code Section 13050 includes “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

## **Town of Los Gatos 2020 General Plan**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to biological resources are applicable to the proposed project.

**Goal CD-4 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.**

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

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

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

**Goal ENV-1 To preserve and protect native plants and plant communities in the Town, and promote the appropriate use of local, native plants in habitat restoration and landscaping.**

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

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

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

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

### **Town of Los Gatos Tree Protection Ordinance**

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

...The trees protected by this division are:

(3) 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.

**Sec.29.10.0970 Exceptions.**

The following tree removals and conditions are excepted from the provisions of this division and may be removed without Town approval or issuance of a Tree Removal Permit:

2. A fruit or nut tree that is less than 18-inches in diameter (fifty-seven-inches circumference).

### ***Standards of Significance***

The biological resources impact analysis provided below is based on the following CEQA Guidelines appendix G, Standards of Significance, which indicate that a project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- 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 CDFW or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan;

- Conflict with another plan or policy adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

## ***Impacts, Analysis, and Mitigation***

### **Less-than-Significant Impact with Mitigation: Special-Status Species**

The Plan Area contains suitable areas for nesting birds that are protected by various state, federal, and local policies. Nesting birds are federally protected under the Migratory Bird Treaty Act, and state-protected under the California Fish and Game Code Section 3503.5, which prohibits the take or destruction of any bird or nest in the order of *Falconiformes* (falcons, kites, and hawks) and *Strigiformes* (owls). If protected nesting birds are nesting in or adjacent to a construction or tree trimming/removal area during the bird nesting season (February 1 through August 31), then construction activities could result in the loss of eggs, nestlings, or otherwise lead to nest abandonment, which would be a significant impact. Based on the presence of suitable nesting habitat, there is moderate potential that, during certain times of the year, the Plan Area could contain the active nests of protected bird species. Sustained noise-generating disturbance activities generating sustained noise greater than 85 decibels have the potential to adversely impact protected nesting birds.

Mature tree removal could conflict with *Town of Los Gatos 2020 General Plan* policy ENV 4.7, which establishes protective measures requiring the preparation of a mitigation plan prior to the removal of nesting habitat for development. Although established trees would be lost through development of the Plan Area, the Draft Specific Plan requires that a minimum of 20 percent of the Plan Area be green open space, and the Town's Tree Ordinance sets standards for tree replacement. Other significant areas of tree cover are located near the Plan Area to provide nesting bird habitat during the time between Plan Area clearing and re-establishment of mature trees; additionally, because Plan Area development would be phased, not all mature trees within the Plan Area would be removed at the same time.

Although burrowing owl was not observed during 2011 focused surveys, there is low potential for this species to become established and occupy habitats within the Plan Area prior to construction activities, based on the presence of patches of non-native grassland containing active ground squirrel burrows. Therefore, the proposed project has a low potential to directly affect individual owls should they be present on the site during construction activities.

Marginally suitable roosting habitat is present within the Plan Area for special-status pallid bat (*Antrozous pallidus*). Therefore, the proposed project has a low potential to directly affect individual pallid bats should they be roosting on the site during construction activities.

Implementation of mitigation measures BIO-1 through BIO-5 regarding special-status species as described below, would reduce potentially significant impacts to these protected resources to a less-than-significant level.

## **Mitigation Measures**

*BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.*

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

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

*The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.*

*BIO-2. To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).*

*If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.*

*The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.*

*BIO-3. To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.*

*The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.*

*BIO-4. Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.*

*The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.*

## **No Impact: Riparian Habitat**

No riparian habitat is present within the Plan Area. Proposed project storm water improvements consist of the installation of a storm drainage pipe connecting an existing 36-inch pipe crossing under State Route 17 with an existing 42-inch pipe and outfall to Los Gatos Creek. The connection to the existing culvert outfall would take place within a disturbed area approximately 50 feet from Los Gatos Creek. The outfall itself would require the removal of an existing plug

and installation of a flap gate – these improvements, although occurring close to riparian habitat, are not expected to disturb riparian habitat. Therefore, no riparian habitat impacts are anticipated as a consequence of project implementation.

### **No Impact: Wetlands**

Based on site visits by the Consultant's biologists, there are no areas of potentially jurisdictional wetlands or waterways within the Plan Area.

### **No Impact: Movement Corridors**

The Plan Area is entirely surrounded by dense urban development, including two highways and two busy roads. No natural wildlife movement corridors are present in the Plan Area or in proximity to the Plan Area. Los Gatos Creek is located about one-third of a mile to the west, but is separated from the Plan Area by State Route 17 and surrounding 10-foot (or taller) sound walls. Therefore, the proposed project would result in no impacts to movement corridors.

### **Less-than-Significant Impact with Mitigation: Tree Protection Ordinance**

According to the tree surveys conducted for the Plan Area (Ellis 2011, 2013), not including the English walnut orchard trees, the project site contains 190 surveyed trees that are covered by the Town of Los Gatos Tree Protection Ordinance. These include native trees (coast live oaks) and non-native ornamental landscaping trees, which are protected under the Town's tree protection ordinance. The arborist report contains preservation suitability ratings for surveyed trees to assist in planning which trees should be retained (Ellis 2011, 2013).

A Tree Removal Permit will be required prior to project implementation and will require a certain number and species of replacement tree plantings for those trees that are removed as a result of project implementation. The tree protection ordinance requires that retained trees are protected during construction activities.

Additionally, the Town has a protective ordinance governing the removal of suitable bird nesting habitat. Please see the discussion earlier in this section of this local policy and its relevant mitigation measure. The following mitigation measure would reduce impacts to protected trees to a less-than-significant level.

### **Mitigation Measure**

*BIO-5. Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement*

*plantings, along with where they can be planted, and any applicable maintenance requirements. Retained trees shall be protected during construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003).*

*The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.*

### **No Impact – Not Applicable: Conflict with Habitat Plan**

The Plan Area is not located within a habitat conservation plan area or natural community conservation plan area. The Plan Area is outside the boundary of the *Santa Clara Valley Habitat Plan*. The *Santa Clara Valley Habitat Plan* covers Los Gatos Creek to the west, and extensive areas to the east, but does not include the Plan Area.

### **No Impact: Consistent with Plan Adopted for Environmental Purposes**

The proposed project does not conflict with *Town of Los Gatos 2020 General Plan* biological resources policies adopted for the purpose of avoiding or mitigating an environmental effect.

### **No Impact – Not Applicable: Forest Resources**

The Plan Area does not include any forest resources. The proposed project would not affect forest resources.

## **3.5 CULTURAL RESOURCES**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with cultural resources with implementation of *Town of Los Gatos 2020 General Plan* goals, policies, and actions. The following technical reports were prepared for the proposed project and are referenced in this section:

- Archaeological Consulting. *Preliminary Archaeological Reconnaissance Report for the Proposed North Forty Project, in Los Gatos, Santa Clara County, California*. July 12, 2011.
- Carey and Company, Inc. *Reconnaissance Survey Historic Resources Evaluation Report*. November 21, 2011.
- Carey and Company, Inc. *North 40 Specific Plan Historic Resources Technical Report*. November 12, 2013.

The historic resources reports are included in Appendix G. The Native American Heritage Commission requested a check of the Sacred Lands File in response to the NOP.

## ***Environmental Setting***

### **Archaeological Resources Setting**

The Plan Area lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group of Native Americans. This group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. The Somontac, a Costanoan linguistic group, resided in the area of what is today Los Gatos (Archaeological Consulting 2011, General Plan page OSP-9). The Plan Area is located about 1,500 feet east of Los Gatos Creek.

### **Historic Resources Setting**

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

The Plan Area was once part of Mexican-era Rancho Rinconada de Los Gatos, a 6,631-acre land grant made by Governor Juan Alvarado to Jose Maria Hernandez and Sebastian Fabian Peralta in 1840, and confirmed by the United States government in 1860. The land grant included the present-day cities of Los Gatos, Monte Sereno, and portions of Campbell. In 1850, Alexander Forbes, former Vice-Counsel in San Francisco for the British Government, purchased 3,000 acres of the Rancho Rinconada de Los Gatos in the vicinity of Los Gatos Creek. By 1876, maps show the land grant divided into numerous parcels; one of these parcels was owned by the Walker family and included the Plan Area. The Walker lands were subdivided in 1895, with the southern end of the Plan Area being part of the Walker Tract subdivision, and the northern portion of the Plan Area coming under the ownership of family member Leslie Walker. The Walkers held most of the land into the 1930s or 1940s. The Yuki family began purchasing former Walker parcels in the late 1940s, and by 1962 owned most of the Plan Area (Carey and Company, Inc. 2011, 2013; General Plan page CD-14).

Farming in the Plan Area is believed to have begun between the 1880s and the 1930s. In 1888, Robert Walker, who owned the Plan Area and surrounding land, is listed as running a 415-acre farm with 260 acres devoted to barley, 20 acres to vegetables and the remainder was used for pasture. Census records from 1920, 1930, and 1940 list land owners in the Plan Area as orchardists or farmers. A 1939 aerial photograph shows the entire area planted in orchards. Agriculture in the Santa Clara Valley reached its zenith in the 1910s and 1920s. Agriculture declined with the Great Depression, and then other industries and suburbanization replaced

large areas of farmland following World War II. The Plan Area is one of a few remnants that characterize the Santa Clara Valley's peak agricultural year in the 1910s and 1920s. During that time period, the Plan Area was likely used for several orchard crops, including prunes and apricots (Carey and Company, Inc. 2013, pages 2 to 4, 17).

The Yuki family purchased the Plan Area parcels over a period of years and kept the existing walnut orchards in production. Although the Yuki family lived there, the Plan Area lands represented a relatively minor portion of their agricultural enterprise. Takeo (Tom) Yuki, the family patriarch was a second-generation Japanese American, or Nisei, hailing from the Salinas area, where he established the Salinas Valley Vegetable Exchange in 1929. The Salinas Valley Vegetable Exchange became the largest grower-shipper produce business in the Salinas Valley, specializing in growing and marketing iceberg lettuce. While the Yuki family was interned in Arizona for three years during World War II, Yuki's non-Japanese business partner managed the business. The Salinas Valley Vegetable Exchange eventually held land in Salinas, the Imperial Valley, and Arizona (Carey and Company, Inc. 2013, pages 3 to 6).

No historic resources are listed for the Plan Area in the California Inventory of Historical Resources (prepared in March 1976), California Historical Landmarks, and the National Register of Historic Places. The Historical Atlas Map of Santa Clara County, California (published by Thompson & West in 1876) depicts nothing within the Plan Area. The 1858 Plat of Rancho Rinconada de Los Gatos, the 1866 GLO Plat Map of T8S/R1W, and the 1899 USGS San Jose Quadrangle (reprinted 1909) also depict nothing historic in the Plan Area (Archaeological Consulting 2011).

## ***Policy and Regulation***

### **Federal**

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

1. Is associated with events that have made a significant contribution to the broad patterns of our history;
2. Is associated with the lives of persons significant in our past;

### 3.0 ENVIRONMENTAL EFFECTS

3. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded, or may be likely to yield, information important in history or prehistory.

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

1. Location is the place where the historic property was constructed or the place where the historic event occurred.
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property.
3. Setting is the physical environment of a historic property.
4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association is the direct link between an important historic event or person and a historic property.

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

### **State**

The California Register of Historical Resources (hereinafter "California Register") is "an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change"

(Public Resources Code Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or state level under one or more of the following criteria:

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

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

See below under Standards of Significance for state guidance on analysis of historic resources under CEQA.

### **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to archaeological and historic resources are applicable to the proposed project.

**Goal OSP-9 To protect Los Gatos's archaeological and cultural resources to maintain and enhance a unique sense of place.**

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

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

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

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

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

**Goal CD-12 To preserve significant historic and architectural features within the Town.**

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

**Policy CD-12.2** Encourage the preservation, maintenance, and adaptive reuse of existing residential, commercial, or public buildings.

**Policy CD-12.3** Preserve and protect historic structures, including those that have been designated or are contributors to existing historic districts. Use special care in reviewing new buildings or remodels in the vicinity of historic structures to address compatibility issues and potential impacts.

**Policy CD-12.4** Continue the Town's careful and proactive historic preservation programs, tempered with compassion and understanding of property owners' needs, desires, and financial capabilities.

**Policy CD-12.5** Zone changes, planned development applications and zoning approvals that may result in the demolition of historic structures shall be referred to the Historic Preservation Committee for review and recommendation.

**Policy CD-12.9** Encourage developers to use historic structures or, if not feasible, encourage their donation to the Town.

**Goal CD-13 To support and encourage thoughtful rehabilitation or reuse of historic structures.**

**Policy CD-13.1** Rehabilitation of damaged historic structures shall be consistent with the policies of the Safety Element and the State Historic Building Code.

**Policy CD-13.2** Renovations or remodels of historic structures shall be architecturally consistent with the original structure.

In addition to the above policies, the *Town of Los Gatos 2020 General Plan* Land Use Element designates five historic districts and establishes a Landmark and Historic Preservation Overlay Zone. The following historic districts have been designated: Almond Grove, Broadway, Los Gatos Commercial, Fairview Plaza, and University/Edelen. The designated historic districts are concentrated in the downtown area, and the Plan Area is not within or adjacent to any of the historic districts.

The Town of Los Gatos' Historic Preservation Code (Town Code Chapter 29, Division 3) is dedicated to preserving historic and architectural resources by setting forth standards for the Landmark and Historic Preservation Overlay Zone and establishing the Historic Preservation Committee. The Landmark and Historic Preservation Overlay Zone is designated by Town Council and is applied to individual sites and structures or small areas deemed of architectural and/or historical significance. These sites or structures are subject to special standards regarding their appearance, use, and maintenance. The Historic Preservation Code includes standards and guidelines concerning the preservation and demolition of historic structures, design guidelines for rehabilitation and new construction, and guidance in the application of historic preservation standards. The Town recognizes an historic resource as follows: any structure/site that is located within an historic district; any structure/site that is historically designated; or any primary structure constructed prior to 1941 unless the Town has determined that the structure has no historic significance or architectural merit. The Historic Preservation Committee is an advisory body to the deciding body for this project (*Town of Los Gatos 2020 General Plan* page CD-15, Los Gatos Town Code section 29.80.225).

## **Standards of Significance**

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

- cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5;

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

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

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

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

determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the California Register (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4852) (see above).

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

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

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact with Mitigation: Adverse Change to Historical Resources**

The Plan Area includes a number of existing structures, including commercial buildings, houses, barns, and out-buildings. Although the majority of the structures would not be eligible for listing as historical resources in the national, state, or local registries, some of the houses and agricultural buildings are more than 50 years old, and could potentially have historic value, and these were analyzed for their potential to qualify for inclusion on the California Register of Historic Resources. The historic resources evaluation prepared for the proposed project determined that these buildings, dating to the 1910s and 1920s, were potentially eligible for listing on the California Register of Historic Resources at a local level of significance as contributors to a potentially-eligible district, due to the properties’ association with the Santa Clara Valley’s former fruit industry.

The Plan Area appears to maintain a strong association with Santa Clara Valley’s peak era of horticultural production from 1910-1929. During this period the area was known as “The Valley of Heart’s Delight,” and orchards covered the area surrounding Los Gatos, and the Santa Clara Valley in general. Aerial photographs and census records indicate that the region was primarily made up of orchards and small farms. Prior to World War II, only a few residential and

agricultural structures were present in the Plan Area, with much of the remaining land planted in orchards. The Plan Area has remained an active orchard for a century and several period buildings that were initially associated with small family orchards from the 1910s and 1920s remain extant in the Plan Area. Potentially historic resources that date prior to 1941 are listed in [Table 5, Potentially Historic Resources](#), along with a brief description of the building's present condition. The locations of the historic buildings are presented in [Figure 16, Potentially Historic Resources](#).

**Table 5 Potentially Historic Resources**

Name	Address and Parcel Number	Comments
House (Map reference A)	16399 Lark Avenue 424-07-100	circa 1910; fair integrity; several visible alterations
House, garage, cottage (Map reference B)	14849 Los Gatos Boulevard 424-07-64	circa 1910; good integrity; few alterations
Red Barn (Map reference C)	14917 Los Gatos Boulevard 424-07-82	circa 1940; fair integrity; rear addition, some windows replaced
Original Farmhouse (Map reference D)	14919 Los Gatos Boulevard 424-07-82	circa 1940; good integrity; compatible addition 1973
House and garage (Map reference E)	14975 Los Gatos Boulevard 424-07-84	circa 1920; fair integrity; few minor alterations
House and barn (Map reference F)	15111 Los Gatos Boulevard 424-07-100	circa 1915; fair integrity

*Source:* Carey and Company, Inc. 2013, EMC Planning Group

Six buildings (or groups of buildings on a single site) are listed in the historic resources evaluation as potentially eligible as state historic resources. Four of the buildings are listed in fair condition and two are listed in good condition, and all have some level of modification affecting their historic integrity. The buildings are located throughout the Plan Area, with new development interspersed. The walnut orchard, although dating originally to the era, has been re-planted, re-configured, and reduced in size as development has encroached on all sides. At approximately 27 acres, the orchard provides some feel of the historic agricultural past, but houses, commercial buildings, freeways, and sound walls are visible from any point within the orchard, and these significantly detract from the historic setting.



*Legend*

— Project Boundary      ■ Potentially Historic      ■ Non-Historic Building



Source: Google Earth 2011

E      M      C

Figure 16  
Potentially Historic Resources  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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To reflect the historic and agricultural heritage of the Plan Area and the Town, the Draft Specific Plan incorporates architectural design requirements and orchard plantings along the Los Gatos Boulevard and/or Lark Avenue frontages. Despite these Draft Specific Plan provisions, and the condition and historic integrity of some of the structures, removal of potentially historic resources would be a significant adverse environmental impact. Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

## **Mitigation Measures**

*CR-1. Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the developer(s) shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.*

*The developer(s) shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect set forth by the Secretary of the Interior (Secretary of the Interior's Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.*

*The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.*

*CR-2. For potentially historic buildings proposed for retention at existing locations, the developer(s) shall prepare a historic structure(s) report (HSR) for the historic resource as a guide to the rehabilitation. The HSR shall set forth the history of the resource, describe its existing condition, make recommendations for repair, rehabilitation, replacement, reconstruction, and other treatments based on the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The HSR shall be prepared by a licensed architect who meets the qualifications for historical architect as set forth in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, published in the Federal Register, June 20, 1997 (Volume 62, Number 119).*

*The developer(s) shall retain the services of a historical architect as a member of the design team for the rehabilitation. The historical architect may be the same historical architect who prepared the HSR, without encountering a conflict of interest.*

*The Town of Los Gatos shall review the rehabilitation plans prepared by the project architect for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

*The HSR shall specify procedures for protecting historic resources and a monitoring method to be employed by the contractor while working near the affected resource. At a minimum, the plan shall address the operation of construction equipment near adjacent historical resources, storage of construction materials away from adjacent resources, and education/training of construction workers about the significance of the historical resources.*

No structures would be affected by the off-site utility or road improvements, and there would be no effect on historic resources outside the Plan Area.

### **Less-than-Significant Impact with Mitigation: Potential Adverse Change to Archaeological Resources**

A search of the files at the Northwest Information Center found four recorded cultural resources within one kilometer (approximately 0.60 miles) of the Plan Area (Archaeological Consulting 2011). In response to a request, the Native American Heritage Commission indicated that the Plan Area is not listed in the sacred lands files (Native American Heritage Commission 2011). On behalf of the Town of Los Gatos, the Archaeological Consulting extended tribal consultation invitations, pursuant to Government Code section 65352.3, to nine tribal representatives on January 24, 2011. One request for additional information was received, but no requests for consultation were received.

An archaeological general surface reconnaissance was conducted over the undeveloped portions of the Plan Area on June 27, 2011 by Archaeological Consulting. None of the materials frequently associated with prehistoric cultural resources in this area (dark midden soil, marine shell fragments, fire-altered rocks, bones or bone fragments, flaked or ground stone, etc.) were found at the Plan Area. No evidence of significant historic period cultural resources was observed in the soil in the project area. Several modern shards of glass and ceramics were noted in the vicinity of several of the houses in or adjacent to the project area. In addition a fragment of weathered *Tivella s.* (Pismo clam) shell and *Haliotis r.* (red abalone) shell were seen in association with glass and earthenware on the southern end of the project area. These materials appear to be of late historic to modern origin.

Based upon the background research and the surface reconnaissance, the archeological report concludes that no surface evidence of potentially significant archaeological resources exists within the Plan Area. Therefore, development of the proposed project should not be delayed for archaeological reasons (Archaeological Consulting 2011).

The proposed project would include excavations for buildings and pipelines, including off-site pipelines, and some deep excavations. Because unknown significant buried cultural resources could be present at the Plan Area, and uncovered during grading or excavation activities, the potential exists for disturbance of significant archaeological resources. The following mitigation measure would reduce this potentially significant impact to a less-than-significant level:

### **Mitigation Measure**

*CR-3. For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.*

*In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.*

*The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).*

### **Less-than-Significant Impact with Mitigation: Adverse Change to Paleontological Resources**

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 of Los Gatos (Draft EIR page 4.4-15), but determined that deep excavations could disturb unknown underground paleontological resources. The proposed project could involve deep excavations, for example, if underground parking or basements are developed, and for installation of pipelines. Implementation of Mitigation Measure CR-4 and *Town of Los Gatos 2020 General Plan* Policy OSP-9.4 would reduce this impact to a less-than-significant level.

## **Less-than-Significant Impact with Mitigation: Potentially Disturb Human Remains**

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

### **Mitigation Measure**

*CR-4. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*

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

## **Less-than-Significant Impact with Mitigation: Conflict with Plan Adopted for Environmental Purposes**

**Historic Structures (Policies OSP-9.2, CD-12.1, CD-12.2, CD-12.3, CD-12.4, CD-12.9).** The Plan Area includes several buildings that have been identified as potentially historic. Refer to the prior discussion of historic resources. Mitigation Measures CR-1 and CR-2 would mitigate the impact to potentially significant buildings to a less-than-significant level. As mitigated, the proposed project would not be inconsistent with these *Town of Los Gatos 2020 General Plan* policies relating to historic resources and adopted to prevent environmental effects.

## 3.6 GEOLOGY, SOILS, AND MINERAL RESOURCES

The *Town of Los Gatos 2020 General Plan EIR* concluded that the *Town of Los Gatos 2020 General Plan* would not result in significant geology and soils impacts. Mineral resources are not addressed in the *Town of Los Gatos 2020 General Plan EIR*. The following technical reports were prepared for the proposed project and are referenced in this section:

- Treadwell and Rollo. *Preliminary Geotechnical Investigation Los Gatos North Forty, Los Gatos, California*. January 18, 2010.
- Engeo. *Los Gatos North Forty Project, Los Gatos, California, Geotechnical Peer Review*. January 16, 2013.

These reports are included in [Appendix H](#). No NOP comments were received regarding geology, soils, or mineral resources.

### ***Environmental Setting***

#### **Geology**

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

#### **Seismicity**

Identified earthquake faults located within the region include the San Andreas, Hayward-Rincon, Calaveras, San Gregorio, Sargent, Zayante-Vergeles, Monte Vista-Shannon, Monterey Bay-Tularcitos, and Greenville. While a strong earthquake on any of these faults could cause significant ground shaking within the Plan Area, the Monte Vista-Shannon, San Andreas, and Hayward faults govern the seismic design parameters for the Plan Area. The Monte Vista-

Shannon Fault is located one-half mile to the southwest of the Plan Area, with a characteristic moment magnitude of 6.80; the San Andreas Fault is located five and one-half miles to the southwest, with a characteristic moment magnitude of 7.03 to 7.15 on the nearest segments; and the Hayward Fault is located 12 to 15 miles east or northeast of the Plan Area with a characteristic moment magnitude of 6.40 to 6.67 (Treadwell and Rollo 2009, page 7). [Table 6, Major Regional Earthquakes Since 1800](#), presents a list of past major earthquakes in the region since 1800. The United States Geological Survey has published estimates for future earthquake probability in the state. The 30-year probability of a magnitude 6.7 or greater earthquake striking the San Francisco Bay Area is estimated to be 63 percent (United States Geological Survey 2008, page 6).

**Table 6 Major Regional Earthquakes Since 1800**

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

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

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

## Plan Area Soil Characteristics

The surface soil type within the Plan Area was determined using the web-based soil survey. Plan Area soils are described as belonging to the Flaskan complex, 0-2 percent slopes. This soil series is found on alluvial plains from 20 to 660 feet above mean sea level. Soils are well-drained and groundwater is found 80 inches or farther below the ground surface. A typical profile for this soil is sandy loam from the surface to two inches deep; sandy clay loam from two to seven inches

deep; gravelly sandy clay loam from seven to 31 inches deep; and very gravelly sandy clay loam from 31 to 59 inches deep (United States Geological Survey, Natural Resources Conservation Service 2013). Analysis of soil borings indicates that the soils within the Plan Area approximately follow this typical profile. Boring logs and cone penetration tests indicate the project site is generally underlain by alluvial deposits consisting predominantly of a mixture of sand and gravel with varying fine contents, occasionally inter-bedded with layers of clay, and with varying amounts of sand. The upper three to six feet of the soil are medium dense, below which it becomes dense to very dense. Groundwater was not encountered down to the maximum depth explored of 45 feet below ground surface. Groundwater was also not encountered at depths of up to 80 feet in borings drilled for the State Route 85 and State Route 17 interchange. Groundwater levels in monitoring wells within the Plan Area have been between 59 and 106 feet below ground surface over the past 15 years (Treadwell and Rollo 2009, page 4; Geocon 2013, table 3).

## **Policy and Regulation**

### **State**

**Alquist-Priolo Act.** The Alquist-Priolo Earthquake Fault Zoning Act was enacted in 1972 in the aftermath of the San Fernando earthquake. The Alquist-Priolo Act prohibits the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Single family homes that are not part of a development project of four or more units are exempt. Under the Alquist-Priolo Act the State Geologist establishes earthquake fault regulatory zones and issues maps identifying those zones. No Alquist-Priolo Zones are mapped within the Town of Los Gatos.

**Seismic Hazards Mapping Act.** Under the Seismic Hazards Mapping Act the state designates seismic hazard zones to protect from the effects of strong ground shaking, earthquake- induced landslides, liquefaction, or other ground failures associated with seismic activity. Maps are available for most of the San Francisco Bay Area.

**California Building Code.** Every three years the California Building Standards Commission adopts an updated version of the building codes. The building codes are based on national model codes, amended by the State as the California Building Code, and often further amended by local jurisdictions. The 2013 California Building Code became effective in January 2014.

### **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to geology and soils are applicable to the proposed project.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than five (5) percent;
- b. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;
- c. Grading will occur within twenty (20) feet of any watercourse; or,
- d. The Town Engineer determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason.

## ***Standards of Significance***

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

- expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42;
  - strong seismic ground shaking;
  - seismic-related ground failure, including liquefaction; or
  - landslides.
- result in substantial soil erosion or the loss of topsoil;

- be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- be located on expansive soil, creating substantial risks to life or property;
- 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;
- result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state;
- 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; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact: Effects of Seismic Activity**

The Plan Area is not within an Alquist-Priolo zone, and therefore, fault rupture within the Plan Area is not likely. The nearest earthquake fault is the Monte Vista-Shannon Fault, located one-half mile to the southwest of the Plan Area. The Plan Area would be subject to strong shaking during a moderate to large earthquake on any of several regional earthquake faults. Sufficiently strong shaking could potentially result in liquefaction; the Plan Area is located in an area identified in the *Town of Los Gatos 2020 General Plan EIR* and the Seismic Hazards Zone Map as a seismically-induced liquefaction zone (Town of Los Gatos 2010 (a), Figure 4.5-3; California Department of Conservation 2002). Liquefaction occurs when soil particles with limited cohesion loosen during the ground movement associated with earthquakes, typically resulting in loss of adequate support for the buildings in the area. However, site-specific assessment of the soils and groundwater conditions suggests that the potential for liquefaction within the Plan Area is low. The soils are granular, which is an indicator of liquefaction potential, but because groundwater is found no closer to the surface than about 50 feet, the saturated conditions required for liquefaction are not likely to occur. Additionally, the sub-surface soils have a high density. Therefore, liquefaction is not likely to occur (Treadwell and Rollo 2009, page 7). Another seismic response for cohesionless soils that are not saturated is cyclic densification, in which differential settling of soils above the water table may occur. The soil above the water table within the Plan Area contains some fines and is medium dense to dense; therefore cyclic densification is not likely (Treadwell and Rollo 2009, page 8). The Plan Area does not have steep

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

### **Less-than-Significant Impact: Soil Erosion**

Each development site within the Plan Area is likely to be mass-graded during construction of future development projects, which provides the potential for soil erosion by wind or water if preventative steps are not taken. Likewise, excavation would be required for installation of on-site and off-site pipelines. Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared for projects that expose large areas of bare soil. Soil-disturbing activities undertaken for development within the Plan Area would be required to obtain a grading permit and very likely would be required to prepare an erosion and sedimentation control plan. With implementation of these standard requirements, the proposed project would not result in significant erosion impacts.

### **No Impact: Soil Instability**

The Plan Area is essentially level, and underlain within about five feet of the surface with dense sands. Groundwater is very deep. This type of soil composition on a level site is not subject to collapse, subsidence, deep-seated landslide, or other significant instability. The geotechnical report does not indicate that soil instability is a concern within the Plan Area.

### **No Impact: Expansive Soils**

Expansive soils are associated with clay content. The Plan Area soils are composed of sandy and gravelly constituents that would not be subject to expansion or shrink-swell characteristics. In the event that site-specific geotechnical reports prepared for building design found potential for soil expansion, this condition can be addressed through the use of suitable foundation designs and soil preparation methods.

### **No Impact: Soils Suitability for Septic Systems**

Septic systems are not proposed within the Plan Area, and the suitability of geologic and soils conditions for septic systems is not relevant to the proposed project.

### No Impact: Mineral Resources

Mineral resources are not addressed in the *Town of Los Gatos 2020 General Plan EIR*. Several limestone quarries operated south of Los Gatos in the late 1800s and early 1900s. The nearest active quarries are the Lexington Quarry, east of Lexington Reservoir, and the Lehigh Permanente and Stevens Creek quarries west of Cupertino. Santa Clara County quarries produce lime for cement production and construction aggregates (Santa Clara County Department of Planning & Development, Planning Office 2011, pages 6-1 to 6-3). There is no active mining within the Plan Area or anywhere within the Town. Mineral resources in the vicinity of the Plan Area are not considered significant.

### No Impact: Consistent with Plan Adopted for Environmental Purposes

The proposed project does not conflict with *Town of Los Gatos 2020 General Plan* geology policies adopted for the purpose of avoiding or mitigating an environmental effect. A preliminary geotechnical report has been prepared in accordance with *Town of Los Gatos 2020 General Plan* policies Policy SAF-1.1, SAF-1.11, and SAF-1.12, and further soils and/or geotechnical reports would be required during the building permitting process. Town of Los Gatos Code sections 12.20.010 and 12.20.050 ensure compliance with *Town of Los Gatos 2020 General Plan* policy ENV-2.2.

## 3.7 GREENHOUSE GAS EMISSIONS

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

The following technical report was prepared for the proposed project and is referenced in this section:

- Illingworth and Rodkin. *North 40 Specific Plan Air Quality and Greenhouse Gas Emissions Assessment Los Gatos, California*. October 22, 2013.

This report is included in [Appendix D](#). No NOP comments were received pertaining to greenhouse gas emissions or climate change.

## ***Environmental Setting***

### **Science of Climate Change**

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

**Causes and Effects of Climate Change.** Temperatures at the Earth's surface increased by an estimated 1.4°F (0.8°C) between 1900 and 2005. The past decade was the warmest of the past 150 years and perhaps the past millennium. The warmest 23 years on record have occurred since 1980. The years of 2005 and 2010 were the warmest on record for the United States (National Oceanic and Atmospheric Administration 2011). Scientific consensus is that this warming is largely the result of emissions of carbon dioxide (CO<sub>2</sub>) and other greenhouse gases from human activities including industrial processes, fossil fuel combustion, and changes in land use, such as deforestation.

Unaddressed, climate change will have significant impacts across the United States and around the world. The generalized potential effects of climate change in California have been summarized by the California EPA in its April 2006 report, *Climate Action Team Report to Governor Schwarzenegger and the Legislature*. Among the key effects are: substantially reduced availability of water supply; temperature increases projected at 8.0 to 10.4 degrees Fahrenheit under more severe emissions scenarios; exacerbation and acceleration of coastal erosion; impacts on surface water quality from seawater intrusion into the Sacramento Delta; general decline in agricultural production resulting from increased scarcity of water supply; increased vulnerability of natural areas and agricultural production from rising temperatures and increases in potential pest infestation; increased growth rates and expanded ranges of weeds, insect pests, and pathogens due to elevated temperatures; increased energy demand, especially during hot summer months; and economic impacts resulting from reduced winter recreation.

Numerous climate change models have been developed since the report was released in 2006. Over time, modelers have been refining the models themselves as well as the inputs to the models in an effort to more precisely project climate change impacts. For example, refined modeling of conditions in the San Francisco Bay Area conducted by Scripps Institute for Oceanography for the California Energy Commission suggests that by the end of the twenty-first century, the range of warming ranges from about 2° Celsius to 6° Celsius (about 3.5° Fahrenheit to 11° Fahrenheit) under one model scenario, with temperatures averaging 1.5° Celsius greater under a second scenario (Cayan, Tyree, and Iacobellis 2012). The California Energy Commission has funded the Cal-Adapt program, which has developed on-line compendium of climate change information for California that, among other things, identifies a range of future global warming scenarios that can be accessed interactively. This information can be found at: <http://cal-adapt.org/page/about-caladapt>.

**Greenhouse Gases.** Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming are carbon dioxide, methane, nitrous oxides, and chlorofluorocarbons. The relative contributions of these GHGs to global warming are summarized in [Table 7, Greenhouse Gas Types and Their Contribution to Global Warming](#).

**Table 7 Greenhouse Gas Types and Their Contribution to Global Warming**

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide (CO <sub>2</sub> )	83.0 percent	Combustion of fuels, solid waste, wood
Methane (CH <sub>4</sub> )	10.3 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxides (N <sub>2</sub> O)	4.5 percent	Combustion of fuels, solid waste; agricultural and industrial processes
Chlorofluorocarbons (CFCs)	2.2 percent	Industrial processes

*Note:* Percentages reflect weighting for global warming potential.

*Source:* Environmental Protection Agency 2011

**Greenhouse Gas Global Warming Potentials.** Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one. Methane has a global warming potential of 21 times that of carbon dioxide and nitrous oxide has a global warming potential of 310 times that of carbon dioxide. The families of chlorofluorocarbons, hydrofluorocarbons and

perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of carbon dioxide. While carbon dioxide represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO<sub>2</sub>e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO<sub>2</sub> as the base reference. This method is useful because it allows comparison of the impacts from many different GHGs, such as methane, perfluorocarbons or nitrous oxide. If a project is a source of several types of GHGs, the individual global warming potentials of each can be standardized and expressed in terms of CO<sub>2</sub>e.

### **Inventories of Greenhouse Gases**

**World/United States Estimates of GHG Emissions.** In 2004, total worldwide GHG emissions were estimated to be 49,000 teragrams carbon dioxide equivalent (Intergovernmental Panel on Climate Change 2007). A teragram equals one million metric tons. In 2009, United States GHG emissions were 6,633.2 teragrams carbon dioxide equivalent (CO<sub>2</sub>e). GHG emissions vary annually due to factors such as weather, economic conditions, and cost of various energy sources. The highest GHG emissions year in the United States was 2007, with total emissions of 7,263 teragrams CO<sub>2</sub>e. In 1990, the year frequently used as a baseline for emissions, GHG emissions in the United States were 6,182 teragrams CO<sub>2</sub>e (United States Environmental Protection Agency 2011).

**California GHG Emissions Inventory.** California is a substantial contributor of global greenhouse gases. Based on CARB's most recent state GHG inventory, a net of about 451.6 million tons of carbon dioxide (CO<sub>2</sub>) equivalents (CO<sub>2</sub>e) were generated in 2010 (California Air Resources Board 2013b). In 2010, about 38 percent of all GHG gases emitted in the state came from the transportation sector. Electric power generation (in state generation and out of state generation for imported electricity) and industrial uses were the second and third largest categories at about 21 percent and 19 percent, respectively. The commercial and residential use sectors combined to generate about ten percent of the 2010 emissions, while the agricultural sector contributed about seven percent. Other sources include high global warming potential gases at about three percent and landfill waste emissions at about two percent of the total state inventory.

**Bay Area and Santa Clara County GHG Emissions Inventory.** The Air District has developed an emission inventory for the Bay Area that includes direct and indirect GHG emissions due to human activities. The emissions are estimated for industrial, commercial, transportation, residential, forestry, and agriculture activities. Both direct GHG emissions from locally generated electricity in the Bay Area and indirect emissions from out-of-region generated electricity for consumption in the region are reported. The Bay Area's GHG inventory as of the 1990 baseline year was 87.7 million metric tons CO<sub>2</sub>e per year. In 2007, 95.8 million metric tons CO<sub>2</sub>e were emitted by the Bay Area, including 88.7 million metric tons CO<sub>2</sub>e within the Air District boundaries and 7.1 million metric tons CO<sub>2</sub>e from imported electricity. Transportation and commercial/industrial sectors each comprise 36.4 percent of the total. Electricity generation comprises 15.9 percent, residential fuels comprise 7.1 percent, and the remainder is attributable to off-road equipment and agriculture. Under a business-as-usual scenario, 2020 GHG emissions are projected to increase to 115.4 million metric tons per year. For Santa Clara County, GHG emissions in 2007 were 18.8 million metric tons, of which 42 percent were from transportation and 25 percent were from commercial/industrial sectors (Bay Area Air Quality Management District 2010b).

## **Policy and Regulation**

### **International and Federal**

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess “the scientific, technical, and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.”

In March 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change. Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

The Kyoto Protocol, which went into effect in February 2005, was an outcome of the United Nations Framework Convention on Climate Change. Countries that sign the Kyoto Protocol are required to demonstrate their commitment to reduce their emissions of GHGs or engage in emissions trading. About 170 countries had, at one point, signed the Kyoto Protocol. Industrialized countries are required to reduce their GHG emissions by an average of five percent below their 1990 levels by 2012. The United States Senate approved a non-binding

“Sense of the Senate” resolution in July 1997 by a margin of 95-0 that expressed opposition to the treaty’s provisions, most notably the disparity in GHG emissions reduction obligations between industrialized nations and developing nations. In 2001, the President indicated that he would not submit the treaty to the United States Senate for ratification, which effectively ended American involvement in the Kyoto Protocol. International leaders have since met periodically to address the future of international climate change commitments.

Coinciding with the opening of the Copenhagen Climate Conference, in December 2009, the EPA issued an Endangerment Finding under Section 202(a) of the Clean Air Act, opening the door to federal regulation of GHGs. The Endangerment Finding notes that GHGs threaten public health and welfare and are subject to regulation under the Clean Air Act. The final findings were published in the Federal Register on December 15, 2009 and became effective on January 14, 2010.

Federal regulation of GHGs can occur through other means, such as fuel efficiency standards. A new national policy to increase fuel economy for all new cars and trucks sold in the United States has been put into place. The new standards would cover model years 2012 through 2016, and would require an average fuel economy standard of 35.5 miles per gallon in 2016. The U.S. EPA and the National Highway Traffic Safety Administration, on behalf of the U.S. Department of Transportation, released a notice of intent to conduct joint rulemaking to establish vehicle GHG emissions and fuel economy standards in May 2009. The final standards were adopted by the EPA and the Department of Transportation on April 1, 2010.

## **State**

For projects being undertaken in California, the CEQA process is used as a primary tool in the analysis of climate change impacts. California’s policy and regulatory guidance has grown out of the state’s effort to meet goals under landmark Assembly Bill 32 (AB 32), the Global Warming Solutions Act, which was passed in 2006. Several other legislative acts, executive orders, and opinions from the California State Attorney General have provided further GHG emissions reduction guidance and reinforced CEQA as the appropriate evaluation tool for assessing climate change impacts of new development.

**California Assembly Bill 32.** The California Global Warming Solutions Act of 2006 requires CARB to adopt rules and regulations that would achieve GHG emissions equivalent to statewide levels in 1990 by 2020. Among its key components are:

- Identify a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit;

- Adopt a statewide GHG emissions limit that is equivalent to the 1990 level (an approximate 25 percent reduction in existing statewide GHG emissions);
- Adopt regulations to implement the early action GHG emission reduction measures;
- Adopt quantifiable, verifiable and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by 2020, to become operative on January 1, 2012 at the latest; and
- Monitor compliance with and enforce adopted emission reduction measures.

The state is continuing to work to meet the milestones for implementing AB 32.

**Scoping Plan.** CARB's AB 32 Scoping Plan was adopted in May 2009, and presents the main strategies California is pursuing to reduce greenhouse gas emissions. The 2020 target is 427 million metric tons per year, a reduction of approximately 169 million metric tons per year (approximately 30 percent) from the projected 2020 emissions level of 596 million metric tons under a business-as-usual scenario. The strategies address reduced emissions for light-duty vehicles; the Low-Carbon Fuel Standard; a range of energy efficiency measures including building and appliance energy efficiency; increased share of electricity generated by renewable sources; and implementation of a cap-and-trade program.

With regard to land use planning, the Scoping Plan expects a five million metric ton reduction of CO<sub>2</sub>e will be achieved associated with implementation of Senate Bill (SB) 375, discussed further below. AB 32 does not mandate action at the local level. However, the Scoping Plan directs local agencies to strive for GHG emissions reductions within their boundaries by 15 percent from 2008 levels by 2020 to help achieve emissions reductions needed to meet AB 32 goals.

Since the Scoping Plan was adopted, many of the measures included in it have been implemented or are in the process of being implemented. Among the most notable are implementation of the Low Carbon Fuel Standard and a GHG emissions cap-and-trade program. Under cap-and-trade, an overall limit on GHG emissions from capped sectors has been established and facilities subject to the cap will be able to trade permits (allowances) to emit GHGs. The cap-and-trade program started in January 2012, with enforceable compliance obligations after January 2013. The program applies to facilities that comprise 85 percent of the state's GHG emissions.

In August 2011, CARB released a Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document (California Air Resources Board 2011). The Final Supplement was prepared to provide a more in-depth analysis of the five alternatives to the Scoping Plan that were originally included in that document. The supplemental analysis was conducted in response to litigation brought against CARB which challenged the adequacy of the alternatives

analysis contained in the Scoping Plan. The Final Supplement includes an update of the business-as-usual GHG emissions projections that were contained in the Scoping Plan. The update accounts for the economic downturn conditions and for reduction measures from the Scoping Plan that are already in place. The updated 2020 business-as-usual emissions forecast of 507 million metric tons CO<sub>2</sub>e is lower than the 2008 AB 32 Scoping Plan forecast. With the updated forecast, only a 16 percent reduction below business-as-usual levels would be needed to return to 1990 levels (e.g. 427 million metric tons CO<sub>2</sub>e) by 2020.

The AB-32 Scoping Plan is updated every five years. CARB released a draft update to the AB-32 Scoping Plan in February 2014. Adoption of the update is anticipated in during 2014. The AB-32 Scoping Plan update addresses eight sectors for ongoing action: energy; transportation, fuels, land use, and infrastructure; agriculture; water; waste management; natural lands; short-lived climate pollutants (such as methane and black carbon); and green buildings.

**California Senate Bill 97.** Senate Bill 97 (SB 97), signed in August 2007, directed the development of new CEQA guidelines for the feasible mitigation of GHG emissions within environmental documents. The California Office of Planning and Research instituted the new CEQA guidelines in January 2010. Prior to that, in June 2008, the California Office of Planning and Research released *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, a Technical Advisory recommending an analysis methodology that includes: 1) identifying sources of GHG emissions; 2) making a good-faith effort to calculate, model, or estimate the amount of GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities; 3) determining the significance of the project GHG emissions; and 4) identifying and adopting feasible mitigation measures to reduce the identified impact if it is determined to be significant.

**California Senate Bill 375.** This 2008 bill sets forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region for the years 2020 and 2035. Regional organizations for each metropolitan area are responsible for working with CARB to set the reduction targets and to implement programs. SB 375 aligns the following: 1) regional transportation plans and policies; 2) housing policies and housing allocations; and 3) GHG emissions reductions for the transportation sector (passenger vehicles and light trucks). The regional transportation plans recently completed or currently under development must comply with the SB 375 requirements.

**California Building Codes.** California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The standards were most recently updated in

January 2010. Energy efficient buildings require less electricity, natural gas, and other fuels, the use of which creates GHG emissions. Since initial adoption in 1978, California's per capita building energy use has increased about nine percent, while the national per capita building energy use has increased by more than 50 percent (California Energy Commission 2008). The California Green Building Standards Code (also known as CALGreen took effect in January 2011. Mandatory provisions for non-residential development include bicycle parking and designation of parking spaces for low-emitting, fuel efficient, carpool, and vanpool vehicles. Both residential and non-residential development is required to use low-volatile organic gas emitting finish materials. These comprehensive regulations are intended to achieve major reductions in greenhouse gas emissions, energy consumption, and water use.

The California Public Utilities Commission adopted the Long Term Energy Efficiency Strategic Plan in 2008. The Long Term Energy Efficiency Strategic Plan presents specific near-term, mid-term, and long-term strategies to assist in achieving the following four long-term energy efficiency goals:

1. New residential construction in California will be zero net energy by 2020;
2. New commercial construction in California will be zero net energy by 2030;
3. Heating, ventilation and air conditioning will have energy performance that is optimal for California's climate; and
4. Eligible low-income customers will be given the opportunity to participate in the low income energy efficiency program by 2020.

**California Assembly Bill No. 1493.** AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. CARB estimates that the regulation will reduce GHG emissions from the light-duty/passenger vehicle fleet by 18 percent in 2020 and by 27 percent in 2030, compared to today.

**Renewable Energy Legislation/Orders.** The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The renewable electricity standard is projected to reduce greenhouse gas emissions from the electricity sector by at least 12 million metric tons CO<sub>2</sub>e in 2020.

**Executive Order S-3-05.** Governor Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, GHG emission reduction targets as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. Some literature equates these reductions to 11 percent by 2010 and 25 percent by 2020.

**Executive Order S-01-07.** Issued on January 18, 2007, this order mandates that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 and that a Low Carbon Fuel Standard for transportation fuels also be established.

**Executive Order S-13-08.** This Executive Order enhances the state's management of climate impacts from sea level rise, increased temperatures, shifting precipitation and extreme weather events. The California Natural Resources Agency adopted the 2009 California Climate Adaptation Strategy in 2010 to provide guidance to state and local agencies on planning for the impacts and risks of climate change. An update to this report was initiated in 2013 and is planned for release to the public as a draft for comment by the end of 2013 (California Climate Change Portal 2013).

## Regional

The Air District established a climate protection program in 2005 to explicitly acknowledge the link between climate change and air quality. The Air District has published comprehensive guidance on evaluating, determining significance of, and mitigating GHG impacts of projects and plans. The Air District's guidance is contained in its CEQA Air Quality Guidelines. The 2010 version of the CEQA Air Quality Guidelines was the first to include draft thresholds of significance for GHG emissions and screening criteria designed to assess project types and intensities whose GHG emissions would not exceed the project-specific operational source GHG standards of significance. These were retained when the Air District updated the CEQA Air Quality Guidelines in 2011. The Air District also adopted the 2010 Clean Air Plan, which although not directed specifically at GHG emissions reductions, includes air quality strategies that would also benefit GHG emission reductions. In 2008 the Air District adopted a GHG fee that is added to the permit fee for stationary source air pollutant emissions permits.

## Town of Los Gatos

The *Town of Los Gatos 2020 General Plan* includes a number of policies to address greenhouse gas emissions at the local level. Most applicable to the proposed project are the following policies:

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to greenhouse gas emissions are applicable to the proposed project.

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

m. Energy efficiency

**Policy HOU-8.1** Encourage sustainable housing development throughout the Town using the Town's voluntary green building program by continuing to require that all residential development applications complete the Build It Green GreenPoint Rated Checklist as part of the development application package.

**Policy HOU-8.2** Promote the construction of energy efficient new homes utilizing the Energy Star Homes Program.

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

**Goal ENV-14** To reduce overall greenhouse gas (GHG) emissions to 1990 levels by 2020.

**Goal ENV-16** To foster development that reduces the use of nonrenewable energy resources and expands the use of renewable resources and alternative fuels.

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

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

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

**Goal ENV-17** To promote green buildings that minimize consumption of energy and natural resources.

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

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

- Adopt the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating system and Build It Green's GreenPoint Rated System (residential) as the official green building standards.
- Require the submittal of a completed LEED or GreenPoint Rated checklist as part of a planning application.
- Adopt a policy for achieving LEED Silver certification or better for all new public construction and renovation projects over 5,000 square feet.

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

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

The Town's adoption of the *Los Gatos Sustainability Plan* on October 15, 2012 encompassed these steps. The *Los Gatos Sustainability Plan* 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* should reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020. CEQA Section 15183.5 states that compliance with the requirements of a plan to reduce greenhouse gas emissions may be sufficient to mitigate greenhouse gas emissions from individual projects to less-than-significant levels.

The following *Los Gatos Sustainability Plan* policies are applicable to the proposed project [some are abridged]:

**TR-1 Support for Pedestrians, Bicyclists, and Transit.** Promote walking, bicycling, and transit through the following:

- a. Require all new buildings, excluding single-family homes, to include a principal functional entry that faces a public space such as a street, square, park, paseo, or plaza, in addition to any entrance from a parking lot, to encourage pedestrian foot traffic.
- b. Require new projects, excluding single-family homes, to include pedestrian or bicycle through-connections to existing sidewalks and existing or future bicycle facilities, unless prohibited by topographical conditions.
- e. Implement transit access improvements through sidewalk/crosswalk safety enhancements and bus shelter improvements.

**TR-2 North Forty Area Land Uses.** Require a variety of local-serving commercial uses and encourage mixed-use development in the North Forty area, reducing VMT.

#### **TR-4 Bicycle Facilities and Programs**

- a. Install new bicycle facilities throughout the existing Town street network to close bicycle network gaps, as identified in General Plan.
- b. Require bicycle parking facilities and on-site showers in major nonresidential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.

#### **TR-6 Vehicle Circulation, Parking, and Idling Reduction Programs.**

Support trip reduction and the use of electric vehicles through the following:

- a. Encourage a voluntary Employer Commute Trip Reduction Program for new and existing development. This would be a multi-strategy program that encompasses a combination of individual measures, such as ride-share programs, discounted transit programs, end-of-trip facilities (e.g., showers and lockers), encouraging telecommuting, and preferential parking permit programs. As part of this program, encourage employers to allow commuters to pay for transit with pre-tax dollars.

b. Encourage new non-residential development to include designated or preferred parking for vanpools, carpools, and electric vehicles.

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

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

**RE-2 New Solar Homes Partnership.** Require that residential projects of six units or more participate in the California Energy Commission's New Solar Homes Partnership, which provides rebates to developers of six units or more who offer solar power in 50 percent of new units and is a component of the California Solar Initiative, or a similar program with solar power requirements equal to or greater than those of the California Energy Commission's New Solar Homes Partnership.

**RE-3 Renewable Energy Generation in Projects.** Require that new or major rehabilitations of commercial, office, or industrial development greater than or equal to 20,000 square feet in size incorporate solar or other renewable energy generation to provide 15 percent or more of the project's energy needs. Major rehabilitations are defined as remodeling/additions of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area. Remove regulatory barriers to incorporating renewable energy generation.

**RE-5 Solar Ready Features.** Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include: proper solar orientation (i.e. south facing roof area sloped at 20° to 55° from the horizontal); clear access on the south sloped roof (i.e. no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.

**EC-1 Energy-Efficient Appliances and Lighting.** Require new development to use energy-efficient appliances that meet Energy Star standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.

**EC-3 Energy-Efficient Outdoor Lighting.** Require outdoor lighting fixtures to be energy-efficient. Require parking lot light fixtures and light fixtures on buildings to be on full cut-off fixtures, except emergency exit or safety lighting, and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch. Prohibit continuous all night outdoor lighting in construction sites unless required for security reasons. Revise the Town Code to include these requirements.

**EC-10 Heat Gain Reduction.** Require all new development and major rehabilitation (i.e. additions or remodels of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area) projects to incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29.

**WW-1 Water Use and Efficiency Requirements.** For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.

**WW-3 Bay Friendly Landscaping.** Require new development to use native plants or other appropriate noninvasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org.

**SW-2 Recycling Areas in Multi-Family Developments.** Require all new and significant redevelopments/remodels of existing multifamily developments to provide recycling areas for their residents within existing trash areas. Significant redevelopments and remodels include those that add or change 50 percent or more of the square footage or wall area.

**OS-2 Garden Areas in New Development.** Encourage significant new residential developments over 50 units to include space that can be used to grow food.

## **Standards of Significance**

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

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

The Air District's 2011 CEQA Air Quality Guidelines thresholds are as follows:

- Compliance with a qualified Climate Action Plan (*Los Gatos Sustainability Plan* is not a qualified Climate Action Plan); or
- Meet one of the following thresholds:
  - 1,100 metric tons CO<sub>2</sub>e/year; or
  - 4.6 metric tons CO<sub>2</sub>e per service population (residents and employees) per year (a standard of 6.6 metric tons CO<sub>2</sub>e per service population is provided for plans).

## Analysis, Impacts, and Mitigation

### Less-than-Significant Impact: Greenhouse Gas Emissions

Illingworth and Rodkin prepared a greenhouse gas analysis for build-out of the Draft Specific Plan. The analysis projects the greenhouse gas emissions and compares those to the anticipated service population of the Plan Area. An analysis was prepared for development scenario A and development scenario B. CalEEMod modeling was conducted for build-out in 2022. Because vehicular emissions would be lower each year, modeling for a later year would result in a lower level of greenhouse gas emissions. Trip generation was based on the transportation impact analysis. The model's default energy consumption rates were used, and the PG&E carbon dioxide intensity rate was adjusted to reflect projected 2020 intensities. Projected greenhouse gas emissions are presented in [Table 8, Operational Greenhouse Gas Emissions Estimate \(Metric Tons CO<sub>2</sub>e\)](#).

**Table 8 Operational Greenhouse Gas Emissions Estimate (Metric Tons CO<sub>2</sub>e)**

Source Category	Development Scenario A	Development Scenario B
Area	23.8	23.8
Energy Consumption	2,306.5	2,098.3
Mobile	9,948.2	10,046.6
Solid Waste Generation	600.2	333.1
Water Usage	146.6	128.8
<b>Total Emissions</b>	<b>13,025.3</b>	<b>12,630.6</b>
Service Population	2,355	2,203
<b>Per Capita Emissions</b>	<b>5.5</b>	<b>5.7</b>

*Source:* Illingworth and Rodkin 2013

*Note:* CO<sub>2</sub>e = carbon dioxide equivalents

Under both development scenarios, the greenhouse gas emissions per capita per year would be below the Air District threshold of 6.6 metric tons of CO<sub>2</sub>e per capita per year. Therefore, the impact is less than significant.

The Plan Area includes an established orchard and landscape trees that would be removed. The loss of future sequestration potential would be slightly greater than the additional sequestration potential from new trees and landscaping. The orchard occupies slightly less than two-thirds of the Plan Area (approximately 27 acres), and is planted at a low density, as evident on aerial

photographs. Assuming a density of about one-third, the orchard tree canopy would cover about nine acres. The Draft Specific Plan reserves a minimum of 20 percent (8.8 acres) of the Plan Area as planted green open space. Although some of this area would be planted in low-sequestration plantings such as groundcovers, the reduction in tree cover area would not result in a significant change in sequestration potential and greenhouse gas increases.

GHG emissions associated with construction were assumed to occur in 2015 through 2021. Under this scenario, build-out of the Plan Area would emit up to 477 metric tons of CO<sub>2</sub>e under Alternative A or 488 metric tons of CO<sub>2</sub>e under Alternative B (both in 2020) annually. Neither the Town of Los Gatos nor the Air District have quantified GHG thresholds for construction activities. However, these emission levels would be less than the Air District's project operational threshold of 1,100 MT of CO<sub>2</sub>e per year.

### **No Impact: General Plan or Greenhouse Gas Reduction Plan Inconsistency**

The *Town of Los Gatos 2020 General Plan EIR* states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. The *Town of Los Gatos 2020 General Plan EIR* concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level. The Town has taken several steps toward implementing greenhouse gas reduction efforts. The Town has documented its 2005 greenhouse gas inventory, and the Town adopted the *Los Gatos Sustainability Plan* in October 2012. The Town of Los Gatos does not specifically have a greenhouse gas emissions reduction plan; however, policies cited earlier, from both the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Sustainability Plan*, include measures that would reduce greenhouse gas emissions. When implemented, the Town intends that compliance with the *Los Gatos Sustainability Plan* and its implementing actions will be sufficient by itself to reduce projects' greenhouse gas emissions to less-than-significant levels.

Some *Los Gatos Sustainability Plan* policies are to be implemented by the Town or community, and not all of these can be immediately implemented. As examples, installation of solar energy on Town buildings or conversion the Town's vehicle fleet to low-emission vehicles would likely take place over many years as funding allows. Actions already taken by the Town include adoption of the Green Building Standards Code and use of the BuildItGreen checklist for permit applications; development within the Plan Area would be required to comply with these Town building requirements. Project developers are responsible for implementation of many of the *Los Gatos Sustainability Plan* policies, and these will be implemented as new projects are approved and developed. The proposed project would implement many of the *Los Gatos Sustainability Plan* policies, and would not conflict with policies designed to reduce GHG emissions.

## 3.8 HAZARDS AND HAZARDOUS MATERIALS

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant impacts related to hazards or hazardous materials. The following technical reports were prepared for the proposed project and are referenced in this section:

- Engeo. *Phase I Environmental Site Assessment North 40 Project Los Gatos, California*. January 11, 2013 (a).
- Engeo. *North 40 Project Los Gatos, California Phase II Environmental Site Assessment*. January 11, 2013 (b).
- Treadwell and Rollo. *Preliminary Geotechnical Investigation Los Gatos North Forty, Los Gatos, California*. January 18, 2010 (a).
- Treadwell and Rollo. *Phase I Environmental Site Assessment Los Gatos North 40 Los Gatos, California*. February 9, 2010 (b).
- Treadwell and Rollo. *Environmental Site Characterization Los Gatos North 40 Los Gatos, California*. February 9, 2010 (c).

The geotechnical reports are included in [Appendix H](#). The environmental hazards assessment reports are included in [Appendix I](#). The County of Santa Clara Department of Environmental Health, Solid Waste, and Site Mitigation Programs indicated sources for additional information on toxic contamination in its response to the NOP.

### **Environmental Setting**

The majority of the Plan Area has been in agricultural use since at least the 1930s. Chemical storage tanks have been located in the Plan Area for a portion of that time. Several uses near the Plan Area have involved the use of hazardous chemicals.

### **Historic Uses of the Plan Area and Vicinity**

The Plan Area was part of a large land grant, but by 1876, maps show the land grant divided into numerous parcels; one of these parcels was owned by the Walker family and included the Plan Area. Portions of this parcel were further subdivided through the early 1900s, but the Walkers held most of the land into the 1930s or 1940s, when the Yuki family began acquiring parcels (Carey and Company, Inc. 2011, General Plan page CD-14). The date at which agricultural use of the Plan Area began is not known, but is likely between the 1880s and the 1930s (refer to Section 3.2 Agricultural Resources). Pesticides, fuels, oils, and other chemicals have been used in the Plan Area during its use for agricultural purposes. Aerial photographs

dating back to 1939 suggest that the Plan Area has been predominantly, but not exclusively, used for orchards. Portions of the Plan Area began to be developed with urban uses in the 1950s. Right-of-way for the State Route 17 freeway was acquired in 1956, and the freeway was constructed over the following several years (Treadwell and Rollo 2010b and Engeo 2013a). The gasoline station at the corner of Lark Avenue and Los Gatos Boulevard was constructed in 1956 (Carey and Company, Inc. 2011).

### **On-site Hazardous Materials**

At least eight chemical storage tanks are known to exist, or to have existed, within the Plan Area. Two underground storage tanks used in the farming operations – a 1,000-gallon gasoline tank and a 500-gallon abandoned tank for unknown material) were removed from the Plan Area in August 1993. Subsequent soil sampling indicated that toluene was detected, but toxic chemicals were not present in levels exceeding the allowable levels (Treadwell and Rollo 2010b, page 7). Two aboveground storage tanks currently exist as part of the farming operation in the Plan Area. A 1,000-gallon diesel tank with secondary containment provides fuel for agricultural equipment used in the Plan Area. A smaller storage tank is located at the northern part of the Plan Area; the size and contents are not identified in the Phase I environmental site assessment (Engeo 2013a, page 19). Three underground gasoline storage tanks and an underground waste oil tank are located at the gasoline station at the corner of Los Gatos Boulevard and Lark Avenue. The gasoline tanks measure 6,000, 8,000, and 10,000 gallons, and the waste oil tank measures 1,000 gallons. No leaks are known to have occurred from the tanks at the gasoline station (Treadwell and Rollo 2010b, page 8).

Several soil samples collected from the orchard exhibited trace detectable concentrations of several organochlorine pesticide analytes, including DDE and DDT; however, these concentrations were below environmental screening levels established by the Regional Water Quality Control Board (RWQCB) for residential land uses. None of the surface samples exhibited detectable concentrations of arsenic. Because the Plan Area is adjacent to a major freeway, disposition of lead from fuel combustion is a potential concern. Eight soil samples collected adjacent to the State Route 17 right-of-way and Lark Avenue interchange exhibited detectable lead concentrations. These concentrations ranged from 9.9 to 39 milligrams per kilogram (mg/kg), which is below the screening level (Engeo 2013b, page 5).

### **Off-site Source Hazardous Materials**

The most significant off-site hazardous materials issue concerns four leaking 10,000-gallon underground gasoline storage tanks, formerly located at the Lark Avenue Car Wash on Lark Avenue, just west of Los Gatos Boulevard. The investigation of this site began in 1989, the tanks were removed in 1992, and remediation is ongoing. Remediation is overseen by the Department

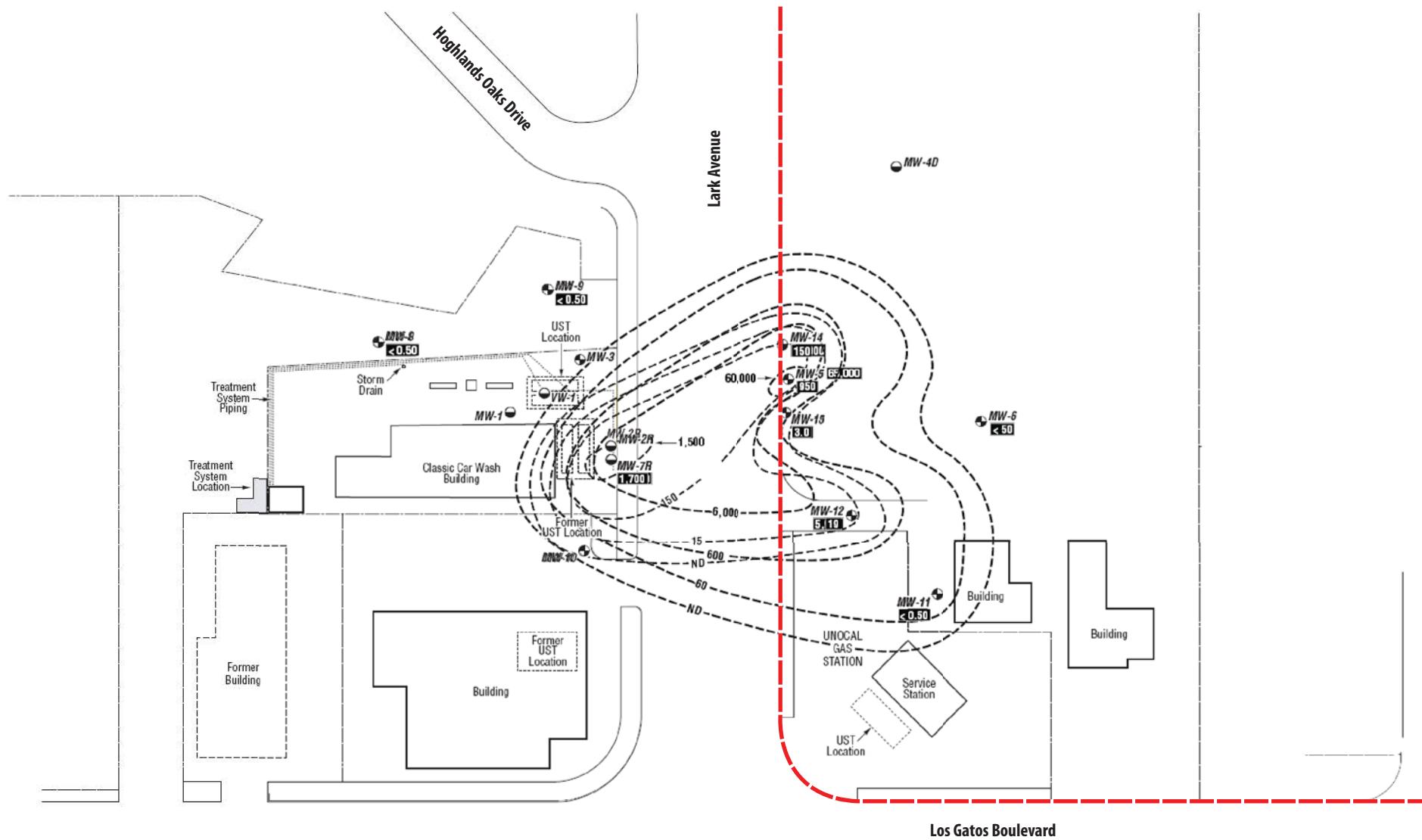
of Toxic Substances Control (Case T0608500398) and the County of Santa Clara Department of Environmental Health, Solid Waste, and Site Mitigation Programs (Case 08S1W10L01f). The toxic plume from this leak extends into the south end of the Plan Area near Lark Avenue. There are four monitoring wells within the Plan Area, one of which has detected contaminants. Contaminants have been removed from this monitoring well from time to time. Some contaminants extend up to 120 feet into the Plan Area (Geocon Consultants Inc. 2013).

[Figure 17, Groundwater Contamination Plumes](#), shows the extent of the groundwater contamination within the Plan Area. The contaminants of concern are benzene, gasoline, MTBE / TBA / other fuel oxygenates, toluene, and xylene (California Department of Toxic Substances Control 2013, records for Lark Avenue Car Wash, Case T0608500398). Analysis of Plan Area soil samples confirmed the presence of contaminants in the area of the toxic plume, but not at levels in excess of standards (Engeo 2013b, page 6). The shallowest groundwater recorded over a 15-year period in the seven monitoring wells within the Plan Area is 59 feet below the ground surface with a range of 59 to 106 feet below ground surface (California Department of Toxic Substances Control 2013, records for Lark Avenue Car Wash, Case T0608500398; Geocon Consultants 2013, table 3). The second Phase II report prepared for the Plan Area concluded that constraints to development would arise only if groundwater were to be used, for example for domestic use or during construction (Engeo 2013b, page 6).

Several other investigations and remediation actions have been required within one-quarter mile of the Plan Area, and all of those cases are now remediated and closed. Two closed hazardous materials cleanup sites are located along Los Gatos Boulevard opposite the Plan Area. Three closed hazardous materials cleanup sites are located within one-quarter mile along Los Gatos Boulevard south of the Plan Area. A site east of State Route 85 was assessed and no action was required (California Department of Toxic Substances Control 2013).

## Other Hazards

The Plan Area is not located within a high fire hazard zone (California Department of Forestry and Fire Protection 2007) or within a dam failure inundation area (Association of Bay Area Governments 2013a). The predicted inundation area from failure at the Lexington Reservoir is to the west of State Route 17. The Plan Area is identified as being within a 500-year flood zone (Association of Bay Area Governments 2013b). A 500-year flood zone has an approximate 0.2 percent chance of flooding in any given year. The Plan Area is not near the ocean or any large body of water, so seiches or tsunamis are not possible within the Plan Area.



not to scale

Project Boundary

TPHg/Benzene Isoconcentration Contour

Source: Geocon 2013

E

M

C

Figure 17  
Groundwater Contamination Plumes  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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## **Policy and Regulation**

### **Federal Hazardous Materials Regulation**

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

### **State and County**

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

### **Cortese List**

The Cortese list was authorized by the state legislature in 1985. A list (actually a series of lists) of various types of hazardous materials is compiled by several agencies as directed by the statute.

**Government Code Section 65962.5. (a)** The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

(3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

(4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

(5) All sites included in the Abandoned Site Assessment Program.

**Government Code Section 65962.5.** (c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.

(3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

## **Town of Los Gatos**

The *Town of Los Gatos 2020 General Plan* includes goals and policies relating to wildfire and flooding hazards, but those are not applicable at the Plan Area. The following *Town of Los Gatos 2020 General Plan* goals or policies relating to hazards and hazardous materials are applicable to the proposed project:

**Goal SAF-5 To reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazards related to hazardous materials.**

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

## ***Standards of Significance***

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

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

## ***Analysis, Impacts, and Mitigation***

### **No Impact: Transport, Use, or Disposal of Hazardous Materials**

The proposed project does not involve the types of land uses that would transport these materials. The Draft Specific Plan land uses in the will be residential, commercial, and retail. These are uses which will not involve the transport, storage, or use of significant quantities of hazardous materials. The existing gasoline station, which involves the transport of gasoline in large quantities, would continue to operate; however, no new land uses of this type would be introduced to the Plan Area.

### **No Impact: Release of Hazardous Materials into the Environment**

The Draft Specific Plan land uses in the will be residential, commercial, and retail. These are uses from which the release of hazardous materials into the environment would not occur.

### **No Impact: Hazardous Materials within One-quarter Mile of a School**

One private school, the Yahneh Day School, is located with one quarter mile of the Plan Area. However, as discussed above, new uses to be allowed within the Plan Area would not involve the transport, storage, or use of significant quantities of hazardous materials.

### **Less-than-Significant Impact with Mitigation: Project on a Hazardous Materials Site**

A search of the Envirostor and Geotracker databases indicates that no Cortese List sites are located within the Plan Area (California Department of Toxic Substances Control 2013, California Department of Water Resources 2013). There are two facilities within the Plan Area permitted to handle and dispose of hazardous waste materials: Yuki Farms and the gasoline station, each of which generates less than 100 kilograms of hazardous waste per year. The Plan Area is not the site of a toxic materials spill, but has been affected by migration of toxic materials that spilled on an adjacent site, the Lark Avenue Car Wash located on the opposite side of Lark Avenue. The hazardous materials reports prepared for the Plan Area concluded that constraints to development would arise only if on-site groundwater were to be used, for example for domestic use or during construction. The surface and near-surface soils are considered suitable for residential uses (Engeo 2013b, page 6). The proposed project would utilize water provided by the San Jose Water Company; no groundwater is proposed to be extracted from within the Plan Area.

Levels of pesticide residue, lead, and arsenic are below the environmental screening threshold, and do not pose a danger to health.

Street, building, and utility improvements at the south end of the Plan Area, and off-site water pipeline improvements within and south of Lark Avenue would occur in soils within the boundary of the contamination plume from the leaking underground gasoline storage tanks formerly located at the Lark Avenue Car Wash. Remediation of the Lark Avenue Car Wash fuel leak is not yet complete. Soils and groundwater contaminants could include petroleum hydrocarbons, heavy metals, and other toxic substances. Disturbance of these soils for project improvements could result in the release of toxic materials, which could expose construction workers to adverse health effects, or result in transport of toxic materials in storm water. Contaminated soils could be inadvertently transported to other locations. This is a potentially significant impact. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

## **Mitigation Measure**

*HAZ-1. Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.*

## **No Impact: Airport Safety Hazard**

The Plan Area is not within an Airport Land Use Plan, is not within two miles of a public airport, and is not near a private landing strip (Google Inc. 2013). The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos (Norman Mineta San Jose International Airport 2013).

## **No Impact: Interference with an Emergency Plan**

The *Santa Clara County Operational Area Emergency Operations Plan* outlines administrative response protocols. No evacuation routes or assembly locations are identified (Santa Clara County Office of the County Executive 2008). 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 (Town of Los Gatos 2010a). The proposed project would not interfere with implementation of the emergency operations plans. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies. The Plan

Area is adjacent to major thoroughfares and a major hospital, and within one mile of three other hospitals and the local fire station. However, the proposed project would not impair access to these roads or facilities or interfere with response during an emergency.

### **No Impact: Wildlands Fire**

The Plan Area is classified as a non-Very High Fire Hazard Severity Zone, within the local responsibility area. Areas with this classification have a low potential for wildlands fires (California Department of Forestry and Fire Prevention 2007).

## **3.9 HYDROLOGY AND WATER QUALITY**

The *Town of Los Gatos 2020 General Plan* did not identify any significant impacts related to hydrology and water quality. The following technical reports were prepared for the proposed project and are referenced in this section:

- ESA PWA. Memorandum: *Hydrograph Modification and Sediment Transport Analysis for the North 40 Project*. April 22, 2013.
- Schaaf and Wheeler. *North 40 Drainage Study*. October 27, 2010.
- MacKay and Somp. *Memorandum: North 40 Hydrology Summary*. April 29, 2013.
- San Jose Water Company. *San Jose Water Company Town of Los Gatos North 40 Development Water Supply Assessment*. July 2013.

These reports are included in [Appendix J](#). No NOP comments were received relating to hydrology and water quality.

### **Environmental Setting**

#### **Groundwater and Water Supply**

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

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

Because only about half the water used within Santa Clara County comes from local aquifers, other water sources are critical to management of water supply within the groundwater basins. After groundwater, treated local and imported surface water represents the second largest share, from 30 to 38 percent of total water use. Imported water comes from the federal Central Valley Project (San Felipe Pipeline) and the State Water Project (South Bay Aqueduct). The Santa Clara Valley Water District participates in an out-of-county banking program with the Semitropic Water Storage District, which allows banking of excess import supply in wet years and receipt of “in lieu” water (extra deliveries through the State Water Project conveyance system), in dry years. The Santa Clara Valley Water District had 264,800 acre-feet of water in storage at the Semitropic Water Storage District as of January 2011, and can withdraw a portion of that water as needed. The Santa Clara Valley Water District operates three treatment plants, including the Rinconada Plant, about one-half mile north of the Plan Area. San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water (approximately five percent) and other non-Santa Clara Valley Water District local surface water (approximately four to five percent). The Santa Clara Valley Water District treats and supplies water to local retail water agencies which in turn provide it to their customers in Santa Clara County. The Santa Clara Valley Water District also manages the groundwater basin to the benefit of agricultural users and individual well owners who pump groundwater (Santa Clara Valley Water District 2011, pages 2-9, 3-1, 3-8, 3-18).

For additional information on water infrastructure and distribution, and the San Jose Water Company operations, refer to Section 3.15 Utilities and Service Systems.

## **Surface Drainage**

**Watershed.** The Plan Area is within the Guadalupe Watershed. The Guadalupe Watershed is 170 square miles in area and includes the cities of San Jose, Santa Clara, Campbell, and Monte Sereno, and the Town of Los Gatos. The Guadalupe, Los Gatos, Ross, Alamitos, and Canoas creeks are located in the Guadalupe Watershed. Surface water in the Guadalupe Watershed originates as high as the ridgeline of the Santa Cruz Mountains on both sides of State Route 17,

and ultimately flows into the southern portion of the San Francisco Bay near Alviso. Los Gatos Creek has a drainage area of about 55 square miles above its confluence with the Guadalupe River. Lexington Reservoir is located upstream on Los Gatos Creek and has a storage capacity of 20,250 acre feet. The drainage area above Lexington Reservoir is 37.5 square miles (Santa Clara Valley Water District 1999). Water resources within the Guadalupe Watershed are managed by the Santa Clara Valley Water District, which operates five of the six dams and reservoirs located within the watershed (Santa Clara Valley Water District 2013). The reservoirs' primary purpose is control of downstream flow rates, including flood protection during the winter and enhanced percolation during the summer (Santa Clara Valley Water District 1999). The Santa Clara Valley Water District operates several percolation ponds within the watershed, including the ponds along Los Gatos Creek one-half mile north of the Plan Area.

**Plan Area and Vicinity Drainage.** The Plan Area is essentially level and about two thirds of the Plan Area is undeveloped. Within the undeveloped area, much of the rainfall percolates into the soil; remaining surface waters eventually sheet flow to the north end of the Plan Area, where a connection to the Caltrans highway right-of-way allows flow into a drainage system along State Route 85 and State Route 17. Run-off water captured by this system is discharged into Los Gatos Creek north of State Route 85. Storm water drainage from most of the developed areas of the Plan Area, as well as properties on the opposite side of Los Gatos Boulevard, is directed to a storm drain within Los Gatos Boulevard. Storm drainage from the lower parking lots at the office buildings is pumped up to the Los Gatos Boulevard system, although flows that exceed a ten-year storm rate may discharge into the orchard. The Los Gatos Boulevard storm water system flows northward and is eventually discharged at the same location as the Caltrans system. Drainage from the gas station parcel at the south end of the Plan Area is directed into a storm drain within Lark Avenue, which discharges to Los Gatos Creek near Lark Avenue.

## **Surface Water Quality**

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

## On-site Erosion Potential

The Plan Area soils are classified as Flaskan complex on 0-2 percent slopes, which is a predominately sandy clay loam. The erosion hazard for this soil type is not specified by the soil survey, but in general the clay component of the soil would reduce erosion potential. Because the Plan Area is mostly level, with short slopes along Los Gatos Boulevard, the Plan Area is not subject to elevated erosion risk associated with slopes and significant run-off velocities.

## Los Gatos Creek Flows and Erosion Potential

The Plan Area drains to Los Gatos Creek, which drains into the Guadalupe River and San Francisco Bay. The soils in and near Los Gatos Creek are in the Elder soil series, and are characterized as a fine sandy loam. The erosion hazard for this soil type is not specified by the soil survey, but in general sandy soils have a higher risk of erosion. As the total area of impervious surfaces increases in previously undeveloped areas, infiltration of rainfall decreases, causing more water to run off the surface as overland flow at a faster rate. The increased run-off volume and increased length of time over which flows occur, ultimately intensify erosion and sedimentation. This can affect the hydraulic geometry (width, depth, and slope) and the sediment transport characteristics of stream channels. Within a stream channel, erosion potential is related to the make-up of the channel materials, and the flow characteristics of the stream waters. The Plan Area is in a sub-watershed that is less than 65 percent impervious, and classified as an area where a hydro-modification management plan is required for development projects. Hydro-modification management plans are intended to provide protective measures for downstream waters (Santa Clara Valley Urban Runoff Pollution Prevention Program 2005, 2010).

Los Gatos Creek has a number of dams and similar structures that affect flows within the creek. Three major water retention dams are located upstream of the Plan Area; these include Lake Elsman (near the top of the watershed), Lexington Reservoir (impounded by Lenihan Dam about four miles upstream), and Vasona Reservoir (less than one mile upstream). Structures in the vicinity of the Plan Area include the support structure apron for the State Route 85 Bridge, and three diversion structures that turn most of the project reach into a series of seasonal reservoirs that attenuate much of the erosive effect of storm water flows. One of these, the Kirk Diversion Dam, is occasionally lowered (removed from use) during the winter when high flows are expected. Between 1995 and present, the diversion dam has been removed for six periods of time, for a total of about 16 months. [Figure 18, Los Gatos Creek and Drainage Features](#), shows the location of features downstream of Vasona Reservoir.

## Flooding Potential

The Plan Area is shown in the *Town of Los Gatos 2020 General Plan EIR* and on Federal Emergency Management Agency maps as being located within the 500-year flood zone as classified by the Federal Emergency Management Agency (Draft EIR Figure 4.8-1; General Plan Figure SAF-4; Federal Emergency Management Agency 2009). A 500-year flood zone has a 0.2 percent probability of flooding in a given year; i.e. a 500-year flood zone is likely to flood only under extreme flood conditions.

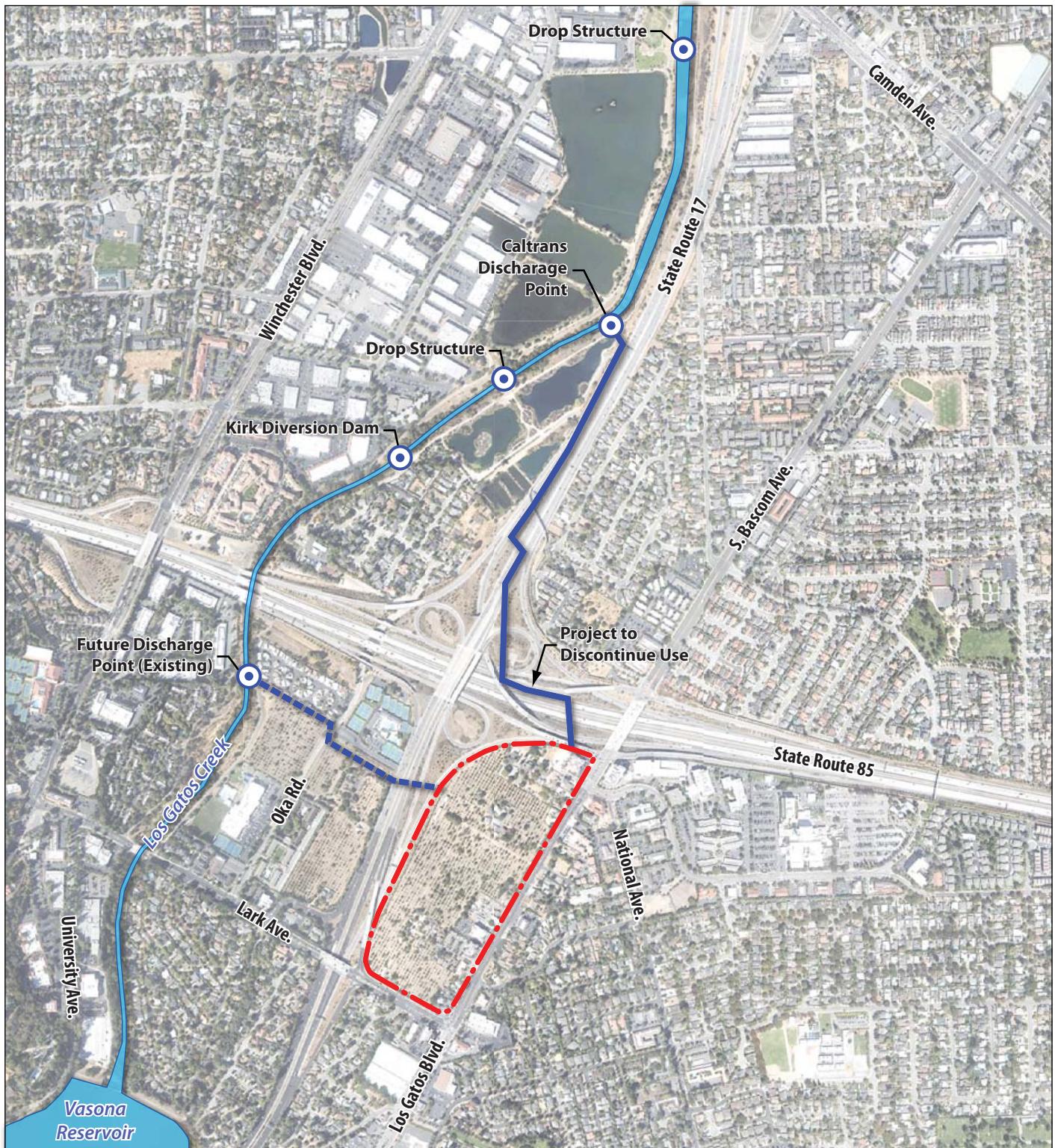
Vasona Reservoir and Lexington Reservoir are upstream of the Plan Area. The Plan Area is outside of dam inundation areas, protected by the elevated State Route 17 freeway (Draft EIR Figure 4.8-2; General Plan Figure SAF-5). Limited areas to the west of State Route 17, located within the banks of Los Gatos Creek, are subject to flooding from storms and dam failure.

## Policy and Regulation

### Federal

**Clean Water Act.** The federal Clean Water Act was established “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The act, as amended, regulates discharges of pollutants into the waters of the United States. It provides the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs. The Clean Water Act also sets water quality standards for contaminants in surface waters and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained.

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



#### Legend

— Project Boundary

— Existing Storm Drain Facility

- - - Proposed Storm Drain Connection



0 1,150 feet

Source: Google Earth 2012, ESA 2012

Figure 18

## Los Gatos Creek and Drainage Features

North Forty Specific Plan EIR

E

M

C

### 3.0 ENVIRONMENTAL EFFECTS

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## State and Regional

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

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

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

**Hydromodification Management Plan.** This report, prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program, provides background, methodologies, and standards for developing hydromodification plans. The Santa Clara Valley Urban Runoff Pollution Prevention Program maintains a set of maps that establish those areas for which a hydromodification plan is required for development projects. Hydromodification plans are incorporated as part of the other programs established to ensure water quality. The Plan Area is in a location where a hydromodification plan is required.

**Municipal Regional Storm Water Permit.** Storm water in Santa Clara County is managed in accordance with the Municipal Regional Storm Water NPDES permit (MRP) from the San Francisco Bay RWQCB (Permit Number R2-2009-0074 adopted on October 14, 2009, and revised on November 28, 2011). This permit regulates discharges from all municipal separate

storm sewer systems in Santa Clara County, including those in the Town of Los Gatos. The urban runoff management program focuses on reducing pollutant transport through storm water drain systems into surface waters. In general, measures that will effectively limit storm drain pollutant discharge will also limit direct runoff of pollutants into creeks.

Provision C.3.b.ii(3)(a) of the MRP requires that where a redevelopment project results in an alteration of more than 50 percent of the impervious area of a previous existing development that was not subject to Provision C.3. Provision C.3.c of the MRP requires new development and redevelopment projects that create or replace 5,000 square feet or more of impervious surfaces to incorporate Low Impact Design measures including source control measures, site design features, and treatment measures to manage storm water discharge run-off flows and reduce pollutant loads. Provision C.3.d of the MRP requires that storm water treatment systems meet specific numeric sizing criteria. Provision C.3.g of the MRP requires that certain new development projects implement hydro-modification measures to manage increases in storm water runoff flow and volume so that the post-project runoff does not exceed the estimated pre-project runoff rates and durations. Provision C.6 of the MRP requires adoption of a construction site inspection and control program. Construction-site erosion control plans must be consistent with local requirements, including the appropriateness and adequacy of proposed Best Management Practices (BMPs) as well as verification that site operators/developers have complied with the Construction General Storm Water Permit before issuing the grading permit for a project. Inspections must be conducted to determine compliance with local grading and storm water requirements. Provision C.14 of the MRP details a control program for select contaminants to help determine whether urban runoff is a conveyance mechanism associated with impairment of San Francisco Bay by these pollutants and determine whether there are specific locations within urban watersheds where prior or current land uses contribute to discharges of these pollutants.

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

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

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

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

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

### **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to hydrology and water quality are applicable to the proposed project.

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

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

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

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

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

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

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

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

Chapter 12 of the Town of Los Gatos municipal code specifies that the Town Engineer can require a grading permit for any grading that could result in a discharge into or connection to a water course. Grading permits must include an erosion and sediment control plan, and the grading plan must comply with Town standards. Interim erosion control measures can include methods such as silt fences, fiber rolls, erosion control blankets, seeding, filter berms, check dams, and retention basins.

## ***Standards of Significance***

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

- violate any water quality standards or waste discharge requirements;
- substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site;
- create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off;
- otherwise substantially degrade water quality;
- place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam;
- be subject to inundation by seiche, tsunami, or mudflow; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

## ***Analysis, Impacts, and Mitigation***

### **No Impact: Groundwater Depletion**

The proposed project would receive water from the San Jose Water Company in greater quantities than are currently delivered to the Plan Area. The Los Gatos service area of the San

Jose Water Company obtains water from two surface water sources: local surface water from the Santa Cruz Mountains, and treated surface water provided by the Santa Clara Valley Water District. The Santa Clara Valley Water District water is sourced from local run-off into its reservoirs, the State Water Project, and the Central Valley Project. Although the San Jose Water Company could alter its distribution system in the future, no groundwater is currently used in Los Gatos, and it is expected that none would be used in the future. For additional information on water infrastructure and distribution, and the San Jose Water Company operations, refer to Section 3.15 Utilities and Service Systems.

The proposed project would eventually result in the end of groundwater pumping within the Plan Area, since the agricultural uses that utilize on-site wells would be discontinued. The proposed project could potentially increase off-site groundwater pumping indirectly, since all water supplies in Santa Clara County are part of a regional balance, and about half the overall supply is groundwater. San Jose Water Company's local surface water source is limited to about 11,200 acre-feet per year, and much less during consecutive dry years. If additional water supplies are required in the Los Gatos service area, those must come from treated water supplies or groundwater. Imported water supplies are not likely to increase; however, treated water supplies sourced from run-off into Santa Clara County Water District reservoirs will increase due to several projects to maximize utilization. Some of this additional treated run-off water supply would be distributed to the San Jose Water Company. However, the San Jose Water Company plans to meet a significant portion of its anticipated future demands by increasing groundwater pumping from about 50,000 to about 60,000 acre-feet per year. If San Jose Water Company's treated water distribution in the Los Gatos service area is increased, it would likely be off-set elsewhere by additional groundwater pumping. Groundwater elevations have been kept within the Santa Clara Valley Water District's targets, based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and there would be no impact on groundwater levels.

### **Less-than-Significant Impact: Erosion or Siltation due to Drainage Changes**

**On-site and Off-site Erosion and Downstream Sedimentation.** In advance of development of each phase, portions of the Plan Area would be graded. Excavation for footings and utilities would occur within the Plan Area, and excavation for pipelines would occur off-site. Excavated soil would be temporarily stockpiled. If preventative steps are not taken, each of these construction activities provides the potential for soil erosion during storms, and related sedimentation in downstream storm drains or Los Gatos Creek. Construction activities would require the discharge of groundwater produced during excavation dewatering, and the use of hazardous materials that could degrade water quality.

Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land-filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared for larger projects. Development within the Plan Area would be required to obtain a grading permit and prepare an erosion and sedimentation control plan. A hydromodification report has been prepared to assess potential effects on downstream portions of Los Gatos Creek. Because the disturbance area would exceed one acre, a SWPPP would be required in conformance with the NPDES Construction General Storm Water Permit. With implementation of these requirements, the proposed project would not result in significant erosion or sedimentation impacts from on-site or off-site grading and excavation activities.

**Off-site Stream Erosion.** The proposed project includes changes to the existing drainage patterns in and near the Plan Area (refer to the description of storm water infrastructure in Section 2.0 Project Description). Drainage that currently infiltrates on-site or is conveyed to a location on Los Gatos Creek north of State Route 85, would be re-routed through an existing pipe under State Route 17, and discharged through a currently inactive outfall to Los Gatos Creek near the Bonnie View mobile home park. In addition, off-site drainage from properties along Los Gatos Boulevard would also be diverted to this location. The proposed project would construct connecting pipes to an existing, never-used outfall, and place the outfall into service. The new discharge point is about 4,300 feet upstream of the current discharge point, so Plan Area storm water discharges would flow through an additional reach of Los Gatos Creek. [Figure 18, Los Gatos Creek and Drainage Features](#), identifies the location of important existing and proposed drainage system and creek features.

In compliance with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program, a hydro-modification analysis was prepared to determine if the changes in volume, rate, and location of discharge would result in increased erosion within the Los Gatos Creek channel. Modeling assumed that most of the Plan Area would be built at 90 percent impervious, which is a conservative assumption, given the requirement for a minimum of 20 percent green (pervious) open space within the Plan Area. Altering the discharge location would increase the flow in Los Gatos Creek for the study reach between the two discharge points, which would increase the average shear stress in the channel and, potentially, increase the amount of erosion. Assessing the erosion potential of Los Gatos Creek between these locations is complicated by the State Route 85 Bridge apron as well as by the series of in-channel structures that pond water for diversion into the adjacent groundwater recharge ponds. A lesser increase in flows downstream of the current outfall would also occur.

When in operation, the Kirk Diversion Dam likely traps much of the coarse sediment carried by the channel; when this dam is lowered, the project reach could be susceptible to hydrograph modification impacts. The hydro-modification analysis looked at operational scenarios with and

without proposed project flows both with the diversion dam in place, and with the diversion dam removed. The modeling involved development of sediment rating curves for the total sediment load and for the coarse load (four millimeters and larger diameter). The analysis assumed that all of the coarse load would be trapped by the diversion dam, and the remaining sediment load would pass. The analysis concluded that over a modeled period of 18 years, the cumulative sediment load carried in Los Gatos Creek would increase by 0.02 percent due to the increased flows from the Plan Area, and that this would be a less-than-significant impact on Los Gatos Creek (ESA PWA 2013).

### **Less-than-Significant Impact: Flooding due to Drainage Changes**

As described above, the proposed project includes changes to the drainage pattern that would relocate the discharge point into Los Gatos Creek for drainage from the Plan Area and some existing Los Gatos Boulevard development. The already constructed, but never used, discharge point would be about 4,300 feet upstream of the current discharge point. In addition, because about 70 percent of the undeveloped portions of the Plan Area would be converted from pervious to impervious surfaces, run-off volumes and flow rates from the Plan Area to Los Gatos Creek would increase.

A hydro-modification analysis was prepared to determine if the changes in volume, rate, and location of discharge would result in increased peak flow elevations within Los Gatos Creek. Modeling assumed that most of the Plan Area would be built at 90 percent impervious, which is a conservative assumption, given the requirement for 30 percent open space within the Plan Area. Modeling assumed the construction of hydro-modification basins within the Plan Area to detain storm flows, but did not assume Low Impact Development designs within the Plan Area; therefore the analysis assumes no significant infiltration within the Plan Area, and a higher off-site flow. The Plan Area peak contribution to Los Gatos Creek would increase one cubic foot per second at 18 hours post-storm event, or 8.5 hours before the peak flow occurs in this reach of Los Gatos Creek. The Plan Area contribution at the time of the peak flow in Los Gatos Creek would increase by two cubic feet per second. The increase attributable to the proposed project at the time of the peak flow in Los Gatos Creek would be less than 0.03 percent of the overall peak flow within the creek. It is expected that this minor increase in total creek flow would not significantly increase the calculated 100-year water surface elevation in Los Gatos Creek, even without the additional open space area that is required by the Draft Specific Plan, and absent implementation of Low Impact Development measures, which are required by the municipal storm water permit, and are likely to reduce off-site flows. The Santa Clara Valley Water district has jurisdiction over Los Gatos Creek, and would issue an encroachment permit for work in completing the outfall to Los Gatos Creek. The flow study concluded that the flows would not result in flooding and the impact would be less than significant.

## **Less-than-Significant Impact with Mitigation: Excess or Polluted Storm Water Run-off**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with hydrology and water quality. However, concentrated urban development has the potential to result in the release of non-point source pollutants that can degrade the quality of downstream waters. The proposed project includes two hydro-modification basins that will temporarily detain storm water and in conjunction with Low Impact Development measures required by Provision C.3.c of the municipal storm water permit, would reduce pollutant loads in storm water run-off. However, refer to the discussion of consistency with the *San Francisco Bay Region Basin Plan and Watershed Action Plan*, presented later in this section.

The proposed project includes excavation of soils that have been contaminated by gasoline storage tank leaks at the Lark Avenue Car Wash. Soil excavated in this area could contain toxic contaminants, and displacement of the soil could potentially result in contaminants being released from the soil. Released contaminants could be transported to Los Gatos Creek, or contaminated soil could be transported to another location, and released contaminants could be transported to other waters. This is a potentially significant impact. Implementation of a mitigation measure presented in Section 3.8 Hazards and Hazardous Materials would reduce this impact to a less-than-significant level.

## **Less-than-Significant Impact: Other Water Quality Degradation**

The San Francisco Bay RWQCB regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan* (California Regional Water Quality Control Board 2011). The *San Francisco Bay Region Basin Plan* uses a watershed management approach focused on the particular needs of each watershed. The Plan Area is within the Guadalupe River watershed of the Santa Clara Basin. The Watershed Management Initiative vision for the Santa Clara Basin is presented in the *Watershed Action Plan*, which also presents objectives for realizing the watershed vision. The *Town of Los Gatos 2020 General Plan* includes policies supportive of regional water quality programs, and promoting specific types of project designs to protect surface water quality.

The Plan Area is not adjacent to a riparian corridor, so the objectives and strategies aimed at protecting the water quality of off-site drainage are the most relevant to the proposed project. Two key objectives are incorporation of the watershed vision within specific plans, and the use of retention/detention/treatment to reduce off-site discharge of water pollutants (Watershed Management Initiative 2003b, pages 2-1 to 2-10). The Draft Specific Plan includes guidelines that address the watershed vision, specifically promotion of drought-tolerant plantings, natural

drainage systems, reductions in impervious surfaces, preference for non-structural BMPs, and pre-treatment of storm water (Draft Specific Plan pages 3-17, 3-30). The water quality effects of project designs and construction will be regulated by the NPDES permit requirements. The proposed project includes general guidelines consistent with the *San Francisco Bay Region Basin Plan* and *Watershed Action Plan*. Development projects within the Plan Area will need to submit plans for approval that include detailed measures applicable to the specific sites and proposals.

### **No Impact: Flooding, Seiche, Tsunami, Mudflow**

The Plan Area is not within a 100-year flood zone. The Plan Area is shown in the *Town of Los Gatos 2020 General Plan EIR* and on Federal Emergency Management Agency maps as being located within the 500-year flood zone (Draft EIR Figure 4.8-1; General Plan Figure SAF-4; Federal Emergency Management Agency 2009), so flooding, if it were to occur, would be infrequent, and most likely minor. The Plan Area is outside of dam inundation areas (Draft EIR Figure 4.8-2; General Plan Figure SAF-5). The Plan Area is downstream of the Lenihan Dam at Lexington Reservoir on Los Gatos Creek, but the Plan Area is protected from flooding in the event of a dam failure. Flood waters are expected to remain on the west side of State Route 17 in the event of a dam failure.

The Plan Area is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The Plan Area is essentially level, and is surrounded by essentially level ground, so mudflows are not possible.

### **No Impact: Conflict with Plan Adopted for Environmental Purposes**

**Storm Water Quality (Policies ENV-5.6, ENV-5.7).** The proposed project includes guidelines consistent with the *San Francisco Bay Region Basin Plan*, *Watershed Action Plan*, and *Town of Los Gatos 2020 General Plan*. There would be no conflict with water quality plans.

## **3.10 LAND USE AND PLANNING**

The *Town of Los Gatos 2020 General Plan EIR* considered build-out of the Plan Area at a conceptual level as part of the overall Town build-out. The *Town of Los Gatos 2020 General Plan EIR* assumed the Plan Area would support 750 housing units and 580,000 square feet of commercial development.

The following technical reports were prepared for the proposed project and are referenced in this section:

- BAE Urban Economics. *Market Study & Business Opportunities Assessment Town of Los Gatos*. August 12, 2011.
- BAE Urban Economics. *Urban Decay Analysis North 40 Specific Plan*. November 20, 2013.

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

## **Environmental Setting**

### **Town Land Use Characteristics**

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

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

The Plan Area is zoned R-1 Single Family Residential, CH Restricted Highway Commercial, and RC Resource Conservation, with the zoning designations matching the existing uses within the Plan Area.

The *Town of Los Gatos 2020 General Plan* provides guidance for development within the Plan Area; refer to the Policy and Regulation discussion presented later in this section.

## **Existing Land Use**

Please refer to Section 2.0 Project Description for information on existing land uses within and near the Plan Area.

## **Urban Decay Analysis**

Concern has been expressed about how retail development in the Plan Area may adversely affect business elsewhere in Los Gatos, and in particular, in downtown Los Gatos, potentially leading to urban decay. Urban decay is considered to result from long-term and/or widespread vacancies that would cause the buildings and/or properties to deteriorate, and lead to the decline of the associated or nearby real estate. An urban decay analysis was prepared to address this issue. Since the proposed project does not have specific tenants identified (other than the potential hotel/conference center and market place), the urban decay analysis was prepared based on a general mix of retail uses, as illustrated in [Table 1, Illustrative Build-out Scenarios](#), presented earlier in Section 2.0 Project Description.

The urban decay analysis describes the demographics of the area and current and future anticipated shopping patterns, assesses potential impacts on existing retail and related facilities, and gauges the potential for future vacancy or reuse if the proposed project is built. The analysis looks at the Town and at a larger retail trade area. The retail trade area described in the urban decay analysis encompasses postal zip codes within a ten minute drive of the Plan Area, principally the areas to the south of Interstate 280 and west of State Route 87.

## **Town and Regional Retail Outlets**

As noted in the section above on Town land use characteristics, the Town has several distinct commercial areas, including the downtown area, Los Gatos Boulevard, and neighborhood shopping areas. These areas have unique characteristics (store size, parking, etc.) that influence the types of retail stores attracted to and available in each. Overall, the vacancy rate for retail stores in the region is estimated at between five and six percent, which is considered a normal rate (BAE Urban Economics 2013, page 17).

The downtown area is focused on small, mostly independent stores, although about 30 percent of retail tax revenue comes from formula (chain) stores. The downtown area has a total of 450 commercial spaces, with 270 of these classified as retail, and 180 classified as other outlets—comprised of wholesale, industry, and business and personal services (BAE Urban Economics 2013). Based on a review of nine on-line retail sale and lease offerings in downtown Los Gatos, typical downtown retail space ranges from 745 square feet to over 7,000 square feet; excluding the largest listed space, the average listing was for about 1,700 square feet (Loopnet 2013). The downtown area can be divided into three sub-areas: the downtown core; downtown north; and the Blossom Hill/University district. The downtown core (central business district or CBD) represents the “heart” of Los Gatos, with a mix of small shops in a small-town main-street setting with many historic structures, primarily along Santa Cruz Avenue and Main Street. Approximately 210 businesses are located in the downtown core, representing a broad range of retail segments, but especially strong on apparel, and eating and drinking establishments. Most downtown core parking is on-street or in municipal lots. The downtown north area is more auto-oriented, with 44 retail stores. Stores are generally in larger spaces than in the downtown core, and there are more conventional strip centers, as well as scattered free-standing outlets along North Santa Cruz. The Blossom Hill/University district has 16 retail stores, with the largest concentration of retail businesses along the east side of University Avenue south of Blossom Hill Road.

Los Gatos Boulevard has a mix of community shopping centers, auto dealers and related businesses, and free-standing retail outlets. Four of the largest shopping centers along Los Gatos Boulevard are each anchored by a supermarket: Lunardi's at King's Court; Whole Foods at Cornerstone; Nob Hill at El Gato Village; and Trader Joe's at Los Gatos Village Square. The Los Gatos Boulevard area has a total of 149 spaces, including 87 retail stores and 62 other outlets. The predominant retail types are “other retail” (specialty stores, books, gifts, jewelry, sporting goods, liquor, etc.), eating and drinking establishments, and food stores. Los Gatos Boulevard's still-strong auto dealership representation has declined from six to three outlets in recent years. The Los Gatos Boulevard area includes a significant number of formula stores.

The Town has four major neighborhood centers: Rinconada Center (Pollard Road), Downing Center (Union Road/Los Gatos-Almaden Road), Walgreens Square (Blossom Hill Road), and Vasona Station (Winchester Boulevard). These neighborhood centers include two supermarkets and three drug stores, and generally provide convenience shopping for the daily needs of nearby residents. These centers also include a significant percentage of eating and drinking establishments and “other retail” (BAE Urban Economics 2013, pages 23 to 30).

Beyond the Town limits, the western Santa Clara Valley has a significant number of regional-level shopping centers. Those generally within a ten-minute drive of the Plan Area include; Westgate, Westfield Valley Fair, and Westfield Oakridge malls; and the El Paseo de Saratoga, Westgate West, West Valley, Pruneyard, Almaden Plaza, Hillview Plaza, and Santana Row shopping centers (BAE Urban Economics 2013, pages 19 to 22).

Table 9, [Average Retail Chain Store Sizes](#), provides context by listing the average store size for a sample of well-known businesses.

**Table 9 Average Retail Chain Store Sizes**

Store	Average Store Size
Best Buy	38,545
Big 5 Sporting Goods	11,000
CVS Drug Store	9,800
Denny's Restaurant	4,300
Foot Locker	3,700
Gap	10,300
Kohl's	75,500
Lowes	112,300
Nordstrom Rack	37,400
Old Navy	17,450
Orchard Supply Hardware	36,000
Panera Bread	4,500
Safeway	47,000
Target	133,750
Walmart, Supercenter	180,600
Walmart, Standard	105,350
Walmart, Neighborhood	39,250

*Source:* United States Securities and Exchange Commission 2013

*Note:* Average store size from Form 10K filings in spring 2013: total retail square footage divided by number of retail locations.

## Current and Past Retail Spending

Data from the Census of Retail Trade and County and Zip Code Business Patterns was used to establish current retail spending in the Town, retail trade area, County, and state. The estimated retail sales were grouped into eleven categories. The Town and retail trade area sales data for these categories is listed in [Table 10, 2010 Retail Sales](#).

**Table 10 2010 Retail Sales**

Retail Category	Town		Retail Trade Area	
	Sales \$ 000's	Per Capita \$	Sales \$ 000's	Per Capita \$
Motor Vehicle and Parts Dealers	127,000	4,318	1,348,000	2,224
Home Furnishings and Appliance Stores	54,000	1,836	529,000	873
Building Materials and Garden Equipment and Supplies	15,000	510	587,000	969
Food and Beverage Stores	210,000	7,140	1,393,000	2,298
Health and Personal Care Stores	66,000	2,244	385,000	635
Gasoline Stations	48,000	1,632	640,000	1,056
Clothing and Clothing Accessories Stores	52,000	1,768	592,000	977
Sporting Goods, Hobby, Book, and Music Stores	13,000	442	221,000	365
General Merchandise Stores	0	0	704,000	1,162
Miscellaneous Store Retailers	24,000	816	214,000	353
Food Services and Drinking Places	115,000	3,910	1,095,000	1,807
<b>Total</b>	<b>724,000</b>	<b>24,615</b>	<b>7,708,000</b>	<b>12,718</b>

*Source:* BAE Urban Economics 2013, Table 11.

*Note:* Dollars adjusted to 2012 dollars. For additional detail see Appendix K, BAE Urban Economics 2013 Tables 17-26.

Retail sales within the Town were estimated at \$724 million for 2010, and retail sales within the retail trade area were estimated at \$7.7 billion. Retail sales have fluctuated since 2000. From 2000 to 2003, Town, retail trade area, and County sales declined in response to the “dot com” bust and the terrorist attacks. Sales climbed from 2003 to 2007, declined again in response to the recession and housing bust through 2009, and have gradually climbed since. In the downtown area, in inflation-adjusted dollars, sales were higher in 2000 than in 2012. Sales declined from 2000 through 2003, but rebounded in 2004 even with Santana Row (a major perceived competitor for downtown Los Gatos, located in San Jose about six miles from downtown Los Gatos) opening in 2003. Sales increased again in 2005, declined in 2006, increased to a post-2001 peak in 2007, and then declined as the recession took hold, reaching the low point of the decade in 2009. Since 2009, sales have gradually increased each year. [Table 11, Town Taxable Retail Sales Trends](#), compares retail sales for the Town’s shopping areas during the period 2008-2012.

**Table 11 Town Taxable Retail Sales Trends**

Shopping Area	Retail Sales \$ 000's				
	2008	2009	2010	2011	2012
Downtown Core	190,257	168,745	175,852	179,948	182,061
Downtown North	36,293	31,292	34,249	45,713	49,513
Blossom Hill	10,6202	8,123	9,745	10,208	11,035
Los Gatos Boulevard	200,845	162,515	160,222	161,088	155,300
Neighborhood Centers	40,671	38,738	35,548	32,276	35,898
<b>Total</b>	<b>576,276</b>	<b>411,422</b>	<b>417,626</b>	<b>431,244</b>	<b>435,819</b>

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

*Note:* Dollars adjusted to 2012 dollars.

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

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

### **Regional Sales and Leakage/Injection**

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

29 percent of sales; motor vehicle and parts dealers at 18 percent of sales; and food services and drinking places at 16 percent of sales. High levels of per capita sales compared to the surrounding retail trade area can indicate that many sales within the Town are by persons from outside of the Town limits. As an example, sales for food stores and health and personal care stores in Los Gatos is significantly higher than for the retail trade area as a whole. Other factors, such as the Town's significantly higher per capita income could also contribute to elevated per capita sales. Per capita sales lower than the surrounding retail trade area can be an indication that sales are leaking to the adjacent area, for example in the case of general merchandise stores, a category for which Los Gatos has no sales.

While these spending discrepancies can be an indicator of leakage or injection of sales, a comparison of actual retail sales in an area with a benchmark that provides a measure of the potential sales generated by that area's residents provides a more detailed assessment. Nielsen Retail Market Potential Opportunity Gap ("market potential") reports for the Town, the retail trade area, and the County were obtained. The County data was used to establish a benchmark for comparative purposes. The market potential report estimates retail demand based on the Consumer Expenditure Survey, a national survey conducted for the Department of Labor Bureau of Labor Statistics by the United States Census Bureau which measures consumer expenditures and provides data on differing spending patterns by age, income, ethnicity, and other variables. The data from the market potential reports was rectified to accurately correlate with actual sales and tax data for the areas. The data was then compared to actual Los Gatos sales by retail category ([see Table 10, 2010 Retail Sales](#)).

With its high per capita sales levels, Los Gatos shows injections of sales in most major store categories. Injections are particularly high for food and beverage stores, motor vehicle and parts dealers, food services, and health and personal care stores. Two categories, building materials and general merchandise stores, stand out for their substantial leakages; over half of potential resident expenditures in the building materials category are leaking out of Los Gatos, and nearly all resident expenditures for general merchandise stores appear to be leaking out of Los Gatos, directly related to the lack of such stores in Los Gatos. The analysis indicates that for major store categories, Los Gatos has estimated combined injections of approximately \$325 million in retail sales annually, and combined estimated leakages of approximately \$76 million annually.

The high level of injections of sales for food and beverage stores is due at least in part to the location of the stores in Los Gatos. The Safeway stores in the Downing and Rinconada Centers are near the Town boundary, and draw customers from outside the Town. Saratoga and Monte Sereno to the north of Los Gatos, and the unincorporated areas to the south of Los Gatos, have limited retail offerings, with Los Gatos offering the closest shopping for many residents of these areas. Additionally, three of the four supermarkets on Los Gatos Boulevard fill niche demands, and likely draw from a larger area than an ordinary supermarket. These factors may also apply for other store types, particularly health and personal care stores.

Substitution by store type can affect leakages and injections evaluations. For example, apparel can be purchased in both clothing stores and general merchandise stores. In Los Gatos, the lack of general merchandise stores may be responsible for some injections, particularly for drug stores, which are in the health and personal care store category. Another factor to keep in mind in terms of leakage and injection is that one outlet with extremely strong sales can mask poor performance by the rest of that category. For example, in Los Gatos the home furnishings and appliances category is dominated by sales in the Apple Store, which serves a larger area than just the Town; this store's extremely strong sales may be masking limited sales across the remainder of the category. Westfield Valley Fair Mall is located just outside the retail trade area, and likely draws sales out of the retail trade area. The retail trade area shows leakage in a greater number of categories, and the Town has injections in a greater number of categories. Both the leakages and injections are more pronounced within the Town when viewed on a per capita basis or in terms of percent of total sales. Los Gatos' strong retail store types include automobiles, cameras, computers, food and beverage, health and personal care, apparel, jewelry, luggage, sewing, stationary, art, gifts, pets, full service restaurants, and catering. Los Gatos' weak store types include appliances, building materials, specialty food retail (although the Town does have niche supermarkets), clothing accessories, music, general merchandise, and buffet restaurants.

## **Policy and Regulation**

### **State**

Authority for land use planning comes from the government's broad "police powers," or the power of a governmental entity to restrict private activity to achieve a broad public benefit. Under this authority, California requires that each jurisdiction prepare a general plan and enact zoning laws (Governor's Office of Planning and Research 2003, pages 9, 10; Fulton 1991, pages 20, 21). Most specific planning powers are delegated to local jurisdictions, provided the local regulation is not in conflict with the general laws of the state.

### **Town of Los Gatos**

Two of the *Town of Los Gatos 2020 General Plan*'s vision statement consensus points relate to land use and planning:

**Maintain a balanced, well-designed mix of residential, commercial, service and open space uses through integrated land use planning.**

**Be a full-service community that is also environmentally sensitive.**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to land use and planning are applicable to the proposed project.

**Goal LU-2 To maintain a balanced, economically stable community within environmental goals.**

**Policy LU-2.2** Promote telecommuting and home-based businesses by allowing live-work and work-live uses in existing and future residential development.

**Goal LU-4 To provide for well-planned, careful growth that reflects the Town's existing character and infrastructure.**

**Policy LU-4.1** Integrate planning for the North Forty area, Los Gatos Boulevard, Vasona Light Rail area, and Downtown so that development in each area takes into consideration the Town as a whole.

**Goal LU-6 To preserve and enhance the existing character and sense of place in residential neighborhoods.**

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

**Goal LU-7 To use available land efficiently by encouraging appropriate infill development.**

**Policy LU-7.2** To ensure compatibility with surrounding neighborhoods, infill projects shall demonstrate that the development meets the criteria contained in the Development Policy for In-Fill Projects and the deciding body shall make findings consistent with this policy.

**Policy LU-7.3** Infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.

**Policy LU-7.4** Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

**Goal LU-9 To provide residents with adequate commercial and industrial services.**

**Policy LU-9.2** Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the small-town atmosphere.

**Policy LU-9.8** Retail sales tax “leakage” should be kept to a minimum by providing in-town convenience and comparative shopping opportunities.

**Goal LU-11 To plan for development of a variety of uses in the North Forty area in a coordinated and comprehensive way.**

**Policy LU-11.1** Zoning shall be changed as part of development applications to provide consistency with the Vasona Light Rail Element and other elements of this General Plan and with any future specific plan prepared for this area.

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

**Policy LU-11.3** Provide coordinated infrastructure in the North Forty area.

**Policy LU-11.4** Include a variety of regional destination and local-serving commercial uses in the North Forty area, following a logical land use pattern that takes advantage of the site opportunities while protecting adjacent uses. [Note that the Draft Specific Plan proposes changes to this language – refer to Section 2.0 Project Description].

**Policy LU-11.5** Avoid negative effects on the long-term development potential of the area surrounding the North Forty area.

**Policy LU-11.6** Incorporate multi-modal links from the North Forty area to the Vasona Light Rail station into the North Forty Specific Plan.

**Goal VLR-3 To encourage mixed-use developments that coordinate housing in proximity to either neighborhood commercial uses or employment centers.**

**Policy VLR-3.1** Mixed-use proposals within the Vasona Light Rail area shall address how the proposed uses would be compatible and synergistic with each other.

**Policy VLR-3.2** Mixed-use commercial/market rate and/or affordable housing developments may be considered in the Vasona Light Rail area.

**Policy VLR-3.3** Encourage a mix of commercial, office, and light industrial and recreational uses within the Vasona Light Rail area, especially in areas less suited to residential development due to noise.

**Policy VLR-3.4** Encourage mixed-use development of commercial, office, and medium-high density residential uses in the North Forty area and along East Los Gatos Boulevard, north of Lark Avenue.

**Policy VLR-3.5** Projects in the Vasona Light Rail area proposing all commercial, office or residential uses shall be evaluated to ensure that the Town's desire for mixed-use is fulfilled.

**Policy HS-8.5** Encourage new development to include intergenerational spaces, such as cafés or family-oriented outdoor spaces.

**Policy HS-14.2** Encourage art-related uses (theaters, museums, art galleries) in new and remodeled retail development.

*Town of Los Gatos 2020 General Plan* Action LU-11.1 calls for the preparation and adoption of a specific plan for the North Forty area prior to development of the site. The *Town of Los Gatos 2020 General Plan* describes the North Forty Specific Plan Overlay as follows (page LU-18):

The North Forty Specific Plan Overlay is applied to the approximately 40-acre property bounded by Los Gatos Boulevard to the east, Highway 17 to the west, Lark Avenue to the south, and Highway 85 to the North. This Overlay requires the preparation and adoption of a specific plan that will determine the mix of uses, dimensional standards, architectural standards, phasing, and infrastructure to support the development of the property prior to approval of any entitlements. Drawing on the draft North Forty Specific Plan prepared in 1999, the General Plan overlay designation is intended to help guide the future development of this property. The 2020 General Plan Environmental Impact Report assumed a maximum capacity of 750 mixed residential units and 580,000 square feet of retail and offices uses for the purposes of assessing environmental impacts associated with the development of the property. While this is the maximum development capacity under this General Plan, the specific plan may be approved with lower densities and square footage of residential and commercial uses, respectively. The North Forty Specific Plan will be based on the following general guidelines:

- Include a mixture of uses that will complement the Downtown and the rest of the community.

- Be based on sustainable and “smart” development practices.
- Include public gathering spaces such as a plaza and park.
- Provide for a variety of residential housing types, both rental- and owner occupied. A minimum of 20 percent of the units shall be affordable to households at the moderate income level or below.
- Include high-quality architecture and design that reflects the rural and agricultural history of the site.
- Provide pedestrian-oriented buildings along the Los Gatos Boulevard frontage, with minimal parking oriented to the street.
- Take advantage of the grade change across the site.
- Continue the “boulevard treatment” along Los Gatos Boulevard, with interconnections from one parcel’s drive aisle to the next [Note that the Draft Specific Plan proposes changes to this language – refer to Section 2.0 Project Description].
- Include connections to existing intersections along Los Gatos Boulevard and Lark Avenue.
- Develop gateway or landmark features at Los Gatos Boulevard and Lark Avenue and at Los Gatos Boulevard and the Highway 85 off-ramp [Note that the Draft Specific Plan proposes changes to this language – refer to Section 2.0 Project Description].
- Provide an easily accessible, fully connected street network that encourages walking.
- Provide a vegetative buffer and screening along Highways 17 and 85.
- Preserve Town character and views.

The following *Town of Los Gatos 2020 General Plan* goals and policies are applicable to Los Gatos Boulevard, a portion of which borders the Plan Area. To the extent that more specific provisions under Goal LU-11 do not supersede, these goals and policies are applicable to the proposed project.

**Goal LU-12 To ensure an appropriate mix of land use types along Los Gatos Boulevard in order to maintain the economic vitality of the corridor and continue to serve the needs of Town residents.**

**Policy LU-12.1** Encourage redevelopment and assemblage of parcels that have experienced a high vacancy rate over a prolonged period of time, possibly including appropriate and compatible re-zoning.

**Policy LU-12.2** Encourage a mix of uses along Los Gatos Boulevard, including, where appropriate, mixed-use parcels that are compatible with surrounding uses.

**Policy LU-12.3** New landscaping, streetscape improvements and new development along Los Gatos Boulevard shall incorporate pedestrian amenities, scale, and design.

**Policy LU-12.4** Encourage mixed uses to increase residential opportunities in commercial zones.

**Goal LU-13 To promote appropriate and compatible development along Los Gatos Boulevard that complements the whole Town and serves residents and families.**

**Policy LU-13.1** Development shall transition from higher intensity uses at the north end of Los Gatos Boulevard to existing residential uses at the south end of Los Gatos Boulevard.

**Policy LU-13.2** Commercial activity along Los Gatos Boulevard shall complement the whole Town and shall provide a dependable source of income, employment opportunities, goods, and services.

**Policy LU-13.3** New projects along Los Gatos Boulevard shall incorporate a family and resident orientation.

**Policy LU-13.4** New development along Los Gatos Boulevard shall be designed to minimize adverse impacts on adjacent residential areas.

**Policy LU-13.5** Establish and maintain appropriate boundaries between the commercial uses along Los Gatos Boulevard and adjacent residential neighborhoods.

**Policy LU-13.6** Provide more pedestrian/bike areas and links to adjacent residential areas to foster neighborhood use of commercial centers.

**Policy LU-13.7** Allow auto dealers and other commercial property owners and merchants to conduct occasional promotional sales activities with a “festival” atmosphere with appropriate restrictions to reduce traffic congestion and impacts on neighboring commercial and residential uses.

The *Los Gatos Sustainability Plan* includes the following land use-related policy directed at the Plan Area.

**TR-2 North Forty Area Land Uses.** Require a variety of local-serving commercial uses and encourage mixed-use development in the North Forty area, reducing VMT.

## **Standards of Significance**

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

- physically divide an established community;
- conflict with the *Town of Los Gatos 2020 General Plan*, or any other 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; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

## **Analysis, Impacts, and Mitigation**

### **No Impact: Physical Division of a Community**

The Plan Area is an in-fill site situated adjacent to freeways on the west and north sides, and two arterials on the south and east. It is located within a developed urban area. Refer to [Figure 2, Project Vicinity](#). The Draft Specific Plan would include residential, commercial, and retail uses and would not result in the physical division of the community.

### **No Impact with Mitigation: Conflict with Plan Adopted for Environmental Purposes**

**Viable Commercial Uses Serving Town Needs (Policies LU-9.2, LU-9.8, LU-11.4, LU-13.2).** These policies promote a successful commercial and retail environment within the Town, to protect the Town's vibrant downtown and provide convenient services to Town residents. The urban decay analysis was prepared to determine if development of the Draft Specific Plan would result in adverse effects on other commercial uses within the Town.

The urban decay analysis assumes a maximum build-out of the Plan Area, with 400,000 square feet of commercial/retail floor area and 250,000 square feet of hotel/office floor area. The Plan Area allows a maximum store size of 50,000 square feet, which effectively eliminates certain types of retail uses that require larger spaces. The urban decay analysis assumes a mix of unspecified shopping center tenants, a supermarket/market hall use, and restaurants. The Proposed Project is estimated to achieve total annual retail sales of approximately \$215 million annually, once fully established. The sales estimates are equivalent to slightly less than 30 percent of estimated 2012 retail sales in Los Gatos, and about 2.7 percent of estimated 2012 retail sales in the retail trade area, but do not include sales from the health club or lodging uses (BAE Urban Economics 2013, pages 59-60).

Projected population growth for the retail trade area would generate an additional \$500 million or more in retail demand in the retail trade area. At 2010 per capita spending rates, this population would support existing retail along with the additional retail from the proposed project. Because of the availability of larger spaces not present elsewhere in the Town, the proposed project's retail mix is likely to have a stronger focus on formula retail in larger spaces with less emphasis on small independent retailers such as those in the downtown. Adding formula retail to the Town-wide inventory of retail properties could lead to Los Gatos capturing additional retail sales from Town residents who currently travel outside the Town to shop at formula retail outlets as well as from shoppers who would come from outside Los Gatos. While some market repositioning of existing retail in the Town may occur, there are several regional examples of downtowns/neighborhood shopping districts and large shopping complexes complementing each other with such differentiated shopping experiences, for example, downtown Palo Alto and the Stanford Shopping Center (BAE Urban Economics 2013, pages 62-63).

With the exception of the declining automotive sector, Los Gatos has a very strong retail sector. The downtown, while impacted by regional and national economic trends, has remained a strong retail destination, bringing in shoppers from outside the Town. The Town is unusual in that it also attracts shoppers for everyday items such as groceries, due in part to the location of supermarkets and drugstores near the edges of Town and in part due to the lack of shopping in Monte Sereno, Saratoga and nearby unincorporated areas. The downtown occupies a unique market niche, driven by small locally-owned shops providing a shopping experience that will not be replicated by the proposed project. While some adjustments may result from competition with the proposed project's retail offerings, the continuing success of the downtown following the opening of Santana Row indicates that the downtown can evolve and withstand strong competition from large retailers in the region. The County has a typical vacancy rate for retail spaces. The Town has a lower retail vacancy rate and a short supply of retail spaces of 10,000 square feet or larger. The low vacancy rates are one indicator that vacant spaces (which are a regular part of the business cycle in retail real estate) are being filled (BAE Urban Economics

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

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

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

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

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

### **No Impact – Not Applicable: Conflict with Habitat Plan**

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

## 3.11 NOISE

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant noise impacts. The following technical report was prepared for the proposed project and is referenced in this section:

- Charles M. Salter Associates, Inc. *Draft Environmental Noise Assessment for North Forty Specific Plan, Los Gatos, California*. August 2, 2013.

The noise report is included as [Appendix L](#). No NOP comments were received regarding noise.

### ***Environmental Setting***

The major noise source near the Plan Area is traffic on State Route 17, State Route 85, Los Gatos Boulevard, and Lark Avenue. There are no significant stationary noise sources near the Plan Area. Noise sources associated with existing uses within the Plan Area are traffic to and from residences and businesses, and agricultural operations in the orchard. The Plan Area is generally level; but portions of Los Gatos Boulevard are as much as ten feet above the elevation of the Plan Area.

To quantify existing environmental noise levels in the Plan Area, six long-term monitors continuously logged sound levels for a 48-hour period between May 22 and May 24, 2013. In addition, four short-term “spot” measurements were conducted and compared with corresponding time periods at the long term monitors to help determine how sound levels vary at different elevations. The locations where these measurements were made is shown in [Figure 19, Noise Measurement Locations](#). Measurements of existing noise levels are summarized in [Table 12, Noise Measurement Results](#).

### ***Policy and Regulation***

#### **State**

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

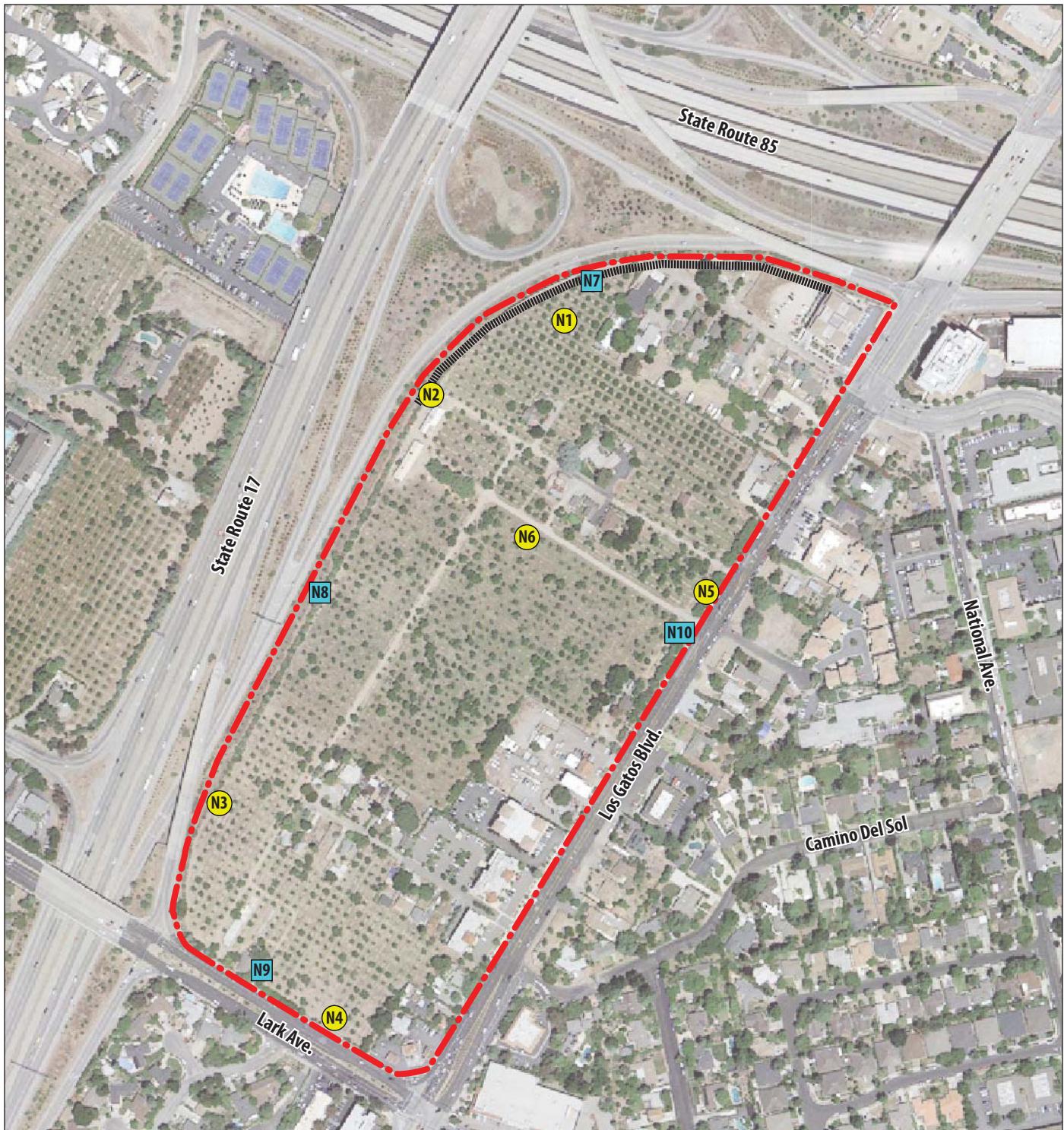
**Table 12 Noise Measurement Results**

Monitor	Location	Date/Time	L <sub>dn</sub> (dBA)
N1	Northwest Site Monitor – Approx. 400 feet southeast of State Route 17 centerline	May 22-24, 2013	63
N2	State Route 17 (North) Monitor – Approx. 390 feet southeast from roadway centerline		70
N3	State Route 17 (South) Monitor – Approx. 240 feet southeast from roadway centerline		71
N4	Lark Ave Monitor – Approx. 80 feet northeast from roadway centerline		67
N5	Los Gatos Blvd Monitor – Approx. 50 feet northwest from roadway centerline		72
N6	Mid-site Monitor – Approx. 550 feet northwest from Los Gatos Blvd centerline		65
N7	State Route 85 Spot – Approx. 440 feet southwest of roadway centerline (6-, 25-, 40-foot elevations)	11:35 – 11:50 May 24, 2013	59,72,74
N8	State Route 17 Spot – Approx. 300 feet southeast from roadway centerline (6-, 25-, 40-foot elevations)	10:20 – 10:35 May 24, 2013	67,75,75
N9	Lark Ave Spot – Approx. 90 feet northeast from roadway centerline (6-, 25-, 40-foot elevations)	9:20 – 9:35 May 24, 2013	63,69,68
N10	Los Gatos Blvd Spot – Approx. 75 feet northwest of roadway centerline (6-, 25-, 40-foot elevations)	12:40 – 12:55 May 24, 2013	64,69,68

*Source:* Charles M. Salter Associates, Inc. 2013.

The California Building Code, part of the California Code of Regulations, includes acoustic guidelines for both residential (Part 2) and non-residential (Part 11) projects. The California Green Standards Building Code refers to average hourly noise levels (L<sub>eq-1hr</sub>), as opposed to L<sub>dn</sub> used for land use compatibility.

**Residential.** The California Building Code limits indoor noise from outdoor sources to L<sub>dn</sub> 45 dBA in habitable rooms of attached housing. Projects exposed to an outdoor L<sub>dn</sub> greater than 60 dBA require an acoustical analysis during the design phase showing that the proposed design will limit outdoor noise to the prescribed allowable interior level. Additionally, if windows must be closed to meet the interior standard, “the design for the structure must also specify inclusion of a ventilation or air-conditioning system to provide a habitable interior environment.”



**Legend**

— Project Boundary

■ Sound Barrier Wall

■ Noise Measurement Location - Monitor

■ Noise Measurement Location - Spot



0 400 feet

Source: Charles M. Salter Associates, Inc. 2013, Google Earth 2011

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Figure 19  
Noise Measurement Locations  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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

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

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

### **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to noise are applicable to the proposed project.

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

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

**Policy VLR-8.2** Development projects in the Vasona Light Rail area shall incorporate design features to buffer dwelling units from the visual and noise impacts of Highway 17 and Highway 85.

**Policy VLR-8.3** Require a noise study for all development applications within the Vasona Light Rail area, identifying degrees of impact and noise attenuation measures, if necessary, to mitigate noise impacts on residential neighborhoods.

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

**Goal NOI-1 To ensure that noise from new development and new land uses does not adversely affect neighboring land uses.**

**Policy NOI-1.1** The Town, as part of the Environmental Review process, shall require applicants to submit an acoustical analysis of projects. All input related to noise levels shall use the adopted standard of measurement shown in Table NOI-2. Noise impacts of new development shall be evaluated in terms of any increase of the existing ambient noise levels and the potential for adverse noise and groundborne vibrations impacts on nearby or adjacent properties. The evaluation shall consider short-term construction noise and on-going operational noise. [see [Table 13, Applicable Outdoor Noise Limits](#), below]

**Policy NOI-1.3** Employ the Ldn scale for the evaluation of outdoor noise for residential land uses and the Leq scale for evaluation of outdoor noise for non-residential uses, as shown in Table NOI-2. Pursue the outdoor noise limits shown in Table NOI-2 as representing the long range community aspirations and work toward their accomplishment, even though some may be presently unattainable. [see [Table 13, Applicable Outdoor Noise Limits](#), below]

**Table 13 Applicable Outdoor Noise Limits**

Land Use	Max. L <sub>dn</sub> Value	Max. Leq 24 Value	Comparable Noise Source	Response
Commercial and Industrial		70 dBA	Freeway traffic (50 feet)	Telephone use difficult
Residential	55 dBA		Light auto traffic (100 feet)	Quiet
Open Space—Nature Park		50 dBA		
Open Space—Developed Park		55 dBA		
Hospital				

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

**Policy NOI-1.4** Apply the same indoor noise levels standards for single family residential uses and multi-family dwellings.

**Goal NOI-2 To ensure that proposed development is not adversely affected by existing noise levels.**

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

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

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

**Action NOI-7.3** Any Environmental Review document prepared for the Town for a project that identifies noise factors shall relate the noise data to the Town's Noise Ordinance to give the Planning Commission and Town Council a standard for comparison.

The *Town of Los Gatos 2020 General Plan* Noise Element (Town of Los Gatos 2011, Figure NOI-1 and text) presents noise level locations and land use compatibility guidelines for environmental noise in the community. [Table 13, Applicable Outdoor Noise Limits](#), presents outdoor noise standards for land uses applicable to the proposed project, which is adapted from *Town of Los Gatos 2020 General Plan* Table NOI-2.

The Town Noise Ordinance (Chapter 16 of the Town Code) limits construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. The noise ordinance also limits noise from stationary sources based on land use the limits established by location on the ordinance's Noise Zone Map. Noise increases are limited to six dBA above the specified limit on residential-zoned properties and eight dBA above the limit on commercial and industrial-zoned properties. Limits applicable within the Plan Area are outlined in [Table 14, Plan Area Specified Noise Levels](#).

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

**Table 14 Plan Area Specified Noise Levels**

Time Period	Residential-zoned property noise levels (dBA)	Commercial and Industrial-zoned property noise levels (dBA)
6:00 a.m. to 1:00 p.m.	55	55
1:00 p.m. to 10:00 p.m.	53	59
10:00 p.m. to 6:00 a.m.	42	48

*Source:* Town of Los Gatos 1992, Noise Zone Map

## **Standards of Significance**

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

- result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies;
- result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels;

A significant vibration impact would occur if the proposed project would expose normal buildings to groundborne vibration levels exceeding 0.30 in/sec PPV;

- result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;

Consistent with the *Town of Los Gatos 2020 General Plan EIR*, a project is considered to have a significant effect if it increases an existing ambient noise level below 60 dBA by five dBA or more, an existing ambient noise level of 60 to 65 dBA by three dBA or more, or an existing ambient noise level of greater than 65 dBA by 1.5 dBA or more;

- result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;

- for a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels;

- for a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels; or

- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

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

*Town of Los Gatos 2020 General Plan* Action NOI-7.3 states that environmental review documents that identify noise factors shall relate the noise data to the Town's Noise Ordinance to give the Planning Commission and Town Council a standard for comparison. The Town's noise ordinance establishes timeframes and decibel levels for the regulation of noise, presented above in the Policy and Regulation section. Consistent with the *Town of Los Gatos 2020 General Plan EIR*, a project is considered to have a significant effect if it increases an existing ambient noise level below 60 dBA by five dBA or more, an existing ambient noise level of 60 to 65 dBA by three dBA or more, or an existing ambient noise level of greater than 65 dBA by 1.5 dBA or more.

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact with Mitigation: Noise in Excess of Standards**

**Future Noise Projections.** The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with noise (Final EIR page 2-8). However, as shown on Figure 4.10-3 of the Draft EIR, future residences at the Plan Area could be subjected to future noise levels exceeding 70 CNEL associated with highway noise. Residential development is proposed adjacent to State Route 17, Los Gatos Boulevard, and Lark Avenue. A more focused noise assessment was prepared for the Draft Specific Plan. Based on noise levels identified in the noise report, future development in some portions of the Plan Area will be subjected to noise levels inconsistent with the Town's land use compatibility guidelines.

The noise study utilized data from the traffic report (Fehr and Peers 2014). In general, the expected increase in  $L_{dn}$  due to the proposed project does not exceed two decibels, except along Burton Road in the northern portion of the Plan Area. Based on the existing noise levels measured at the site, future project traffic may increase  $L_{dn}$  by up to four decibels at residences along this roadway.

In a 2007 report, the Metropolitan Transportation Commission estimates that vehicle trips in the San Francisco Bay Area will increase by approximately one percent per year through the year 2035. Over a twenty-year period, this corresponds with approximately one decibel increase in environmental noise. The proposed project would extend the existing highway noise barrier

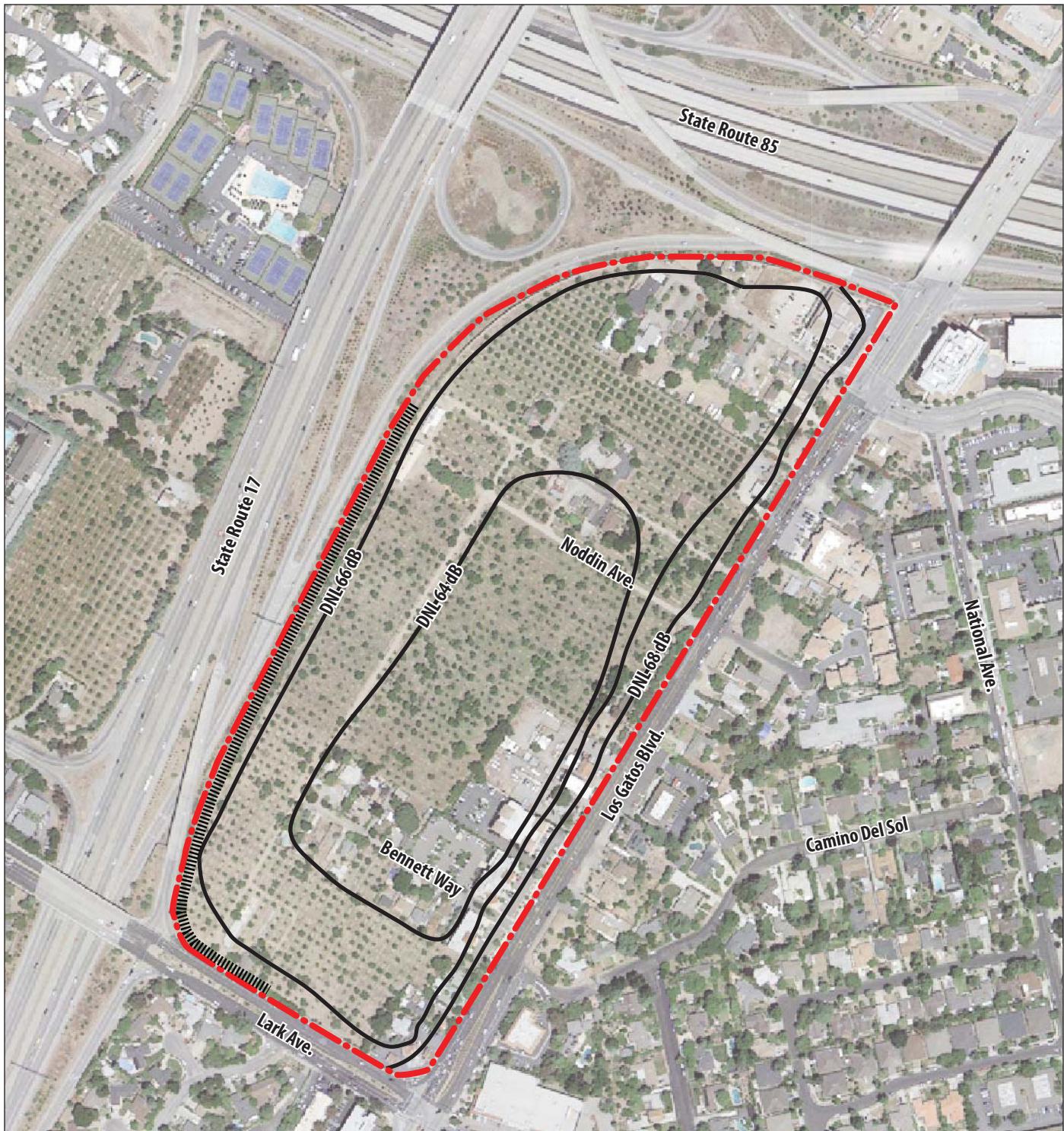
south along State Route 17, and wrap around the western portion of Lark Avenue. This would provide added shielding for at-grade and lower elevation receivers in the Lark and Transition districts. Estimated future noise contours are provided in [Figure 20, Future Noise Contours \(at grade\)](#), and [Figure 21, Future Noise Contours \(40' elevation\)](#), assuming approximately a 14-foot tall barrier. They are based on measured data, the traffic volumes included in the traffic report, the Metropolitan Transportation Commission's estimates, and the extension of the highway noise barrier.

**Residential and Hotel Land Uses.** The proposed residences and hotel would be the most noise-sensitive land uses within the Plan Area. Residences are expected to consist of two- or three-story townhouses in the Lark District, and over-podium style housing in the Transition District and Northern District. In addition, a hotel could be built in the Transition District or Northern District. The California Building Code requirement of  $L_{dn}$  45 dBA or lower indoor noise level is applicable to all residences, and to hotel guest rooms. Further, ventilation or air-conditioning systems are required where windows must be closed to meet the interior noise criterion. Outdoor noise levels for at-grade receivers are expected to be 65dBA  $L_{dn}$  or lower where townhouse style residences are planned for the Lark District and Transition District.

Residences are likely to be located between  $L_{dn}$  65 and 74 dBA noise contours. Assuming a typical room size of 12 by 14 feet with 30 percent window, needed sound insulation ratings for windows may be in the range of STC 28 to 40. This assumes exterior walls will be similar to three-coat stucco over wood sheeting, wood studs with insulation in stud cavities, and one layer of gypsum board. Specific sound insulation requirements will depend on the location, orientation, floor plans and elevations, and must be determined during the design phase.

For reference, typical contractor-grade dual-pane windows and sliding glass doors have sound insulation ratings in the range of STC 26 to 28. Sound insulation ratings must be for the complete assemblies, including frames and operable sashes, and should be from tests conducted by a National Voluntary Laboratory Accreditation Program accredited laboratory. Sound insulation ratings of up to STC 36 can typically be achieved using high quality insulated windows with glazing selected to meet the required ratings. Sound insulation ratings between STC 36 and 39 can be achieved by some specialty window manufacturers by using one-inch glazing sections. Ratings above STC 39 typically require dual sash or “four track” windows.

Implementation of the following mitigation measures would reduce potentially significant impacts to a less-than-significant level.



**Legend**

- Project Boundary
- Future Noise Contour
- ||||| Extended Noise Barrier Along State Route 17



0 400 feet

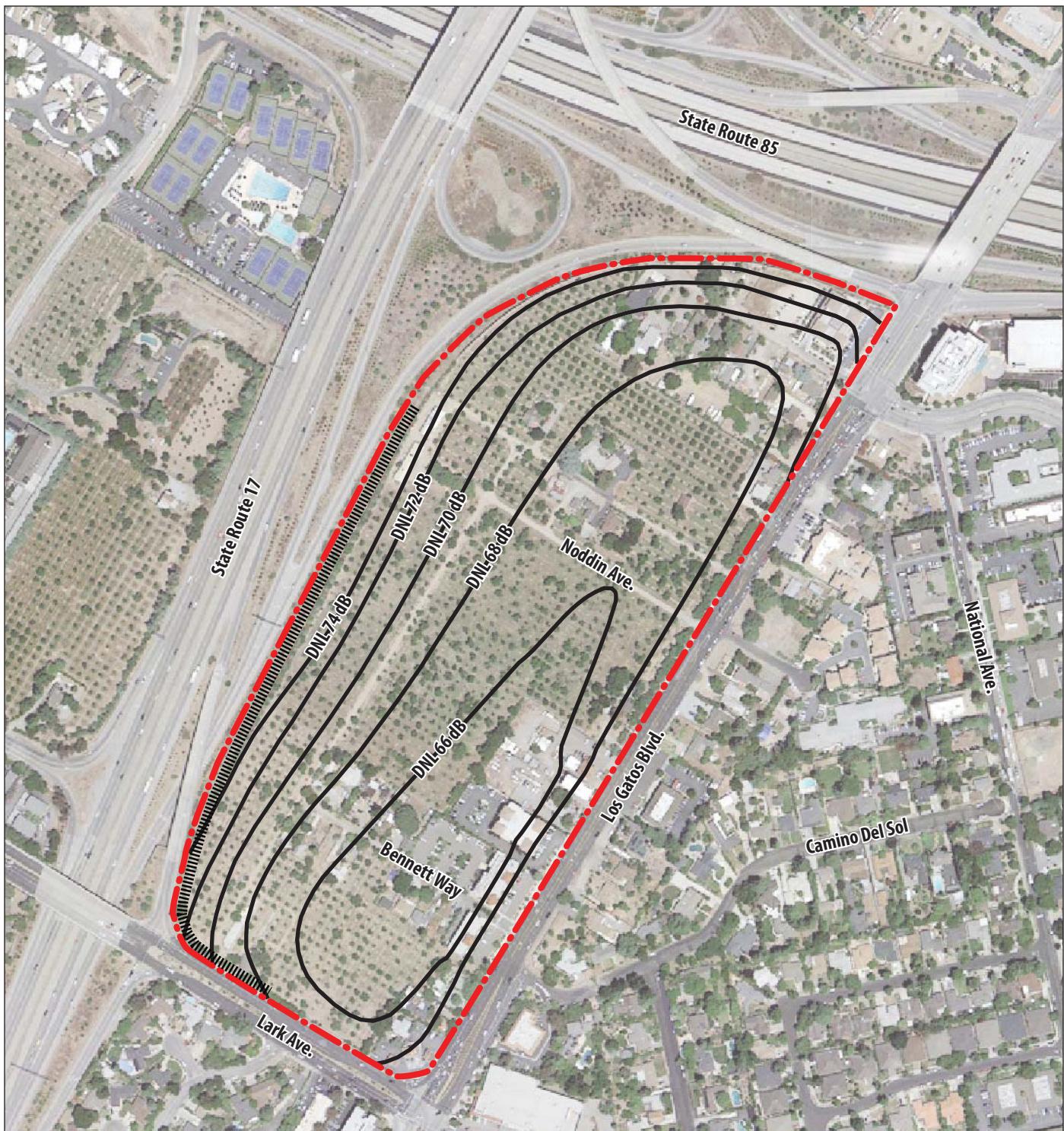
Source: Charles M. Salter Associates, Inc. 2013, Google Earth 2011

E M C

Figure 20  
Future Noise Contours - Grade  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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### *Legend*

### Project Boundary

— Future Noise Contour

## Extended Noise Barrier Along State Route 17



0 400 feet

Source: Charles M. Salter Associates, Inc. 2013. Google Earth 2011

E

M

C

Figure 21

### 3.0 ENVIRONMENTAL EFFECTS

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## Mitigation Measures

*NOI-1. A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 300 feet (or approximately 50 feet west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.*

*NOI-2. Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the normally acceptable noise level of the Town of Los Gatos 2020 General Plan and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to meet these standards. The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:*

- *Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower;*
- *Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and*
- *As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a habitable interior environment, consistent with California Building Code requirements. Systems must not compromise sound-insulation of the building shell.*

*NOI-3. Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.*

**Non-Residential Land Use.** The California Green Building Code provides acoustical requirements for non-residential projects, including the non-guest room portions of hotels, in terms of average hourly interior noise levels ( $L_{eq-1hr}$ ). Hourly average sound levels exceed 65dBA across the commercial portions of the Plan Area.

For reference, typical commercial construction reduces noise levels by approximately 20 dB or more, and the measured relationship between  $L_{dn}$  and  $L_{eq-1hr}$  is plus or minus two dB. Implementation of the following mitigation measure would reduce significant impacts to a less-than-significant level.

### **Mitigation Measure**

*NOI-4. Future non-residential development on sites where the  $Ldn$  noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of  $Leq-1hr$  50 dBA or lower. Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.*

**Stationary Noise Sources.** Stationary noise sources are expected to include rooftop mechanical equipment for retail, office, hotel, and podium-type multi-family housing buildings, and possibly individual air condensing units for townhouse-style residences. Retail and office buildings may also include emergency generators that require periodic testing. New stationary noise sources have the potential to generate noise levels that would violate the Town's noise standards or be incompatible with the surrounding uses. Implementation of the following mitigation would reduce potentially significant impacts to a less-than-significant level.

### **Mitigation Measure**

*NOI-5. Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.*

### **Less-than-Significant Impact with Mitigation: Ground-borne Vibration**

Development and redevelopment of the Plan Area would not include transit rail or other significant sources of ground-borne vibration. Short-term construction activities associated with development of the Plan Area may result in ground-born vibrations. Ground-borne vibration from construction activities is related to the type of construction procedure and the type of construction equipment. As a reference standard, the Federal Transit Association has identified

typical construction-related vibration from representative pieces of equipment as listed in Table 15, Vibration Source Levels for Typical Construction Equipment, (Federal Transit Administration 2006).

**Table 15 Vibration Source Levels for Typical Construction Equipment**

Type of Equipment	Approximate Ground Velocity in Decibels at 25 feet (inches/second)
Pile Driver	104
Large Bulldozer	87
Small Bulldozer	58
Loaded Trucks	86
Jackhammer	79

*Source:* Federal Transit Administration 2006, Table 12-2 page 12-12.

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

If the vibration level at a sensitive land use (i.e., residential use) reaches a ground velocity of 85 decibels (VdB), most people will be strongly annoyed by the vibration (Federal Transit Administration 2006, pg. 7-6). Based upon the information provided in the above, vibration levels could reach up to 86 VdB for use of construction trucks and even higher with the use of large bulldozers or pile drivers at sensitive uses located within 25 feet of the equipment. Because construction activities are normally short-term nature, it is possible that under limited conditions where high vibration generating equipment is used near residential developments, use of such equipment could be a source of short-term annoyance, but not likely a source of excessive long-term vibration impacts. Consequently, the impact is less than significant.

To the extent that highly sensitive uses are included in development applications, they should consider ground-borne vibration and mitigation measures appropriate for the specific equipment planned. These uses may include vibration-sensitive manufacturing, medical or research facilities. As such, the following mitigation measure shall be implemented to reduce potentially significant impacts to a less-than-significant level.

### **Mitigation Measure**

*NOI-6. Future development projects that include vibration-sensitive facilities, or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.*

### **Less-than-Significant Impact with Mitigation: Potential Project Vicinity Permanent Ambient Noise Increase**

As described above, the proposed project would increase traffic noise by up to four dB along Burton Way in the northern portion of the Plan Area. The cumulative noise level is estimated to be approximately  $L_{dn}$  65 for at-grade receivers on adjacent single-family housing sites, which exceeds the normally acceptable level for land use compatibility. However, it is not yet known whether the existing houses will remain, or if they will be replaced as part of the project. If the residences remain, the noise increase would be considered significant without mitigation. Preliminarily, mitigation may consist of approximately six-foot tall noise barriers at residential yards, and upgrading selected residential windows and doors. The extent of mitigation measures will depend on the roadway width, and may extend 75 feet or more on either side of the roadway. As such, the following mitigation measure shall be implemented to reduce potentially significant impacts to a less-than-significant level.

### **Mitigation Measure**

*NOI-7. Future development projects including or requiring roadway improvement projects along Burton Way in the northern portion of the Plan Area shall require a noise assessment prior to approval if existing residential uses will remain adjacent to the roadway improvements. The assessment shall consider the orientation and width of the roadway; location and design of existing residences; and shall identify appropriate mitigation measures to reduce traffic noise to within the Town of Los Gatos noise standards. This is expected to consist of sound-rated windows and doors, and possible roadway noise barriers.*

### **Less-than-Significant Impact with Mitigation: Project Vicinity Temporary or Periodic Ambient Noise Increase**

Noise levels from construction activities vary significantly, depending on the type of equipment used, the process, and the location. In general, the potential impact of a particular construction activity is dependent on the fraction of time that equipment is being operated over the period of construction. Noise from construction activities can be divided into two source types, stationary and mobile. Stationary sources stay in one location for a period of time, and may include generators, compressors, and drill rigs. Mobile equipment moves around the site and may

include trucks, excavators, skip loaders, cutting and welding tools, and pneumatic tools, etc. Construction activities that are expected to generate the highest sound levels are grading, excavation, and pile driving (if used). [Table 16, Typical Construction Equipment Sound Levels](#), lists typical sound levels from various construction activities at a reference distance of 50 feet.

**Table 16 Typical Construction Equipment Sound Levels**

Equipment	Typical Level 50 feet from Source
Roller	74 dB
Backhoe	80 dB
Air compressor, generator	81 dB
Compactor, Concrete pump	82 dB
Concrete mixer, dozer, grader, loader, pneumatic tool	85 dB
Truck	88 dB
Paver	89 dB
Pile driver	101 dB

**Source:** Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, as cited by Charles M. Salter Associates, Inc. Draft Environmental Noise Assessment for North Forty Specific Plan, August 2, 2013.

The proposed project could result in temporary increases in noise levels. Construction of the proposed project would result in high temporary noise levels, which could have a significant effect if construction occurs near sensitive receptors. The nearest sensitive receivers to construction sites are expected to be existing and future residences and businesses within the Plan Area.

The *Town of Los Gatos 2020 General Plan* determined that implementation of General Plan policies establishing construction equipment noise limits and restrictions on construction hours would reduce these impacts to a less-than-significant level. However, construction would take place in some locations that are directly adjacent to residences, including mobile homes and older homes that are likely to have low levels of sound insulation. As such, the following mitigation measure shall be implemented to reduce potentially significant impacts to a less-than-significant level.

### **Mitigation Measure**

*NOI-8. Future development applications shall identify the location and types of sensitive receptors that may be affected by construction noise and/or vibration. Measures to control construction noise and address potential complaints shall be proposed and called out in site plans and/or building plans:*

- *Consistent with the Town Code, construction activities, which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 p.m. weekends and holidays if they meet at least one of the following noise limitations:*
  - *No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible.*
  - *The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.*
- *Locate stationary and mobile noise generating equipment as far as possible from sensitive receptors. Staging areas shall not be located adjacent to sensitive receptors, such as residences.*
- *Conduct a pre-construction meeting with nearby sensitive receptors to outline the construction schedule and what types of noises will hear. Post construction schedules outside the construction site.*
- *Designate a point of contact that will be responsible for responding to complaints about noise during construction. Develop a process to respond to and address complaints.*
- *Submit a vibration study identifying the nearest sensitive receivers, construction activity, and mitigation measures as needed.*

### **No Impact: Aircraft Noise**

The Plan Area is not within two miles of an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip (Google Maps 2013). The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast.

### **Less-Than-Significant Impact: Conflict with Plan Adopted for Environmental Purposes**

The proposed project does not conflict with *Town of Los Gatos 2020 General Plan* noise policies adopted for the purpose of avoiding or mitigating an environmental effect, with the incorporation and implementation of the mitigation measures above, which would reduce potentially significant noise impacts to a less-than-significant level. Refer to Section 3.13 Transportation and Traffic for discussion of alternative transportation modes and mitigation measures to improve usability of alternative transportation modes pursuant to *Town of Los Gatos*

2020 *General Plan* policy ENV-12.2, which requires consideration of alternatives to individual auto use whenever the environmental review document concludes that the traffic generated by a development project would result in adverse impacts from air and noise pollution.

## **3.12 POPULATION, HOUSING, AND PUBLIC SERVICES**

This section addresses changes to population and housing, and the effects of the proposed project on schools, parks, police services, fire services, and other governmental services and facilities. The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant impacts relating to population, housing, or public services. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not require construction of new fire protection or law enforcement facilities. The *Town of Los Gatos 2020 General Plan EIR* concluded that students would be generated in four school districts serving the Town, but that environmental impacts would be less than significant. No technical reports were prepared relating to population, housing, or public services. In response to the NOP, the Los Gatos Union School District commented on school capacities and student generation, and the Santa Clara County Parks and Recreation commented on the Los Gatos Creek Trail, Los Gatos Creek Park, and Vasona Lake County Park.

### ***Environmental Setting***

#### **Population and Housing**

The Town of Los Gatos has a population of approximately 30,000 persons, based on 2010 census data. Approximately 22 percent of the population is under 18 years of age (lower than the California average), and about 18 percent of the population is over 65 years of age (higher than the California average). Approximately 82 percent of Los Gatos' population is White, compared to 56 percent statewide. Approximately 99 percent of Los Gatos adults have a high school diploma and 66 percent have bachelor's degrees. Approximately five percent of Los Gatos' population has income below the poverty level, compared to approximately 14 percent statewide (United States Census Bureau 2011).

The Town of Los Gatos has approximately 13,000 housing units, and approximately 12,000 households. Approximately 28 percent of housing units are in multi-family structures. The average household size is 2.39 persons, smaller than the California average (United States Census Bureau 2011). There are approximately 32 existing houses in the Plan Area. The housing vacancy rate as of 2010 was 3.1 percent, which is considered low (Town of Los Gatos 2010d).

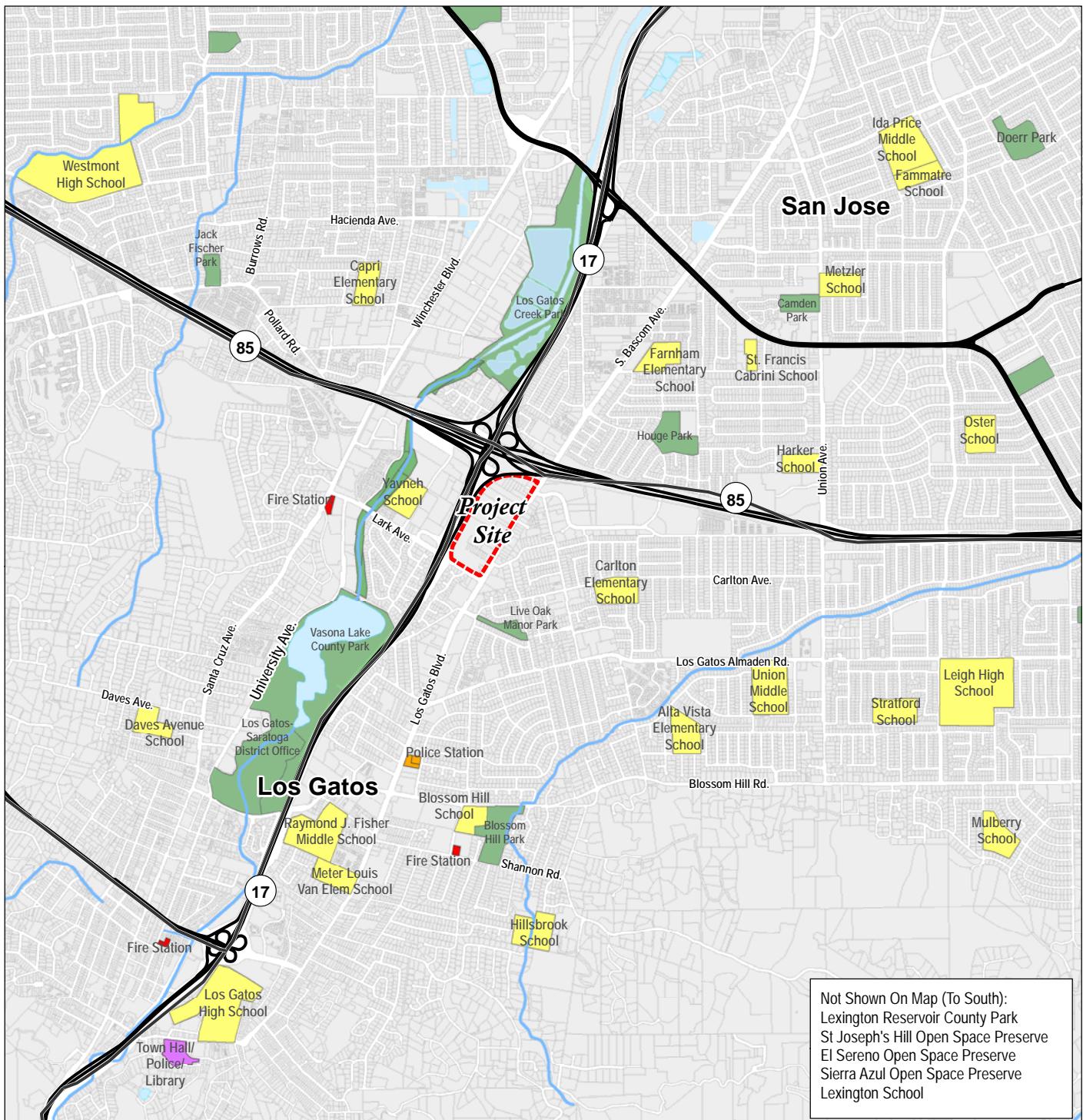
The *Town of Los Gatos 2020 General Plan* allows up to 750 housing units in the Plan Area, expected to accommodate approximately 1,790 new residents. The Housing Element includes the Plan Area as a potential housing site, but does not quantify the potential number of units in terms of meeting the Regional Housing Needs Allocation (Town of Los Gatos 2010d, Appendix Chapter 6).

## Schools

The Plan Area is served by four school districts. The southern portion of the Plan Area is served by the Los Gatos Union School District and the Los Gatos-Saratoga Joint Union High School District. The northern portion of the Plan Area is served by the Cambrian Elementary School District and the Campbell Union High School District. The dividing line between the school districts is located at Noddin Avenue (as shown on [Figure 3, Assessor's Parcel Map](#)), which is immediately north of the businesses along Los Gatos Boulevard. Each of the four districts is described below, and the locations of the schools discussed in this section are shown in [Figure 22, Public Facilities](#). Note that the closest public elementary school to the Plan Area is the Union School District's Carlton School, located east of Los Gatos Boulevard about one-half mile from the Plan Area.

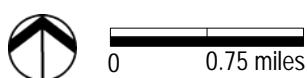
**Los Gatos Union School District.** The Los Gatos Union School District operates four elementary schools and one middle school. The Plan Area is within the attendance area of Louise Van Meter Elementary School, which is located on Los Gatos Boulevard south of Blossom Hill Road, about one mile south of the Plan Area. Louise Van Meter School has 655 kindergarten through 5<sup>th</sup> grade students in 30 classrooms during the 2012-2013 school year. Louise Van Meter Elementary School was built in 1949, and has had two expansions since 2002. In 2002-2003 a new kindergarten complex, library, multipurpose room and three additional classrooms were constructed. During the 2011-2012 school year, a new two-story, 10-classroom building was added along with a new and enlarged day care facility. If class sizes are increased and/or specialty/resource rooms are used as classrooms, the capacity of Louise Van Meter Elementary School is 693 students; however, with the school district's preferred room allocations and classroom sizes, the school is at or over capacity. In its letter in response to the NOP, the school district identifies the school's capacity at 495 students. (Los Gatos Union School District 2012, 2013).

The entire Los Gatos Union School District attends Raymond J. Fisher Middle School. Fisher Middle School is located just off Blossom Hill Road, about one mile south of the Plan Area. The school had 1,073 6<sup>th</sup> through 8<sup>th</sup> grade students in 62 classrooms during the 2011-12 school year, and current enrollment is about 1,100. If class sizes are increased and/or specialty/resource rooms are used as classrooms, the capacity of Fisher Middle School is 1,334 students; however, with preferred room allocations and classroom sizes, the school is at or over capacity (Los Gatos Union School District 2012, 2013).



### Legend

Project Boundary  
 Town Hall  
 Police  
 Fire Station  
 Park  
 Schools



Source: ESRI 2010, Santa Clara County 2012

Figure 22  
**Public Facilities**  
 North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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The Los Gatos Union School District currently has an enrollment of about 3,200 students, approximately in line with projections in the *Town of Los Gatos 2020 General Plan Final EIR* (Town of Los Gatos 2010 c, page 3-21). The baseline school district student census, without any new development would result in an additional 400 students over the next 20 years, due to demographic shifts. Already approved new housing within the school district (Guadalupe Mines, Riviera Terrace, South Bay Honda, Swanson Ford, and Thrash House) would add about 70 additional students, most in the relative near-term. The Los Gatos Union School District's master plan includes two future growth scenarios that include development of the Plan Area; one scenario predicts half density residential development at build-out and one predicts maximum residential development at build-out. The growth scenarios include the already-approved residential projects and residential development at the Oka Road property and within the Plan Area. Projections for additional students from these projects range from about 100 to 200, with a total school district enrollment of up to 3,830 students by 2022. Combined development at Oka Road and the Plan Area would increase Louise Van Meter School enrollment by 25 to 50 students, and would increase Fisher Middle School enrollment by 40 to 90 students by 2022 (Los Gatos Union School District 2012, pages 25 to 30).

The Los Gatos Union School District's master plan concludes that obtaining five additional middle school classrooms is the immediate priority. Extra classrooms at the recently re-built Lexington School (west of Lexington Reservoir) are expected to accommodate elementary students through 2020, although virtually all enrollment growth is anticipated to take place outside the current Lexington School attendance boundary (Los Gatos Union School District 2012, pages 48, 62). The Los Gatos Union School District collects development impact fees of \$3.20 per square foot for residential development, and \$0.51 per square foot for commercial development. An existing parcel tax was recently extended for eight years (Los Gatos Union School District 2013).

**Los Gatos-Saratoga Joint Union High School District.** The Los Gatos-Saratoga Joint Union School District operates two high schools: Los Gatos High School and Saratoga High School. Four elementary school districts feed into the two high schools. The Plan Area is within the attendance area of Los Gatos High School, which is located near downtown Los Gatos on East Main Street, about 2.5 miles south of the Plan Area. The master facilities plan for the school does not include classroom capacity expansion; most proposed improvements are focused on auxiliary facilities, but the master facilities plan does include new physical education offices and classrooms, and a second gymnasium. The district receives supplemental funds from a parcel tax. Total district enrollment was 3,240, nearly identical to projections in the *Town of Los Gatos 2020 General Plan Final EIR* (page 3-21). Los Gatos High School had an enrollment of 1,821 students for the 2011-2012 school year (Los Gatos-Saratoga Joint Union High School District 2013).

**Cambrian School District.** The Cambrian School District has an enrollment of about 3,200 students, at four elementary schools and one middle school. The nearest elementary school is Farnham School on Woodard Road about one mile north of the Plan Area. Farnham School had an enrollment of 533 students in kindergarten through 5<sup>th</sup> grade for the 2010-2011 school year. All middle school students within the school district attend Ida Price Middle School, which is located on New Jersey Avenue in San Jose, about 2.5 miles north of the Plan Area. Ida Price Middle School has an enrollment of about 900 students. The Cambrian School District collects development impact fees of \$2.24 per square foot for residential development, and \$0.27 per square foot for commercial development (Cambrian School District 2012, 2013).

**Campbell Union High School District.** The Campbell Union High School District operates five high schools. The Plan Area is within the attendance area of Leigh High School, located at Leigh Avenue and Los Gatos-Almaden Road, about 2.5 miles east of the Plan Area. Leigh High School has a capacity of 1,803 students and a Fall 2013 enrollment of 1,666 students. The Campbell Union High School District collects development impact fees of \$0.79 per square foot for residential development, and \$0.13 per square foot for commercial development (Campbell Union High School District 2012a, 2012b, 2013; SCI Consulting Group 2007; personal communication, Toni Selzler, September 24, 2013).

## **Parks and Recreation**

Parks and recreational programs serving or located close to the Plan Area are operated by the Town, the City of San Jose, the Los Gatos Saratoga Community and Recreation District, Santa Clara County Parks Department, Mid Peninsula Open Space District, and the California Department of Parks and Recreation.

**Town of Los Gatos Parks.** The Town of Los Gatos Parks and Public Works Department operates 14 parks comprising about 90 acres. The nearest Town parks to the Plan Area are Live Oak Manor Park, located about one-quarter of a mile south of the Plan Area, and Blossom Hill Park, located about one and one-half miles south of the Plan Area. Live Oak Manor Park has picnicking, a playground, and basketball court. Blossom Hill Park has picnicking, a playground, baseball field, and lighted tennis courts.

**City of San Jose Parks.** Hough Park, operated by the City of San Jose, is located about three-quarters of a mile to the northeast. Hough Park has picnicking, a playground, and sports courts.

**Los Gatos-Saratoga Community Education and Recreation.** The Los Gatos-Saratoga Community Education and Recreation District was formed in 1956 by the Los Gatos-Saratoga Union High School District. The department was re-organized by the three local school districts as a separate joint powers agency to ensure the effective and efficient provision of community education and recreation services to the communities of Los Gatos, Saratoga, Monte Sereno,

and unincorporated Santa Cruz Mountain communities. The service area boundaries are the same as the Los Gatos-Saratoga Union High School District. Programs are provided at 27 locations, including schools, parks, community centers, pre-schools, and churches. Services are funded by user fees and donations (Town of Los Gatos 2012b).

**Santa Clara County Parks.** The County of Santa Clara owns 47,000 acres of parkland. Some of the nearest County parks to the Plan Area are Vasona Lake County Park, the Los Gatos Creek Trail, and Los Gatos Creek Park. Vasona Lake County Park features fishing, boat rentals, picnic areas, a science center, and a miniature railway, and hosts lighted holiday displays in December. In addition to the creek-side trail that spans from Lexington Reservoir to near downtown San Jose, Los Gatos Creek Trail hosts picnic areas, fishing, and a dog park within the City of Campbell that was co-funded by the Town of Los Gatos. Lexington Reservoir Park has picnic areas, trails, and fishing. The *Draft Parkland Acquisition Plan* identifies areas considered to have high or moderate suitability for acquisition. The Plan Area is not identified for potential acquisition (County of Santa Clara Parks and Recreation 2011b, Figure 5-1).

The *Santa Clara County Countywide Trails Master Plan Update* was adopted in 1995 and proposes a variety of trail types. Near the Plan Area to the west of State Route 17, the existing Los Gatos Creek Trail is designated as a sub-regional trail. The Los Gatos Creek Trail is a sub-regional trail between the Guadalupe/Santa Teresa trail near downtown San Jose and the Bay Area Ridge Trail at Lexington Reservoir south of Los Gatos. The Los Gatos Creek Trail is one of the most heavily-used trails for both recreation and transportation in Santa Clara County.

Sub-regional trails play a crucial role in by serving connected communities in one or more of the following ways:

- providing regional recreation and transportation benefits including links for accessing rail stations, bus routes, or park-and-ride facilities;
- providing for continuity between cities; generally crossing a city or passing through more than one city; and/or
- providing convenient, long-distance trail loop opportunities by directly linking two or more regional trails to create an urban trail network.

The proposed on-street bicycle route alignment of the Juan Bautista de Anza Historic Trail passes near the Plan Area on existing streets.

**Mid Peninsula Open Space District.** The Mid Peninsula Open Space District is a regional open space preservation district with about 55,000 acres of open space preserves within the Santa Cruz Mountain area of San Mateo, Santa Clara, and Santa Cruz counties. The Mid Peninsula Open Space District owns approximately 800 acres of land within the Town limits, close to half of the

land area within the Town. Preserves located within the Town limits are El Sereno Open Space Preserve, Saint Joseph's Hill Open Space Preserve, and Sierra Azul Open Space Preserve. The open space preserves are minimally-developed, primarily with trailheads and trail systems. The district employs rangers to patrol the preserves (Santa Clara County Local Agency Formation Commission 2007, pages 7-5, 7-16, 17-1 to 17-12). The Mid Peninsula Open Space District funding includes property taxes, grants, and donations.

## **Fire and Emergency Medical Services**

The Santa Clara County Fire Department provides fire protection services and emergency medical response to the Town of Los Gatos. The Santa Clara County Fire Department serves over 250,000 residents within a 114.5 square mile territory encompassing Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga, and adjacent unincorporated areas. The Department is divided into five service divisions: Administrative Services, Fire Prevention Division, Operations Division, Training Division, and Support Services Division. Currently, there are 307 career personnel, including 259 full time career firefighters who are augmented by 40 volunteer firefighters. These personnel serve the territory from 17 fire stations, which house 21 pieces of apparatus and four command vehicles. The nearest fire stations are located at Winchester Boulevard and Lark Avenue, about 0.6 miles from the Plan Area, and on Shannon Road east of Los Gatos Boulevard, about 1.5 miles south of the Plan Area (Santa Clara County Fire Department 2010).

## **Police Services**

Police protection within the Town is provided by the Los Gatos Monte Sereno Police Department, which provides law enforcement services to both cities. The police department operates from two locations: patrol and detective services are located in an office on Los Gatos Boulevard near Blossom Hill Road, about one mile from the Plan Area, and all other police services are located at the Town Hall, about 2.5 miles from the Plan Area. The building on Los Gatos Boulevard was opened in 2009 to resolve crowding problems. The police department includes an authorized staff of 64 sworn and civilian personnel, plus over 150 volunteers (Los Gatos Monte Sereno Police Department 2013).

Calls to the police department are categorized as Priority One, Priority Two, and Priority Three. Priority One calls command immediate assignment and any available police unit is dispatched. The average response time for Priority One calls is about five and one-half minutes. The average response time for Priority Two calls is about nine and one-half minutes. Priority Three calls are not urgent and are responded to in an average of about 20 minutes, or as soon as personnel are available (Town of Los Gatos 2010 b, page 4.12-8).

Facility needs are evaluated each year as part of the budget preparation cycle. Requests for nonemergency type of repairs or minor building modifications are submitted to the Town budget review committee. The committee will determine what requests can be filled based on needs and available funding. Equipment needs are also evaluated as part of the budget cycle. If approved, equipment can either be purchased out of the current year budget or identified as a purchase for the next year. Any associated replacement and maintenance costs will be added to the ongoing budget (Santa Clara County Local Agency Formation Commission 2007, pages 7-10 to 7-15).

The Town operates an emergency operations center at the Los Gatos Boulevard location, with several back-up sites in the event the Los Gatos Boulevard location is not functional or otherwise unavailable. The emergency operations plan identifies several back-up locations (Town of Los Gatos 2010 e, page 21). Since 2006, the Los Gatos/Monte Sereno Police Department and City of Campbell Police Department have operated a shared SWAT and crisis negotiation team (Santa Clara County Local Agency Formation Commission 2007, pages 7-10 to 7-15; Los Gatos Monte Sereno Police Department 2013 web site).

## **Other Public Facilities**

The Town recently constructed a library of approximately 40,000 square feet at the civic center. The new library building provides adequate library services for the Town. The Los Gatos Public Library belongs to the Silicon Valley Library System, a cooperative and resource-sharing organization for area libraries. The library also cooperates with the Museums of Los Gatos in the area of local history (Santa Clara County Local Agency Formation Commission 2007, page 7-14). The Town completed the Civic Center Master Plan in 2007. The Civic Center Master Plan analyzed the functional and physical space needs of the Town's services and identified existing short-comings for several programs and departments. A new library was constructed and additional police department space provided in response to those needs (Anderson Brûlé Architects, Inc. 2007).

## **Policy and Regulation**

### **State**

Senate Bill 50 was adopted in 1998. School districts may collect fees established by the California legislature to offset the costs associated with increasing school capacity as a result of development. School districts may undertake a school impact fee needs analysis to justify a fee that is higher than the standard state fee. Payment of the fee by developers serves as the total mitigation of the potential impact of a development on school facilities pursuant to CEQA.

## County

The *Santa Clara County Countywide Trails Master Plan* was adopted in 1995 as part the Parks and Recreation Element of the Santa Clara County General Plan. The *Santa Clara County Countywide Trails Master Plan* identifies the functions and benefits of a countywide trail system: outdoor recreation, transportation, education, public health, and social well-being. The countywide trail system will provide for regional, sub-regional, and connector trails throughout Santa Clara County.

## Town of Los Gatos

One of the *Town of Los Gatos 2020 General Plan*'s vision statement consensus points relates to public services:

**Provide a well-run, efficient municipal government that is fiscally healthy, with high levels of public safety, recreational, art and cultural amenities and that is supportive of high quality education.**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to population, housing, and public services are applicable to the proposed project.

**Policy LU-1.5** Encourage private/public funding, development, and operation of cultural amenities, activities, and centers consistent with the small-town character of Los Gatos.

**Policy LU-4.2** Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

**Policy LU-4.3** Only approve projects for which public costs can be justified by the overall benefit to the community.

**Policy LU-4.4** Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

**Policy LU-6.9** The Housing Element assumes that sites designated medium and high density residential will be developed at the upper end of the density range. If the Town approves a development at a lower density on one of these sites, staff shall identify one or more other sites to maintain the Town's capacity to meet its housing needs as identified in the Housing Element, subject to neighborhood compatibility and mitigation of traffic impacts.

**Policy HOU-2.1** Continue to designate sufficient, residentially-zoned land at appropriate densities to provide adequate sites to meet Los Gatos's new construction need for 2007-2014.

**Policy HOU-2.2** Ensure that the Town will provide sufficient land at appropriate zoning categories to meet its need for very low-, low-, and moderate-income households, as demonstrated in the Housing Sites Inventory analysis in Chapter 6 of the Housing Element Technical Appendix.

**Policy HOU-2.3** Encourage mixed-use developments that provide affordable housing close to employment centers and/or transportation facilities, particularly along Los Gatos Boulevard and within a ½-mile radius of the future Vasona light rail station.

**Policy HOU-2.4** Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

**Policy HOU-3.1** Encourage the maintenance and improvement of existing housing units.

**Policy HOU-3.2** Support the preservation and conservation of existing housing units that provide affordable housing opportunities for Town residents and workers.

**Goal VLR-2 To encourage affordable housing (senior housing, multi-family housing, mixed-use with housing) in appropriate locations within the Vasona Light Rail area to address the Town's housing needs and take advantage of the opportunities afforded by mass transit.**

**Policy VLR-2.1** Encourage development of residential rental units throughout the Vasona Light Rail area. Residential development proposals shall demonstrate how they address the Town's unmet housing goals for affordable housing.

**Policy VLR-2.2** Proposed mixed-use projects in the Vasona Light Rail area which include residential uses shall assist the Town in meeting its housing goals of providing rental units, senior housing, and affordable housing.

**Policy OSP-5.8** Encourage all new development to provide informal outdoor gathering spaces.

**Policy OSP-5.9** Encourage new multi-family residential development of eight units or more to include tot lots or similar shared open space for young children.

**Policy OSP-6.1** Promote private open space in all planning decisions for new development.

**Policy OSP-6.2** New development projects shall include conditions to preserve open space.

**Policy OSP-6.5** Provide permanent common open space in high-density developments.

**Policy OSP-6.6** Site plans for new development along the Highway 85 corridor shall incorporate adequate open space.

**Policy OSP-6.8** Encourage the use of innovative development techniques which will provide open space within individual developments, public or private.

**TRA-7.7** Dual access is required for all zoning approvals and shall be provided first by loop roads, then by through roads and lastly by long cul-de-sac with an emergency access connection to a public road.

**Policy SAF-7.3** New development shall be required to incorporate adequate emergency water flow, fire resistant design and materials and evacuation routes.

**Policy SAF-7.4** New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

**Policy SAF-8.1** Build and require roadways that are adequate in terms of width, radius and grade to accommodate Santa Clara County Fire Department fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

**Policy SAF-8.3** New development shall satisfy fire flow and hydrant requirements and other fire-related design requirements as established by the Town and recommended by the Santa Clara County Fire Department.

**Policy SAF-10.1** Emphasize the use of physical site planning as an effective means of preventing crime. Open spaces, landscaping, parking lots, parks, play areas and other public spaces shall be designed with maximum possible visual and aural exposure to community residents.

**Policy HS-2.1** Encourage safe and attractive places for recreational exercise within a half mile of every residence.

**Policy HS-2.3** Encourage pedestrian routes and sidewalks to be integrated into continuous networks.

The *Town of Los Gatos 2020 General Plan*'s description of the North Forty Specific Plan overlay area provides the following guidelines related to population, housing, and public services:

- Provide for a variety of residential housing types, both rental- and owner occupied. A minimum of 20 percent of the units shall be affordable to households at the moderate income level or below.
- Include public gathering spaces such as a plaza and park.

**Below Market Rate Housing Program.** The Town's Below Market Price Housing Program provides opportunities for low and moderate income households to purchase homes that they may otherwise not be able to afford. The program has a limited number of homes, typically condominiums or townhomes, which are sold at a price below the current market value; participating homebuyers agree to restrict the price at which they resell the unit in the future. All units must remain owner-occupied. A limited number of rental units are also available for households with incomes not exceeding 80 percent of the area median income.

Participants' household incomes may not exceed 100 percent of the area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development. Applications are then ranked by criteria established by the Town Council, according to such characteristics as current residence in Los Gatos, current employment within Los Gatos, senior citizen status, disability status, and household size.

Developers of residential projects within Los Gatos are currently required to construct housing on their sites, or in some cases, provide units off site, or pay an in-lieu fee. For projects of more than 101 housing units, the number of affordable housing units must not be less than 20 percent of the market rate units (Town of Los Gatos 2012c).

**Open Space and Trails Dedications.** The Town's Chapter 24 Subdivision Regulations and Chapter 29 Zoning Regulations provide for the dedication of open space as permitted by the Quimby Act. The Quimby Act (California Government Code Section 66477), part of the Subdivision Map Act, allows jurisdictions to adopt an ordinance requiring parkland dedication

or in-lieu fees. The Town Code sections indicate that, where consistent with the goals and policies of the *Town of Los Gatos 2020 General Plan*, dedication of open space to the Town, either in fee title or as an easement, whichever will best implement the applicable policy, may be required. Fee title dedication is usually required where public involvement is sufficiently active to warrant Town control and maintenance. Where public involvement is more passive, dedication of open space easements may be considered appropriate. Trail dedication is required where shown on the *Town of Los Gatos 2020 General Plan* map, or at the discretion of the Town's advisory agency.

## **Standards of Significance**

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

- induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure);
- displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- displace substantial numbers of people, necessitating the construction of replacement housing elsewhere;
- result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  - fire protection;
  - police protection;
  - schools;
  - parks; or
  - other public facilities;
- 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;

- include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

## ***Analysis, Impacts, and Mitigation***

### **No Impact: Induce Population Growth**

The proposed project includes housing and businesses. The proposed development densities are equal to or less than those envisioned for the area in the *Town of Los Gatos 2020 General Plan*. The *Town of Los Gatos 2020 General Plan* envisioned up to 750 housing units and 580,000 square feet of commercial development within the Plan Area. The Draft Specific Plan proposes a limit of 364 housing units and 580,000 square feet of commercial space. With a median household size of 2.39 persons in Los Gatos, the estimated build-out population would be 870, a net increase of about 794 persons compared to existing conditions, and about 923 fewer than anticipated in the *Town of Los Gatos 2020 General Plan*. Proposed residential development is just under half that allowed by the *Town of Los Gatos 2020 General Plan*. Therefore, growth would not exceed that already anticipated under build-out of the *Town of Los Gatos 2020 General Plan*. While the proposed project would not induce population growth beyond that already projected in adopted plans, the impacts of development within the Plan Area are reviewed in the relevant impact sections of this EIR. The proposed project includes several infrastructure components, but these are designed to provide for the Plan Area, and in the case of the storm drainage system, for existing development that is currently served with inadequate infrastructure.

### **Less-than-Significant Impact: Displacement of Housing or People**

*Town of Los Gatos 2020 General Plan* policies HOU-3.1 and HOU-3.2 encourage the preservation of existing housing. Implementation of the Draft Specific Plan would likely include eventual removal of the existing houses; however, construction would take place gradually in phases, and it is anticipated that housing would be removed following sale by the residential property owners. Up to 364 new residential units are planned within the Plan Area, for a net increase of 332 units. Assuming the proposed project is developed with the maximum allowable 364 housing units, at least 61 would be required to be affordable units in accordance with the Town's Below Market Rate housing program – 303 market rate units and 61 (20 percent of 303) below market rate units. Because all of the replacement housing will be constructed within the Plan Area, there will be no need to construct replacement housing elsewhere and the proposed project would have a less-than-significant impact.

### **Less-than-Significant Impact: New or Altered Schools**

Up to 364 residential units are planned within the Plan Area, which is just over half the number allowed in the *Town of Los Gatos 2020 General Plan*. Student generation would also be just over half that anticipated by the *Town of Los Gatos 2020 General Plan Final EIR*, which projected a total of 450 multi-family units in the southern school districts and 300 multi-family units in the northern school districts (page 3-26). The Draft Specific Plan emphasizes residential development in the southern portions of the Plan Area, especially the Lark District, but some residential uses are allowed anywhere within the Plan Area. The school district dividing line falls within the middle of the Transition District. Although the Draft Specific Plan does not dictate the residential distribution within the Plan Area, almost all of the commercial development is directed to the northern half of the Plan Area, and this analysis assumes that 80 percent of residential units would be developed within the southern portion of the Plan Area served by the Los Gatos Union School District and Los Gatos-Saratoga Joint Union High School District. The schools serving the southern portion of the Plan Area are Louise Van Meter Elementary, Raymond J. Fisher Middle School, and Los Gatos High School. The student generation rates used in the *Town of Los Gatos 2020 General Plan Final EIR* (page 3-29) were used to estimate student generation from the proposed project. [Table 17, Build-out Net Student Generation](#), presents projected net student generation for each school.

The proposed project as a whole would generate about 65 students at new residential units, but re-development of the Plan Area would also remove about 32 houses and 18 students. At build-out of the Plan Area, there would be a net increase of approximately 47 students. The effects of student generation would be gradual, as new residential development replaced undeveloped land, and residential or commercial re-development replaced existing residential uses over an expected period of about 20 years.

The Cambrian School District (Farnham School and Ida Price Middle School) and the Campbell Union High School District (Leigh High School) would experience a reduction in students at build-out of the proposed project, because existing single-family homes with higher student generation rates would be replaced in time with mixed use residential units that have low student generation rates.

The proposed project would result in a net increase of about 35 students for the Los Gatos Union School District (Louise Van Meter School and Fisher Middle School) and a net increase of about 17 students for the Los Gatos-Saratoga Joint Union High School District (Los Gatos High School). Although the student generation numbers calculated here are lower than those estimated by the Los Gatos Union School District in their response to the NOP, the increased student generation from the proposed project would require the equivalent of an additional classroom at Louise Van Meter School (24 new students) and the equivalent of about one-half classroom at Fisher Middle School (11 new students).

**Table 17 Build-out Net Student Generation**

School	Dwelling Type	Rate	Dwelling Units	Students
<b>Los Gatos Union School District</b>				
Louise Van Meter School	Attached	0.081	121	9
	Apartments	0.086	121	10
	Below Market	0.182	49	9
	Existing Single	(0.235)	16	(4)
Fisher Middle School	Attached	0.048	121	6
	Apartments	0.041	121	5
	Below Market	0.048	49	2
	Existing Single	(0.131)	16	(2)
<b>Los Gatos Union Total</b>				<b>35</b>
<b>Los Gatos-Saratoga Joint Union High School District</b>				
Los Gatos High School	Attached	0.055	121	7
	Apartments	0.075	121	9
	Below Market	0.076	49	4
	Existing Single	(0.208)	16	(3)
<b>Los Gatos-Saratoga Total</b>				<b>17</b>
<b>Cambrian School District</b>				
Farnham School	Mixed Use	0.004	61	<1
	Below Market	0.182	12	2
	Existing Single	(0.235)	16	(4)
Ida Price Middle School	Mixed Use	0.008	61	<1
	Below Market	0.048	12	1
	Existing Single	(0.131)	16	(2)
<b>Cambrian Total</b>				<b>(1)</b>
<b>Campbell Union High School District</b>				
Leigh High School	Mixed Use	0.006	61	<1
	Below Market	0.076	12	1
	Existing Single	(0.208)	16	(3)
<b>Campbell Union Total</b>				<b>(1)</b>

*Source:* Town of Los Gatos 2010 c, page 3-29; EMC Planning Group

*Note:* As an illustrative scenario, assumes 80 percent of dwelling units are in southern school districts (Los Gatos Union School District and Los Gatos-Saratoga Joint Union High School District). Dwelling type assignments made based on intent for Draft Specific Plan districts. Students rounded to nearest whole number; under 0.5 expressed as <1. Numbers in parentheses are negative, representing loss of existing students from houses that are ultimately to be removed.

The Los Gatos Union School District's facilities planning report prioritized development of at least five new classrooms at Fisher Middle School by 2017, with expansion of elementary schools not critical until a later timeframe. Expansion options studied at Fisher Middle School include a new five classroom wing or two-story 18-classroom building with a net increase of 10 classrooms; other options at Fisher Middle School included re-locating the adjacent school district offices, and then either adding a new elementary school or expanding Fisher Middle School to 5<sup>th</sup> to 8<sup>th</sup> grades on that site. Proposed elementary school expansions were limited to using courtyard space between classroom wings to construct collaboration or project areas that would indirectly increase school capacity—although individual new classrooms would not be added, rooms elsewhere within the school could potentially be made available for classroom use.

The facilities report considered the construction of a new elementary school on a new unspecified site (a conceptual design was shown for a 6.5-acre site on Oka Road). The Draft Specific Plan lists public schools as a conditionally-allowed use in all three districts.

Several assumptions need to be made to estimate the amount of school fees that would be paid by the proposed project to the Los Gatos Union School District. An assumption of 291 housing units in the southern school district area has already been presented. School development impact fees are charged per square foot; if the average unit is assumed to be 1,500 square feet, the fees paid by residential development would be about \$1.4 million. Assuming that one-quarter of commercial development was within the southern school district area, commercial development impacts fees would be about \$65,000. The school district's parcel tax is projected to generate about \$2.6 million per year for eight years (approximately \$20.8 million total). For context, the school district estimates that adding five classrooms to the Fisher Middle School would cost between \$5 million and \$18 million (Los Gatos Union School District 2012, page 62).

Pursuant to Section 65996(3)(h) of the California Government Code, payment of the state-mandated school impact fees “is deemed to be full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization.” Therefore, with the payment of impact fees, the environmental impacts associated with new students generated by future redevelopment of the Plan Area would be mitigated to a less-than-significant level. In a scenario where all residential development was within the southern school districts, the student generation within those districts would rise slightly, but the development impact fees would increase proportionally and the impact would remain less than significant.

### **Less-than-Significant Impact: New or Altered Parks or Recreational Facilities**

The Plan Area is served by a large number of existing park and recreational facilities, within several different jurisdictions and districts, although the nearest is one-quarter of a mile from the

southern end of the Plan Area, and on the opposite side of Los Gatos Boulevard. The Draft Specific Plan requires private pocket parks to serve neighborhood-level park needs for Plan Area residents. The Draft Specific Plan requires 30 percent of the Plan Area be open space, with at least 20 percent of total open space within each of the three districts. Parks are an allowed use, but the Draft Specific Plan does not include policies requiring any public parks. However, the proposed open space areas and existing parks elsewhere in the Town would be adequate to serve the proposed project. The *Town of Los Gatos 2020 General Plan EIR* determined that build-out of the *Town of Los Gatos 2020 General Plan* would not have significant impacts on existing park and recreational facilities or result in environmental impacts from the construction of additional park and recreational facilities.

### **Less-than-Significant Impact: Deterioration of Recreational Facilities**

The proposed project would add up to 364 new (332 net) residential units to the Plan Area. This new housing is expected to result in an increase in the use of existing parks and recreational facilities, and this additional use could have physical impacts on these the facilities. The Plan Area is served by a large number of existing park and recreational facilities, within several different jurisdictions and districts. The nearest Town, City of San Jose, and County facilities are likely to experience an increase in use by the new residents, but new residents of the Plan Area would represent only a small fraction of the existing population in Town and the region, so the increase would be less than significant.

### **No Impact: New or Altered Fire Department Facilities**

The existing development in the project vicinity is adequately served by the Santa Clara County Fire Department. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan*, which includes the Plan Area, would not require construction of new fire protection facilities, and therefore, would not result in an environmental impact. The Santa Clara County Fire Department has two stations within a reasonable distance of the Plan Area. The development densities and types of uses proposed in the Draft Specific Plan are consistent with those outlined in the *Town of Los Gatos 2020 General Plan*, and therefore no physical impacts would occur because of the need new or expanded fire department facilities.

### **No Impact: New or Altered Police Department Facilities**

The proposed project would add both residential and commercial uses to the Plan Area, which would incrementally increase the demand for police services. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would require additional personnel, and that there were minor issues related to accommodating the additional

personnel, including lack of secure parking and inadequate space within the Town Hall police facility. However, the *Town of Los Gatos 2020 General Plan EIR* concluded that these issues could be resolved with less-than-significant environmental effects. The Town's police services office space was expanded in recent years, and should be adequate to accommodate the increased demands brought about by the proposed project.

### **No Impact: Other New or Altered Public Facilities**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan*, which includes the Plan Area, in conjunction with past development, would require expansion of the existing library. A new library has been constructed and will adequately serve the proposed project and other development within the Town. The Town's Civic Center Master Plan (Anderson Brulé Architects, Inc 2007) identified several programs or departments that require additional office space to adequately serve the Town. The Civic Center Master Plan considers the construction of new or replacement buildings at the civic center site and the redesign of space within existing buildings. Several structural and mechanical upgrades to existing buildings are also required. It is anticipated that these improvements will be funded by the Town in future years as each becomes a priority. The proposed project would place incrementally-increased demands on other Town services, but the Town has already initiated a program to address increased needs. Therefore, the proposed project would not create any adverse physical impacts associated with the need for library facilities.

### **No Impact: Consistent with Plan Adopted for Environmental Purposes**

The proposed project does not conflict with *Town of Los Gatos 2020 General Plan* public services policies adopted for the purpose of avoiding or mitigating an environmental effect.

## **3.13 TRANSPORTATION AND TRAFFIC**

The *Town of Los Gatos 2020 General Plan EIR* identified significant and unavoidable traffic congestion impacts resulting from build-out of the *Town of Los Gatos 2020 General Plan*. Although construction of the transportation infrastructure called for in the *Town of Los Gatos 2020 General Plan* would reduce impacts to a less-than-significant level, funding constraints would not allow all of the necessary transportation improvements to be constructed, and therefore, the impact was considered to be significant and unavoidable. The Plan Area is one of the largest development areas included in the *Town of Los Gatos 2020 General Plan*.

The following technical report was prepared for the proposed project and is referenced in this section:

- Fehr and Peers. *North 40 Specific Plan Draft Transportation Impact Analysis*. February 2014.

The transportation impact analysis is included in [Appendix M](#). The County of Santa County Department of Roads and Airports responded to the NOP with a request to study traffic at the interchanges of State Route 17 and San Tomas Expressway, and at the interchange of State Route 17 and Camden Avenue/White Oaks Road. The Carpenters' Local 405 requested consideration of worker commute trips. The Los Gatos Union School District expressed concerns about traffic levels near its schools in general, and especially the intersection of Los Gatos Boulevard and Blossom Hill Road. Lynlee Bischoff expressed concerns about traffic levels on Los Gatos Boulevard between Lark Avenue and Samaritan Drive, and drivers' responses to avoid congestion. The San Jose Public Works Department made several recommendations for the scope of the traffic report, including use of the City's thresholds, and fair share contributions to mitigation. The Valley Transportation Agency requested information on how the Town will establish a funding mechanism to mitigate congested intersections and road segments identified in the *Town of Los Gatos 2020 General Plan EIR*. The Valley Transportation Authority also recommended development of a transportation demand management program and/or shuttle system, and recommended facilitation of bicycle, pedestrian, and transit modes. Caltrans expressed concerns that the proposed project would result in back-ups at the Lark Avenue onramp to State Route 17 and the transition ramps from State Route 17 to State Route 85. Caltrans also recommended a transportation demand management program and facilitation of bicycle, pedestrian, and transit modes. Caltrans recommended the traffic report include analysis of the San Tomas Expressway. Several scoping meeting participants mentioned traffic as a concern to be addressed in the EIR. The letters sent in response to the NOP are included in [Appendix A](#).

## **Environmental Setting**

### **Highways and Streets**

The Plan Area is adjacent to, and directly accessed from, Los Gatos Boulevard and Lark Avenue. The Plan Area is also adjacent to State Route 17 and State Route 85, with access to these freeways immediately adjacent to the Plan Area. Other regionally important streets in the general vicinity of the Plan Area are Winchester Boulevard/Santa Cruz Avenue, Los Gatos-Almaden Road, Blossom Hill Road, Los Gatos-Saratoga Road/State Route 9, and Camden Avenue/San Tomas Expressway. Several local streets are located within or adjacent to the Plan Area, or are included as part of the studied intersections in the transportation impact analysis.

The transportation impact analysis studied 31 intersections. Table 18, [Study Intersections Existing Levels of Service](#), presents the current AM and PM peak period delays and levels of service at these intersections. The locations of streets and intersections are shown in [Figure 23, Traffic Study Locations](#). Each street and highway is briefly described in the text that follows.

**State Route 17.** This state highway connects the junction of Interstate 280/880 with Santa Cruz County, and is the primary north-south route in the vicinity of the Plan Area. In the vicinity of the Plan Area, State Route 17 is a freeway with two to three lanes in each direction. The nearest on- and off-ramps are at Lark Avenue, immediately west of the Plan Area.

**State Route 85.** This state highway connects the southern areas of San Jose with Mountain View via a westerly route. The freeway is three to four lanes in each direction. The nearest on- and off-ramps are at Los Gatos Boulevard/Bascom Avenue, immediately north of the Plan Area.

**Los Gatos Boulevard.** One of two major north-south boulevards, this arterial street originates in downtown Los Gatos at the south and the bayside community of Alviso at the north. The name of the street changes to Main Street in downtown Los Gatos. North of the Plan Area the name changes to Bascom Avenue, then to Washington Street and Lafayette Street in Santa Clara. In Los Gatos the street varies from one to three lanes in each direction, and adjacent to the Plan Area it is two lanes in each direction. Adjacent to the Plan Area there are signalized intersections at Lark Avenue and Samaritan Drive.

**Lark Avenue.** This arterial street connects Los Gatos Boulevard to Winchester Boulevard immediately south of the Plan Area. The street is two lanes in each direction.

**Winchester Boulevard/Santa Cruz Avenue.** The second of two major north-south boulevards, this street originates in downtown Los Gatos at the south and downtown Santa Clara at the north. The name changes to Santa Cruz Avenue in downtown Los Gatos and Lincoln Avenue in Santa Clara. Winchester Boulevard is an arterial with one to two lanes in each direction, and Santa Cruz Avenue is a collector with one lane in each direction.

**University Avenue.** This is a collector street connecting downtown Los Gatos to Lark Avenue, and serving office and commercial uses.

**Los Gatos-Almaden Road.** This arterial street provides access to the residential neighborhoods east of Los Gatos Boulevard and south of the Plan Area. The street is one to two lanes in each direction.

**Blossom Hill Road.** This arterial street is the major east-west boulevard through the southern portion of the San Jose area. The street is one to two lanes in each direction within Los Gatos.



### Legend

Project Boundary   Study Intersection



0 0.5 miles

Source: Fehr and Peers 2013

Figure 23

## Traffic Study Locations

North Forty Specific Plan EIR

E   M   C

### 3.0 ENVIRONMENTAL EFFECTS

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**Table 18 Study Intersections Existing Levels of Service**

No.	Intersection	Jurisdiction	Control	Peak Period	Delay	LOS
1	Winchester Boulevard Hacienda Avenue	Campbell	Signal	AM	23.5	C
				PM	35.8	D+
2	Winchester Boulevard Knowles Drive	Campbell	Signal	AM	33.8	C-
				PM	41.3	D
3	Winchester Boulevard State Route 85 Northbound Ramps	Los Gatos Caltrans	Signal	AM	11.5	B+
				PM	17.1	B
4	Winchester Boulevard State Route 85 Southbound Ramps	Los Gatos Caltrans	Signal	AM	13.4	B
				PM	7.8	A
5	Winchester Boulevard Albright Way	Los Gatos	Side Street Stop	AM	26.3	D
				PM	48.0	E
6	Winchester Boulevard Wimbledon Drive	Los Gatos	Signal	AM	14.1	B
				PM	14.5	B
7	Winchester Boulevard Lark Avenue	Los Gatos	Signal	AM	21.9	C+
				PM	16.8	B
8	Winchester Boulevard Daves Avenue	Los Gatos	Signal	AM	13.7	B
				PM	9.5	A
9	Santa Cruz Avenue Los Gatos-Saratoga Road (SR 9)	Los Gatos Caltrans	Signal	AM	41.4	D
				PM	36.5	D+
10	University Avenue Lark Avenue	Los Gatos	Signal	AM	22.3	C+
				PM	27.3	C
11	State Route 17 Southbound Ramps Lark Avenue	Los Gatos Caltrans	Signal	AM	29.6	C
				PM	35.0	C-
12	State Route 17 Northbound Ramps Lark Avenue	Los Gatos Caltrans	Signal	AM	21.2	C+
				PM	19.6	B-
13	Highland Oaks Drive Lark Avenue	Los Gatos	Side Street Stop	AM	85.4	F
				PM	26.7	D

No.	Intersection	Jurisdiction	Control	Peak Period	Delay	LOS
14	Bascom Avenue	San Jose	Signal	AM	49.2	D
	Camden Avenue			PM	48.3	D
15	Bascom Avenue	San Jose	Signal	AM	16.7	B
	Woodard Road			PM	16.0	B
16	Bascom Avenue	San Jose	Signal	AM	26.8	C
	White Oaks Road			PM	24.8	C
17	Bascom Avenue/Los Gatos Blvd.	San Jose Caltrans	Signal	AM	18.4	B
	State Route 85 Northbound Ramps			PM	19.2	B-
18	Bascom Avenue/Los Gatos Blvd.	San Jose Caltrans	Signal	AM	17.9	B
	State Route 85 Southbound Ramps			PM	23.4	C
19	Los Gatos Boulevard	Los Gatos	Signal	AM	27.3	C
	Samaritan Drive/Burton Road			PM	29.2	C
20	National Avenue	San Jose	Side Street Stop	AM	36.0	E
	Samaritan Drive			PM	37.3	E
21	Los Gatos Boulevard	Los Gatos	Side Street Stop	AM	21.6	C
	Terreno de Flores Lane/ Noddin Avenue			PM	41.2	E
22	Los Gatos Boulevard	Los Gatos	Side Street Stop	AM	126.7	F
	Camino del Sol/Bennett Way			PM	41.1	E
23	Los Gatos Boulevard	Los Gatos	Signal	AM	37.8	D+
	Lark Avenue			PM	34.1	C-
24	Los Gatos Boulevard	Los Gatos	Signal	AM	21.3	C+
	Gateway Drive/Garden Lane			PM	18.0	B
25	Los Gatos Boulevard	Los Gatos	Signal	AM	26.8	C
	Chirco Dr/Los Gatos-Almaden Rd			PM	24.2	C
26	Los Gatos Boulevard	Los Gatos	Signal	AM	33.9	C-
	Blossom Hill Road			PM	36.3	D+

No.	Intersection	Jurisdiction	Control	Peak Period	Delay	LOS
27	Los Gatos Boulevard Shannon Road/Roberts Road	Los Gatos	Signal	AM	24.3	C
				PM	16.7	B
28	Los Gatos Boulevard Los Gatos-Saratoga Road	Los Gatos	Signal	AM	33.7	C-
				PM	36.4	D+
29	National Avenue Los Gatos-Almaden Road	Los Gatos	Signal	AM	21.1	C+
				PM	8.9	A
30	State Route 17 Northbound Ramps Camden Avenue/White Oaks Road	Campbell Caltrans	Signal	AM	66.7	E
				PM	66.7	E
31	State Route 17 Southbound Ramps San Tomas Expressway	Campbell Caltrans County	Signal	AM	75.7	E-
				PM	56.4	E+

**Source:** Fehr and Peers 2014

**Note:** Weighted average intersection delays in seconds per vehicle calculated in accordance with 2000 Highway Design Manual; LOS calculated using TRAFFIX 8.0 Software. Italicized intersection numbers indicate the intersection is part of the Congestion Management Program.

**State Route 9/Los Gatos-Saratoga Road.** State Route 9 connects State Route 17 in Los Gatos to State Route 1 in Santa Cruz via Saratoga. In the vicinity of Los Gatos, the conventional highway is two lanes in each direction.

**San Tomas Expressway/Camden Avenue.** These roadways form an important part of the regional road network in the areas north and east of the Plan Area, providing three lanes in each direction and limited access north of State Route 17.

**Burton Road.** This is a dead-end local street serving businesses at the intersection of Los Gatos Boulevard, and residences within the northern portion of the Plan Area.

**Noddin Lane.** This is a dead-end local street providing access to the orchard and residences in the central area of the Plan Area.

**Bennett Way.** This is a dead-end local street serving residences in the southern portion of the Plan Area.

**Terreno de Flores Lane.** This is a dead-end local street serving residences in the neighborhood to the east of the Plan Area.

**Samaritan Drive.** This City of San Jose connector street is one to two lanes in each direction and provides access to Good Samaritan Hospital, medical offices, and residential neighborhoods east of the Plan Area.

**National Avenue.** This neighborhood collector street serves offices at the north and residences at the south, and provides a connection between Los Gatos Boulevard near State Route 85 and Los Gatos-Almaden Road.

**Camino del Sol.** This is a two lane residential street through the neighborhood east of the Plan Area, with only one-way westbound traffic at its intersection with Los Gatos Boulevard.

**Highland Oaks Drive.** This is a two lane residential street through the neighborhood south of the Plan Area.

**Shannon Road.** This street is a neighborhood collector serving the mostly residential areas east of Los Gatos Boulevard and extending into the hills of eastern Los Gatos.

**Hacienda Avenue.** This City of Campbell residential collector serves neighborhoods west of Winchester Boulevard.

**Knowles Drive.** This arterial street west of Winchester Boulevard provides access to residential neighborhoods and medical facilities near the Town's border with Campbell.

**Albright Way.** This dead-end street east of Winchester Boulevard provides access to an office park.

**Wimbledon Drive.** This neighborhood collector provides access to residences, a tennis club, and golf course east of Winchester Boulevard.

**Daves Avenue.** This collector street provides access to a residential neighborhood in the City of Monte Sereno, west of Winchester Boulevard

**Woodard Road.** This local City of San Jose street provides access to residential neighborhoods and commercial areas northeast of the Plan Area.

**White Oaks Road.** This local City of San Jose street provides access to residential neighborhoods north of the Plan Area.

**Gateway Drive/Garden Drive.** These local streets provide access to the residential neighborhoods on either side of Los Gatos Boulevard south of the Plan Area.

**Carlton Avenue.** This street provides access to the residential neighborhood on the east side of Los Gatos Boulevard south of the Plan Area, and would be the major destination of most traffic using Gateway Drive.

Freeway segments on State Route 17 and State Route 85 were also studied in the transportation impact analysis. [Table 19, Study Freeway Segments Existing Levels of Service](#), presents existing conditions for a total of 14 freeway segments.

### **Congestion Management Program Routes**

There are five Congestion Management Program routes in Los Gatos: State Routes 9, 17, and 85; Los Gatos Boulevard from State Route 85 to Lark Avenue; and Lark Avenue from Los Gatos Boulevard to State Route 17. There are three Congestion Management Plan intersections in Los Gatos that are reviewed annually in conformance with Congestion Management Program requirements: Lark Avenue/Los Gatos Boulevard; State Route 9/Santa Cruz Avenue; and State Route 9/University Avenue.

Other Congestion Management Program intersections studied in the transportation impact analysis include Santa Cruz Avenue/Los Gatos-Saratoga Road (State Route 9), Los Gatos Boulevard/Samaritan Drive, Bascom Avenue/Camden Avenue, Bascom Avenue/State Route 85 ramps, and the State Route 17 ramps at San Tomas Expressway and Camden Avenue.

The *Santa Clara Countywide Bicycle Plan*'s countywide bicycle corridors comprise the Congestion Management Program bicycle network. Countywide bicycle corridor 16B passes the northeastern corner of the Plan Area. The Congestion Management Program transit network includes all passenger rail and select bus routes of regional significance. The only transit component near the Plan Area is VTA bus route 62 which serves Samaritan Drive from the south (Santa Clara Valley Transportation Authority 2011).

### **Town of Los Gatos Planned Transportation Improvements**

The *Town of Los Gatos 2020 General Plan* Transportation Element calls for the following long-range transportation improvements in the vicinity of the Plan Area (Town of Los Gatos 2011, pages TRA-15, TRA-17):

- Los Gatos Boulevard and Lark Avenue Intersection: Add a third southbound through lane, remove parking on the east side of Los Gatos Boulevard between Lark Avenue and the first driveway south of Lark Avenue to provide sufficient room for a fourth lane in that section of the roadway. Change the southbound right turn to a free right with the widening of Lark Avenue. Add a third northbound left-turn lane if the projected queuing occurs requiring stacking space. Add a third eastbound left turn lane.
- Los Gatos Boulevard and Samaritan Drive Intersection: Add a third northbound through lane. Add a westbound right turn overlap phase. The addition of the westbound right turn overlap phase is outside the jurisdiction of Los Gatos and is the responsibility of the City of San Jose if the projected level of congestion occurs. Widen Burton Road as needed.

**Table 19** Study Freeway Segments Existing Levels of Service

Freeway	Segment	Peak Period	Mixed Flow		HOV Lanes	
			Density	LOS	Density	LOS
State Route 17 North	Los Gatos-Saratoga Road	AM	52	E	n/a	n/a
	Lark Avenue	PM	24	C	n/a	n/a
	Lark Avenue	AM	33	D	n/a	n/a
	State Route 85	PM	23	C	n/a	n/a
	State Route 85	AM	42	D	n/a	n/a
	San Tomas Expressway	PM	20	C	n/a	n/a
State Route 17 South	San Tomas Expressway	AM	20	C	n/a	n/a
	State Route 85	PM	22	C	n/a	n/a
	State Route 85	AM	21	C	n/a	n/a
	Lark Avenue	PM	44	D	n/a	n/a
	Lark Avenue	AM	26	C	n/a	n/a
	Los Gatos-Saratoga Road	PM	51	E	n/a	n/a
State Route 85 North	Union Avenue	<b>AM</b>	<b>85</b>	<b>F</b>	<b>80</b>	<b>F</b>
	Bascom Avenue/Los Gatos Blvd.	PM	23	C	6	A
	Bascom Avenue/Los Gatos Blvd.	<b>AM</b>	<b>111</b>	<b>F</b>	<b>88</b>	<b>F</b>
	State Route 17	PM	24	C	7	A
	State Route 17	<b>AM</b>	<b>86</b>	<b>F</b>	102	F
	Winchester Boulevard	PM	22	C	14	B
	Winchester Boulevard	<b>AM</b>	<b>73</b>	<b>F</b>	49	E
	Saratoga Avenue	PM	30	D	7	A
State Route 85 South	Saratoga Avenue	AM	24	C	11	A
	Winchester Boulevard	PM	53	E	28	D
	Winchester Boulevard	AM	20	C	8	A
	State Route 17	PM	58	E	24	C
	State Route 17	AM	12	B	7	A
	Bascom Avenue/Los Gatos Blvd.	<b>PM</b>	<b>88</b>	<b>F</b>	29	D
	Bascom Avenue/Los Gatos Blvd.	AM	24	C	7	A
	Union Avenue	<b>PM</b>	<b>100</b>	<b>F</b>	32	D

*Source:* Fehr and Peers 2014

*Note:* Density in passenger cars per mile per lane. Unacceptable level of service indicated by bold text. All highway segments listed are part of the Congestion Management Program network.

- Lark Avenue, from State Route 17 to Los Gatos Boulevard: Widen the road to six lanes with a median and bike lanes, and provide two westbound right-turn storage lanes for the metered northbound State Route 17 on-ramp.
- Los Gatos Boulevard, from Lark Avenue to Samaritan Drive: Widen the unimproved segments along the east side of Los Gatos Boulevard from approximately Camino del Sol to approximately Samaritan Drive with a consistent curb, gutter and sidewalk treatment as present on the existing improved segments. Add a third through lane for the northbound approach of Los Gatos Boulevard south of the Samaritan Drive intersection. Add bicycle lanes. Locate a gateway feature at Samaritan Drive. Widening of Los Gatos Boulevard between Lark Avenue and Samaritan Drive is a funded project in the *VTA 2040 Valley Transportation Plan*. The *Los Gatos Boulevard Plan* also addresses roadway and streetscape design for Los Gatos Boulevard.
- Los Gatos Boulevard Nodes: Develop nodes at Blossom Hill Road, Los Gatos/Almaden Road, New Town/Village Square, Lark Avenue, and at the new entrance to the North Forty area.

At the Winchester Boulevard/Knowles Drive intersection, the Town has recently added a new eastbound left-turn lane and a right-turn lane - right turns may be made at the same time as northbound left-turns (personal communication with Jessy Pu, January 10, 2014).

### **Transit Service**

VTA operates a fleet of 426 buses and 99 light rail vehicles. Four historic trolleys are used for seasonal special service. Bus and light rail service operates over about 700 miles of roadway and rail. During 2012, VTA carried about 104,000 daily weekday bus riders and approximately 33,000 daily weekday light rail passengers. The VTA serves roughly 4,340 bus stops and 62 light rail stations (Valley Transportation Authority 2013).

VTA Route 49 bus serves the Plan Area along Los Gatos Boulevard, connecting the Los Gatos civic center with the Winchester light rail station. Three additional bus routes (27, 61, and 62) serve the Good Samaritan Hospital, immediately east of the Plan Area. The 17 Express Bus from downtown San Jose to Santa Cruz passes the Plan Area, but does not stop in the vicinity of the Plan Area.

The Plan Area is within the Town's Vasona Light Rail area. The Vasona light rail station is planned for the junction of State Route 85 and Winchester Boulevard. The VTA has not established a construction timeframe for the track extension or station. The *Town of Los Gatos 2020 General Plan* includes an element specific to planning for the light rail area. Several policies applicable to project sites within the Vasona Light Rail area are specific to the Plan Area (see Policy and Regulation section below).

## **Bicycle and Pedestrian**

There are no bicycle lanes or routes in the vicinity of the Plan Area. Bike lanes are planned for Los Gatos Boulevard and Lark Avenue (Town of Los Gatos 2011, Figure TRA-2, pages TRA-17 and TRA-18). Planned countywide bicycle corridor 16B passes the northeast corner of the Plan Area, utilizing the Mozart Avenue overcrossing at State Route 17, Mozart Avenue (immediately north of State Route 85), Los Gatos Boulevard Bridge over State Route 85, Samaritan Drive, and National Avenue.

There are continuous sidewalks on the west side of Los Gatos Boulevard and both sides of Lark Avenue in the vicinity of the Plan Area. Both Los Gatos Boulevard and Lark Avenue have sidewalks on both sides of the freeway bridges over State Route 85 and State Route 17. Crosswalks are present along the length of Los Gatos Boulevard and Lark Avenue. Crosswalks from one side of Lark Avenue to the other are present only at Los Gatos Boulevard (both sides), and crosswalks from one side of Los Gatos Boulevard to the other are present at Lark Avenue (south side), and Samaritan Drive (north side).

The Los Gatos Creek Trail is located about one-half mile west of the Plan Area via Lark Avenue. The Los Gatos Creek Trails runs approximately ten miles from Los Gatos to the Willow Glen area of San Jose.

## **Policy and Regulation**

### **California Green Building Standards Code**

The California Green Building Standards Code includes requirements for bicycle parking and designated parking for low-emitting, fuel efficient, carpool, and vanpool vehicles.

### **Association of Bay Area Governments / Metropolitan Transportation Commission**

*Plan Bay Area-Strategy for a Sustainable Region* (Association of Bay Area Governments and Metropolitan Transportation Commissions 2013 c) (hereinafter “*Plan Bay Area*”) was adopted in July 2013 and sets forth a strategy for development of the Bay Area’s transportation infrastructure. *Plan Bay Area* fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008, which requires a sustainable communities strategy as a part of the regional transportation plan. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Two performance targets are mandated by SB 375: reduce its per-capita CO<sub>2</sub> emissions from cars and light-duty trucks by 15 percent by 2040; and provide adequate housing by requiring the region to house 100 percent of its projected population growth by income level. *Plan Bay Area* integrates land use strategies by

establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2040. Within Los Gatos, there are two priority development areas: the Vasona light rail extension corridor and the area south of Vasona Lake County Park. *Plan Bay Area* intends to reach the region's goal of reducing greenhouse gas emissions by seven percent. *Plan Bay Area* also addresses conservation of open space lands. *Plan Bay Area* also includes eight locally-adopted performance targets that seek to reduce premature deaths from air pollution, reduce injuries and fatalities from collisions, increase the amount of time people walk or cycle for transportation, and protect open space. Other targets address equity concerns, economic vitality, and transportation system effectiveness.

## **Valley Transportation Authority**

*Valley Transportation Plan 2035* (Santa Clara Valley Transportation Authority 2009a) presents a transportation improvement development plan, with prioritization of spending for a variety of transportation projects. The following projects are listed adjacent to or near the Plan Area (Santa Clara Valley Transportation Authority 2009a, Appendix A):

- Los Gatos Boulevard widening between Lark Avenue and Samaritan Drive;
- State Route 85 conversion of carpool lanes to express (toll) lanes; and
- Vasona light rail extension and station.

*Valley Transportation Plan 2040* is scheduled for adoption in March 2014, and has a similar list of projects in the vicinity of the Plan Area (Santa Clara Valley Transportation Authority 2013b).

The VTA Board of Directors adopted the Transit Sustainability Policy in 2007. The Transit Service Design Guidelines implement the Transit Sustainability Policy, defining the characteristics of various levels of transit service, from local shuttles to regional express busses, to light rail. The Transit Sustainability Policy states:

It is the policy of the Santa Clara Valley Transportation Authority (VTA) to have an efficient transit system that is responsive to market needs, seeks the highest and best use of funds, obtains maximum benefit for each dollar spent, increases transit usage per capita, and enhances Santa Clara Valley's environment and quality of life. Accordingly, all potential transit projects and services will undergo a study prior to funding approvals to understand the full range of alternatives available for providing service, the costs and benefits, and the effects proposed services will have on system ridership and operations.

The primary standard by which the adequacy of transit service is evaluated is average boarding per revenue-hour, which indicates how well service is utilized given the hours of service, whether

the transit capacity offered is appropriate, and how well capital and operating resources are used. VTA has an adopted goal of 95 percent on-time performance for both bus and light rail service. (Santa Clara Valley Transportation Authority 2008b, pages 37 and 46).

The *Santa Clara Countywide Bicycle Plan* (Santa Clara Valley Transportation Authority 2008a) establishes a network of regional bikeways, and includes policies for VTA's encouragement of bicycle facility development. Countywide bicycle corridor 16B passes the northeastern corner of the Plan Area. The *Bicycle Technical Guidelines* (Santa Clara Valley Transportation Authority 2012) provide design guidance for construction of roads, parking, and other facilities either specifically for bicycles or shared by bicycles.

### **Bay Area Air Quality Management District**

Because transportation is a major source of air pollutants, many of the control measures included in the 2010 Clean Air Plan involve reducing air pollutant emissions from motor vehicles. Transportation related 2010 Clean Air Plan control measures include TCM C-1 Support Voluntary Employer - Based Trip Reduction Program, TCM C-2 Safe Routes to School, TCM C-3 Promote Rideshare Services and Incentives TCM D-1 Bicycle Access, TCM D-2 Pedestrian Access, and TCM E-2 Parking and Pricing Management Strategies. Descriptions of the 2010 Clean Air Plan control measures are presented in Section 3.3 Air Quality.

### **Town of Los Gatos**

Two of the *Town of Los Gatos 2020 General Plan*'s vision statement consensus points relate in part to transportation:

**Foster a pedestrian-oriented community with a small-town character.**

**Support an active business community that provides a wide variety of goods and services and a broad range of employment opportunities, minimizing the need to travel to other communities.**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to transportation and traffic are applicable to the proposed project.

**Policy LU-2.1** Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.

**Policy LU-2.2** Promote telecommuting and home-based businesses by allowing live-work and work-live uses in existing and future residential development.

**Policy LU-4.2** Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

**Policy LU-11.3** Provide coordinated infrastructure in the North Forty area.

**Policy LU-11.6** Incorporate multi-modal links from the North Forty area to the Vasona Light Rail station into the North Forty Specific Plan.

**Policy HOU-2.4** Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

**Policy TRA-1.1** Development shall not exceed transportation capacity.

**Policy TRA-1.5** Make effective use of the traffic-carrying ability of Los Gatos's arterials and collectors while considering the needs of pedestrians, bicyclists, and adjacent residents.

**Goal TRA-2 To create and maintain a safe, efficient and well designed roadway network.**

**Policy TRA-2.1** Vehicular, bicyclist, and pedestrian safety should be an important factor in the design of roadways.

**Policy TRA-2.2** Incorporate plans for all users (motor vehicles, transit vehicles, bicyclists, and pedestrians) when constructing or modifying a roadway.

**Policy TRA-2.3** The Town shall obtain fee title to all land required to be dedicated for public streets.

**Policy TRA-2.4** New development shall minimize the number of driveway openings and curb cuts.

**Policy TRA-2.5** Discourage single access roads of extended length, and restrict development along such roads.

**Policy TRA-2.6** Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.

**Policy TRA-2.7** Consider using roundabouts as an alternative to signalized or traditionally controlled intersections to calm traffic and increase the capacity of intersections.

**Policy TRA-2.8** Develop “complete streets” within the Town that include landscaping and shared space for bicycles, cars, pedestrians, and transit.

**Goal TRA-3 To prevent and mitigate traffic impacts from new development.**

**Policy TRA-3.1** All development proposals shall be reviewed to identify and mitigate project traffic impacts pursuant to the Town’s traffic impact policy.

**Policy TRA-3.2** Review development proposals to ensure that the circulation system and on-site or public parking can accommodate any increase in traffic or parking demand generated by the proposed development, subject to the considerations and findings required by the Town’s Traffic Impact Policy.

**Policy TRA-3.3** All new developments shall be evaluated to determine compliance with the Town’s level of service policy for intersections.

**Policy TRA-3.4** New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.

**Policy TRA-3.5** If project traffic will cause any intersection to drop more than one level if the intersection is at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall mitigate the traffic so that the level of service will remain at an acceptable level.

**Policy TRA-3.6** Pedestrian and bicycle safety shall not be compromised to improve or maintain the level of service of an intersection.

**Policy TRA-3.7** All traffic reports shall include analyses of nearby uses with unusual or unique traffic generation factors or peak hours (e.g. pre-schools, faith communities, private clubs, quasi-public uses).

**Policy TRA-3.8** New development shall be required to upgrade public improvements on project frontages to meet current Town standards.

**Policy TRA-3.9** Developers shall contribute to the cost of the future installation of traffic signals or future traffic signal modifications as a condition of approval.

**Policy TRA-3.10** Avoid major increases in street capacity unless necessary to remedy severe traffic congestion or critical neighborhood traffic problems and all other options, such as demand management and alternative modes, have been exhausted. Where capacity is increased, improvements shall balance the needs of motor vehicles with those of pedestrians and bicyclists.

**Policy TRA-3.11** Roadway improvements and dedications shall be required for any development proposal with an associated traffic impact.

**Policy TRA-3.12** The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.

**Policy TRA-3.13** All major development proposals shall be required to include a detailed, verifiable transportation demand management (TDM) program for consideration by the Town during the review of the development application.

**Policy TRA-3.14** Minimize opportunities for regionally-generated traffic to cut through Los Gatos.

**Policy TRA-5.4** Limit new development that increases commercial traffic flow through residential neighborhoods.

**Policy TRA-5.5** Consider traffic calming devices such as lane narrowing, widening medians, or heavy landscaping to discourage cross-town commute and short-cut traffic.

**Policy TRA-8.5** Encourage the use of the transit system by requiring developers to provide bus shelters and on-going maintenance as part of their developments, when appropriate.

**Policy TRA-8.8** Where feasible and appropriate, all new projects that are near existing transit services and/or destinations such as shopping areas, community centers, senior housing, and medical facilities shall be required to provide covered and partially enclosed shelters consistent with Santa Clara Valley Transportation Authority (VTA) Standards that are adequate to buffer wind and rain, and have at least one bench at each public transit stop.

**Policy TRA-9.1** Make land use decisions that encourage walking, bicycling, and public transit use.

**Policy TRA-9.5** Alternative transportation means shall be required whenever the traffic generated by a development would result in a significant increase in air pollution, traffic congestion, or noise.

**Policy TRA-9.6** Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community (e.g. bicycle lockers/racks, showers, dedicated vanpool or car-pool parking areas, dedicated shuttle services, innovative bus shelter designs).

**Policy TRA-10.2** Encourage schools, parks, and shopping areas to provide bicycling amenities, such as parking facilities and lockers.

**Policy TRA-10.7** Provide median refuges, bike-friendly signals, and signs at key minor street crossings.

**Policy TRA-13.2** Provide an adequate number of parking spaces in all new development.

**Policy TRA-13.3** Require adequate parking in commercial areas so as not to impact or affect adjacent residential properties.

**Policy VLR-1.1** Circulation planning for the Town shall recognize the potential for mass transit connections via the Vasona Light Rail.

**Policy VLR-1.3** Future development shall contribute financially to support transit services that link the Vasona Light Rail with the rest of Los Gatos.

**Policy VLR-1.5** Project applicants shall demonstrate how their projects meet the specific goals and policies of the Vasona Light Rail Element.

**Policy VLR-3.7** Shared parking for mixed-use projects will be allowed within the Vasona Light Rail area.

**Policy VLR-5.1** Projects developed in the Vasona Light Rail area shall contribute to a pedestrian/bicycle bridge over Los Gatos Creek.

**Policy VLR-7.2** Development may be phased with the completion of the Vasona Light Rail. In no case may development exceed transportation capacity.

**Policy VLR-9.1** Residential development proposals within the Vasona Light Rail area shall address how they take advantage of mass transit opportunities.

**Policy VLR-9.2** The Town shall work with developers, the Santa Clara Valley Transportation Authority (VTA) and other agencies to ensure that the Vasona Junction sub-area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.

**Policy VLR-9.3** Development in the Vasona Light Rail area shall provide Transportation Alternative programs or facilities that help link development and mass transit. These programs may include providing bicycle racks, shower and locker facilities, transit passes to employees, etc. In-lieu fees or other funding mechanisms may be required to provide a shuttle for the area.

**Policy VLR-9.5** Promote the development of mass transit links between Los Gatos Boulevard, particularly any development on the North Forty site, and the planned Vasona Light Rail station.

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

**Policy SAF-7.4** New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

**Policy SAF-8.1** Build and require roadways that are adequate in terms of width, radius and grade to accommodate Santa Clara County Fire Department fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

The *Town of Los Gatos 2020 General Plan's* description of the North Forty Specific Plan overlay area provides the following guidelines related to transportation:

- Provide pedestrian-oriented buildings along the Los Gatos Boulevard frontage, with minimal parking oriented to the street.
- Continue the “boulevard treatment” along Los Gatos Boulevard, with interconnections from one parcel’s drive aisle to the next [Note that the Draft Specific Plan proposes changes to this language – refer to Section 2.0 Project Description].

- Include connections to existing intersections along Los Gatos Boulevard and Lark Avenue.
- Provide an easily accessible, fully connected street network that encourages walking.

The *Los Gatos Sustainability Plan* includes the following applicable transportation-related policies:

**TR-1 Support for Pedestrians, Bicyclists, and Transit.** [abridged]  
Promote walking, bicycling, and transit through the following:

- c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips. The program may include: conducting school walking audits, improving nearby pedestrian and bicycle facilities, implementing nearby traffic-calming measures, implementing school bus, vanpool, and carpools to school, implementing walking buses to schools, coordinating school schedules to not overlap with peak commute times, conducting traffic studies for specific schools for more efficient drop-off and pick-up activity at schools (e.g. staggered schedules, changing on-street parking to loading zones, and more), and increasing speed enforcement around schools.
- d. Design and implement affordable traffic-calming measures on specific streets to dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.

**TR-2 North Forty Area Land Uses.** Require a variety of local-serving commercial uses and encourage mixed-use development in the North Forty area, reducing VMT.

**TR-4 Bicycle Facilities and Programs.** Provide for new bicycle facilities and programs through the following:

- a. Install new bicycle facilities throughout the existing Town street network to close bicycle network gaps, as identified in General Plan.
- b. Require bicycle parking facilities and on-site showers in major non-residential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.

**TR-6 Vehicle Circulation, Parking, and Idling Reduction Programs.**

Support trip reduction and the use of electric vehicles through the following:

- a. Implement a voluntary Employer Commute Trip Reduction Program for new and existing development. This would be a multi-strategy program that encompasses a combination of individual measures, such as ride-share programs, discounted transit programs, end-of-trip facilities (e.g. showers and lockers), encouraging telecommuting, and preferential parking permit programs. As part of this program, encourage employers to allow commuters to pay for transit with pre-tax dollars.
- b. Encourage new non-residential development to include designated or preferred parking for vanpools, carpools, and electric vehicles.

**Los Gatos Traffic Impact Fee Program.** The Town requires that projects generating additional traffic construct improvements to mitigate direct project traffic impacts, and to pay in-lieu fees to mitigate cumulative traffic impacts. Municipal Code Article VII of Chapter 15, Motor Vehicles and Traffic (the Traffic Impact Mitigation Fee Ordinance) creates the framework for a traffic impact fee. Town Council Resolution 1994-55 and the Traffic Impact Policy define specific fee amounts and procedures for calculating the fees. Traffic impact fees are assessed on new developments and expansions of uses, and collected in a trust fund to pay for transportation-related capital improvements. The traffic impact fee ensures that each new development or expansion of use pays its fair share of the transportation improvements needed to accommodate the cumulative traffic impacts.

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

## **Standards of Significance**

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

- conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components

of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (see below under Methodology);

- conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- result in inadequate emergency access;
- result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

The *Transportation Impact Analysis Guidelines* set forth instructions on how to complete an adequate traffic impact analysis and provide guidance on assessing project impacts on various modes of transportation.

For motorized vehicles on Congestion Management Program facilities the following standards apply:

- The traffic level of service standard is LOS E. If the analysis shows that a development project is projected to cause traffic level of service to fall from LOS E or better to LOS F under project conditions, then the project is said to impact the facility.
- A project is said to impact an intersection determined to have been at LOS F under background conditions if:
  - addition of the project traffic increases the average control delay for critical movements by four seconds or more, and
  - project traffic increases the critical v/c value by 0.01 or more.

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements are negative. In this case, the threshold is when the project increases the critical vehicle to capacity value by 0.01 or more.

- A project is said to impact a freeway segment determined to have been at LOS F under existing or background conditions, if the number of new trips added by the project is more than one percent of the freeway capacity. This calculation shall be for each direction of travel.

For motorized vehicles on local highways, streets, or roads, the impact assessment is based on the level of service standards for the applicable facility or jurisdiction. The Town's LOS standards are provided in Policy TRA-3.4 and establish a significant traffic impact as decreasing level of service by more than one level for intersections operating at LOS A, B, or C, or dropping level of service below LOS D. The City of San Jose and the City of Campbell establish LOS D as their standards. A significant effect also occurs at a signalized intersection with existing unacceptable level of service if average critical delay is increased more than four seconds or volume to capacity ratio is increased by more than 0.010. In San Jose, a mitigation improvement has an unacceptable secondary impact if the traffic impact analysis demonstrates that the improvement would result in a physical reduction in the capacity and/or a substantial deterioration in the quality (aesthetic or otherwise) of any other planned or existing transportation facilities. The following are examples of the kinds of secondary impacts that would be considered unacceptable in the City of San Jose:

- Reducing the width of a sidewalk below minimum city standard;
- Eliminating a bicycle lane or reducing its width below city standard;
- Eliminating a bus stop or eliminating a parking lane that accommodates a bus stop;
- Eliminating a park strip (landscaped area between sidewalk and street) that contains mature trees;
- Encouraging substantial neighborhood cut-through traffic; or
- Creating unsafe pedestrian and/or automobile operating conditions.

The level of service standard for Congestion Management Program intersections is LOS E. However, the transportation impact analysis applied the more stringent Town of Los Gatos standards for Congestion Management Program intersections within the Town.

The *Transportation Impact Analysis Guidelines* indicate that the 2000 Highway Capacity Manual methodologies should be used to evaluate project effects on transit, bicycle, and pedestrian travel modes (Santa Clara Valley Transportation Authority 2009b, pages 21, 22). The 2010 edition of the Highway Capacity Manual contains new methodologies to evaluate level of service/quality of service for pedestrian, bicycle and transit modes on urban arterial roadways. The *2011 Congestion Management Program* does not adopt these methodologies, but lays the groundwork for future adoption after VTA has had the opportunity to test the methodologies locally (Santa Clara Valley Transportation Authority 2011, pages 53, 54).

### 3.0 ENVIRONMENTAL EFFECTS

The *Transportation Impact Analysis Guidelines* state that a project would have a significant effect on transit services if it would entail (Santa Clara Valley Transportation Authority 2009b, page 41):

- substantial growth or concentration of population beyond the capacity of existing or planned transit facilities;
- increased demand for transit service to such a degree that accepted service standards are not maintained. VTA can provide transit service standards;
- reduction of transit availability or interference with existing transit users on a permanent or temporary basis;
- a project location more than three-quarters mile from existing or planned transit services, with the potential for generating a demand for such services; or
- congestion increases that affect transit services, e.g. delays worsen on a roadway that a specific transit route serves.

The *Transportation Impact Analysis Guidelines* (Santa Clara Valley Transportation Authority 2009b, page 42) indicate that a project would have a significant effect on bicycle and/or pedestrian transportation if it would entail:

- adverse effects of vehicle trips on existing bicycle and pedestrian conditions;
- development or project roadway improvements inconsistent with existing adopted plans (lead agency's adopted Bicycle Plan, Pedestrian Plan, Trails Master Plan, and/or bicycle/circulation element of the General Plan; and other agencies' plans i.e. County Bicycle Plan, or adjacent cities' Bicycle Plan);
- development or project roadway improvements that would preclude future bike lanes, bike paths, bike/pedestrian tunnels/bridges, wide shoulders or other bike-friendly and pedestrian-friendly improvements;
- adverse effects on existing bicyclist/ pedestrian circulation in the project area;
- a reduction, severance, or elimination of existing bicycle or pedestrian access and circulation;
- impedance of bicyclists' travel routes due to changes to the roadway geometry, including roadway shoulders where bikes ride, or connections to trails or sidewalks as a direct or indirect result of the project; or
- inadequate bicycle or pedestrian signal detection or signal timing.

A project would conflict with the Congestion Management Program if:

- the level of service on a Congestion Management Program road network facility were to drop to LOS F;
- the project would adversely affect a Congestion Management Program designated transit or bicycle route; or
- the project would prevent implementation of a component of the Congestion Management Program.

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact with Mitigation: Conflict with Measure of Effectiveness – Streets Level of Service**

The proposed project would generate a large number of new motor vehicle trips on nearby streets and highways. The effects of additional traffic on intersections, freeway segments, and freeway ramps are discussed below.

**Project Trip Generation.** Traffic generation for the proposed project was estimated by applying Institute of Transportation Engineers' (ITE) trip generation rates to the land uses in two development scenarios. [Table 20, Development Scenario A Trip Generation](#), and [Table 21, Development Scenario B Trip Generation](#), present the trip generation estimates.

Scenario B substitutes additional shopping center commercial in place of the two office uses. The result is a slight reduction in daily trips (207 fewer trips -- about a 1.5 percent reduction), and PM peak hour trips (38 fewer trips – about a 2.5 percent reduction). The most noticeable effect is during the AM peak period, when traffic is reduced by about 215 trips (about a 31.5 percent reduction). This reduction is attributable to the typically later opening of retail commercial uses.

Two trip distribution scenarios were developed to assign project-generated traffic to the roadway network. In general, the commercial retail trips were expected to originate/terminate closer to the Plan Area than the residential, office, and hotel trips. Therefore, a greater proportion of the residential, office, and hotel trips were assigned to the freeways, and a greater proportion of the commercial retail trips were assigned to the surface street network. For the residential, office and hotel traffic the highest traffic assignment were State Route 85 (31 percent), State Route 17 (20 percent), Blossom Hill Road (8 percent), Winchester Boulevard (5 percent), and Los Gatos Almaden Road (5 percent). For commercial retail traffic, the highest traffic assignments were Blossom Hill Road (15 percent), Los Gatos-Almaden Road (10 percent), State Route 85 (10 percent), Winchester Boulevard (8 percent), State Route 17 (7 percent), Bascom Avenue

(7 percent), State Route 9 (6 percent), and Carlton Road (6 percent). The remaining 31 percent of trips were distributed over other roads. All project traffic was assigned to either Los Gatos Boulevard or Lark Avenue. A trip distribution diagram is included as Figure 7 in the transportation impact analysis, included in [Appendix M](#).

**Table 20 Development Scenario A Trip Generation**

Land Use (ITE)	Size	Daily Trips	AM Peak Period Trips	PM Peak Period Trips
Shopping Center (820)	269,000 sf	12,920	276	1,235
Pass-by reduction (25%)		(3,230)	(69)	(309)
Adjusted Shopping Center		9,690	207	926
Hotel (310)	150 rooms	970	68	89
Medical Dental Office Building (720)	62,500 sf	2,341	144	187
General Office Building (710)	62,500 sf	929	129	149
<b>Commercial Total</b>		<b>13,930</b>	<b>548</b>	<b>1,351</b>
Cottage Cluster Residential (210)	73 units	778	61	79
Apartment Residential (220)	73 units	566	40	58
Residential Condominium (230)	218 units	1,267	96	114
Residential subtotal		2,611	197	251
Mixed use reduction (30%)		(784)	(60)	(76)
<b>Residential Total</b>		<b>1,827</b>	<b>137</b>	<b>175</b>
<b>Project Total</b>		<b>15,757</b>	<b>685</b>	<b>1,526</b>

*Source:* Fehr and Peers 2014

*Note:* Mixed use reduction based on VTA Guidelines. Mixed use reduction of 30 percent residential trips was applied to reflect a 15 percent reduction of residential trips plus an equal number of matching trips from retail use.

Gross shopping center trip generation is adjusted downward: for pass-by reduction for existing trips stopping at new commercial use. Gross residential trip generation is adjusted downward with a mixed use reduction to account for local trips to services not made by automobile. Gross hotel, medical dental office building, and general office building trip generation is not adjusted.

**Table 21 Development Scenario B Trip Generation**

Land Use (ITE)	Size	Daily Trips	AM Peak Period Trips	PM Peak Period Trips
Shopping Center (820)	400,000 sf	16,938	353	1,632
Pass-by reduction (25%)		(4,235)	(88)	(408)
Adjusted Shopping Center		12,703	265	1,224
Hotel (310)	150 rooms	970	68	89
<b>Commercial Total</b>		<b>13,673</b>	<b>333</b>	<b>1,313</b>
Cottage Cluster Residential (210)	73 units	778	61	79
Apartment Residential (220)	73 units	566	40	58
Residential Condominium (230)	218 units	1,267	96	114
Residential subtotal		2,611	197	251
Mixed use reduction (30%)		(784)	(60)	(76)
<b>Residential Total</b>		<b>1,827</b>	<b>137</b>	<b>175</b>
<b>Project Total</b>		<b>15,500</b>	<b>470</b>	<b>1,488</b>

*Source:* Fehr and Peers 2014

**Note:** Mixed use reduction based on VTA Guidelines. Mixed use reduction of 30 percent residential trips was applied to reflect a 15 percent reduction of residential trips plus an equal number of matching trips from retail use.

Gross shopping center trip generation is adjusted downward: for pass-by reduction for existing trips stopping at new commercial use. Gross residential trip generation is adjusted downward with a mixed use reduction to account for local trips to services not made by automobile. Gross hotel, medical dental office building, and general office building trip generation is not adjusted.

The share of Plan Area traffic at the four studied Plan Area entry points was estimated through analysis of peak period trip assignments. Most Plan Area traffic would utilize the Los Gatos Boulevard/Burton Road intersection (36.2 percent under development scenario A and 40.5 percent under development scenario B). The second most heavily used intersection would be the Los Gatos Boulevard/Neighborhood Street intersection (29.7 percent under development scenario A and 28.0 percent under development scenario B). The remainder of Plan Area traffic would use the Los Gatos Boulevard/Noddin Road intersection (19.0 percent under development scenario A and 17.1 percent under development scenario B) and the Lark Avenue/Highland Oaks intersection (15.1 percent under development scenario A and 14.4 percent under development scenario B).

**Project-related Street Network Changes.** The transportation impact analysis makes several assumptions regarding changes to the local street network, which would occur as a result of the

proposed project. On Lark Avenue, the existing left turn lane onto Highland Oaks Drive is assumed to be removed in favor of a left turn lane into the Plan Area. On Los Gatos Boulevard, the transportation impact analysis assumes that a center median would be constructed on Los Gatos Boulevard from Samaritan Drive to Lark Avenue, which would prevent left turns at Terreno de Flores Lane, Camino del Sol, Noddin Lane, and Bennett Way. Left turns into the Plan Area from Los Gatos Boulevard would be allowed at the existing Samaritan Drive/Burton Road intersection and at a new signalized intersection approximately mid-way between Noddin Avenue and Bennett Way. Therefore, existing traffic patterns would shift somewhat, particularly for the residential trips from the northern Highland Oaks neighborhood, which would most likely travel through the Gateway Drive and Lark Avenue intersections on Los Gatos Boulevard to reach State Route 17 or return from State Route 85. Left turn restrictions along Los Gatos Boulevard would likely increase U-turns at other intersections along Los Gatos Boulevard. Improvements planned in the *Los Gatos 2020 General Plan* are not expected to be complete for this analysis.

**Intersections.** The proposed project is a specific plan that is expected to be implemented in phases over a period of between five and 20 or more years. To best reflect conditions when development of the Draft Specific Plan begins, a background traffic conditions projection was prepared. Background conditions reflect existing traffic plus traffic expected from 16 approved but not yet built or occupied projects, listed in [Table 22, Approved Projects](#).

[Table 23, Study Intersections Background Levels of Service](#), presents traffic conditions expected under background conditions.

When project traffic is added to background conditions, level of service would degrade to an unacceptable level at two intersections, and delays would increase at a third intersection that already operates at unacceptable levels of service. [Table 24, Study Intersections Background plus Project Significant Impacts](#), summarizes the significant level of service effects at these intersections. At the Los Gatos Boulevard/Samaritan Drive intersection, the level of service would degrade from LOS D+ to LOS F during the PM peak period, with delays increasing from 36.9 seconds to 87.6 seconds (development scenario A) or 80.7 seconds (development scenario B). At the Los Gatos Boulevard/Lark Avenue intersection, level of service would degrade from LOS D- to LOS E during the AM peak period, with delays increasing from 51.0 seconds to 65.2 seconds (development scenario A) or 60.6 seconds (development scenario B). At the Los Gatos Boulevard/Lark Avenue intersection, level of service would degrade from LOS D to LOS E+ (development scenario A) or LOS E (development scenario B) during the PM peak period, with delays increasing from 39.2 seconds to 59.2 seconds (development scenario A) or 60.2 seconds (development scenario B).

**Table 22 Approved Projects**

Project	Location
Riviera Terrace Expansion	135 Riviera Drive, Los Gatos
South Bay Honda	16213 Los Gatos Boulevard, Los Gatos
Swanson Ford	16005 Los Gatos Boulevard, Los Gatos
Mitchell Subdivision	16922 Mitchell Avenue, Los Gatos
Medical Office	14251 Winchester Boulevard, Los Gatos
Terraces of Los Gatos	800 Blossom Hill Road, Los Gatos
Blossom Hill Road Development	15940 Blossom Hill Road, Los Gatos
Medical Office	15400 Los Gatos Boulevard, Los Gatos
Office/Retail	55 Los Gatos-Saratoga Road, Los Gatos
Medical Office	14881 National Avenue, Los Gatos
Placer Oaks	Placer Oaks Road and Frank Avenue, Los Gatos
Medical Office	50 Samaritan Drive, San Jose
Sports Park	930 University Avenue, Los Gatos
Highlands of Los Gatos	15700 Shady Lane, Los Gatos
Office	15720 Winchester Boulevard, Los Gatos
Albright Office Development	Winchester Boulevard and Albright Way, Los Gatos
Harker Preschool	Union Avenue, San Jose

*Source:* Fehr and Peers 2014

**Table 23 Study Intersections Background Levels of Service**

No.	Intersection	Control	Peak Period	Delay	LOS
1	Winchester Boulevard	Signal	AM	23.5	C
	Hacienda Avenue		PM	36.0	D+
2	Winchester Boulevard	Signal	AM	33.5	C-
	Knowles Drive		PM	41.5	D
3	Winchester Boulevard	Signal	AM	11.5	B+
	State Route 85 Northbound Ramps		PM	17.8	B

No.	Intersection	Control	Peak Period	Delay	LOS
4	Winchester Boulevard	Signal	AM	13.3	B
	State Route 85 Southbound Ramps		PM	7.6	A
5	Winchester Boulevard	Signal	AM	9.0	A
	Courtside Drive		PM	6.7	A
6	Winchester Boulevard	Signal	AM	13.3	B
	Wimbledon Drive		PM	14.8	B
7	Winchester Boulevard	Signal	AM	17.4	B
	Lark Avenue		PM	17.7	B
8	Winchester Boulevard	Signal	AM	20.5	C+
	Daves Avenue		PM	20.5	C+
9	Santa Cruz Avenue	Signal	AM	42.1	D
	Los Gatos-Saratoga Road (State Route 9)		PM	36.8	D+
10	University Avenue	Signal	AM	21.5	C+
	Lark Avenue		PM	30.8	C
11	State Route 17 Southbound Ramps	Signal	AM	31.0	C
	Lark Avenue		PM	39.1	D
12	State Route 17 Northbound Ramps	Signal	AM	23.1	C
	Lark Avenue		PM	21.1	C+
13	Highland Oaks Drive	Highland Oaks Stop	AM	150.3	F
	Lark Avenue		PM	38.1	E
14	Bascom Avenue	Signal	AM	49.8	D
	Camden Avenue		PM	49.4	D
15	Bascom Avenue	Signal	AM	14.7	B
	Woodard Road		PM	15.3	B
16	Bascom Avenue	Signal	AM	25.7	C
	White Oaks Road		PM	23.6	C
17	Bascom Avenue/Los Gatos Boulevard	Signal	AM	19.7	B-
	State Route 85 Northbound Ramps		PM	19.9	B-
18	Bascom Avenue/Los Gatos Boulevard	Signal	AM	19.9	B-
	State Route 85 Southbound Ramps		PM	24.4	C

No.	Intersection	Control	Peak Period	Delay	LOS
19	Los Gatos Boulevard Samaritan Drive/Burton Road	Signal	AM	29.7	C
			PM	36.9	D+
20	National Avenue Samaritan Drive	National Stop	AM	135.2	F
			PM	>200	F
21	Los Gatos Boulevard Terreno de Flores Lane/Noddin Avenue	Terreno de Flores Stop	AM	41.1	E
			PM	78.5	F
22	Los Gatos Boulevard Camino del Sol/Bennett Way	Camino del Sol Stop	AM	>200	F
			PM	78.9	F
23	Los Gatos Boulevard Lark Avenue	Signal	AM	51.0	D-
			PM	39.2	D
24	Los Gatos Boulevard Gateway Drive/Garden Lane	Signal	AM	20.2	C+
			PM	17.3	B
25	Los Gatos Boulevard Chirco Drive/Los Gatos-Almaden Road	Signal	AM	26.9	C
			PM	23.9	C
26	Los Gatos Boulevard Blossom Hill Road	Signal	AM	36.4	D+
			PM	37.4	D+
27	Los Gatos Boulevard Shannon Road/Roberts Road	Signal	AM	24.1	C
			PM	16.1	B
28	Los Gatos Boulevard Los Gatos-Saratoga Road	Signal	AM	34.0	C-
			PM	37.6	D+
29	National Avenue Los Gatos-Almaden Road	Signal	AM	30.3	C
			PM	8.9	A
30	State Route 17 Northbound Ramps Camden Avenue/White Oaks Road	Signal	AM	68.5	E
			PM	66.8	E
31	State Route 17 Southbound Ramps San Tomas Expressway	Signal	AM	76.4	E-
			PM	57.1	E+

**Source:** Fehr and Peers 2014

**Notes:** Weighted average intersection delays in seconds per vehicle calculated in accordance with 2000 Highway Design Manual; LOS calculated using TRAFFIX 8.0 Software. Italicized intersection numbers indicate the intersection is part of the Congestion Management Program. The new Winchester Boulevard Courtside Road signalized intersection is assumed to have been built by the Albright Office Park project, and the existing Albright intersection turned into a right-only driveway.

**Table 24 Study Intersections Background plus Project Significant Impacts**

No.	Intersection	Peak Period	Background		Project A		Project B	
			Delay	LOS	Delay	LOS	Delay	LOS
19	Los Gatos Boulevard	AM	29.7	C	32.7	C	32.1	C-
	Samaritan Drive/ Burton Road	PM	36.9	D+	<b>87.6</b>	<b>F</b>	<b>80.7</b>	<b>F</b>
20	National Avenue	AM	135.2	F	<b>141.1</b>	<b>F</b>	<b>140.3</b>	<b>F</b>
	Samaritan Drive	PM	>200	F	>200	F	>200	F
23	Los Gatos Boulevard	AM	51.0	D-	<b>65.2</b>	<b>E</b>	<b>60.6</b>	<b>E</b>
	Lark Avenue	PM	39.2	D	<b>59.2</b>	<b>E+</b>	<b>60.2</b>	<b>E</b>

*Source:* Fehr and Peers 2014

*Note:* Weighted average intersection delays in seconds per vehicle calculated in accordance with 2000 Highway Design Manual; LOS calculated using TRAFFIX 8.0 Software. Increased delay of more than four seconds constitutes a significant impact at the National Avenue/Samaritan Drive intersection.

LOS F background conditions would be eliminated at several side street intersections with Los Gatos Boulevard and Lark Avenue, because the side street intersections would be restricted to right-in and right-out turns. This improvement in level of service would occur at Los Gatos Boulevard/Terreno de Flores Lane, Los Gatos Boulevard/Camino del Sol, and Lark Avenue/Highland Oaks Drive. Elimination of the left turn movements at these intersections would improve the overall operating level of service, although it should be noted that turning delays that would be eliminated for side street traffic would be replaced by longer travel routes for the side street traffic. The left turn from Lark Avenue to Highland Oaks Drive could be kept open to allow for emergency vehicle access during all hours of the day.

Implementation of the following mitigation measures would reduce significant vehicular traffic level of service impacts at these intersections to a less-than-significant level. Level of service would improve to LOS D or better at the listed intersections with construction of these street improvements.

## Mitigation Measures

*TR-1. The following intersection improvements shall be completed at the Los Gatos Boulevard/Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.*

- a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;
- b. addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).

*TR-2. The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:*

- a. addition of a third eastbound left turn lane on Lark Avenue;*
- b. addition of third northbound left turn lane on Los Gatos Boulevard;*
- c. addition of a third westbound lane on Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and*
- d. modification and re-striping of intersection and restriction of parking as needed.*

Road widening on Burton Road would likely require the removal of yard area at the house on the southwest corner of the intersection. Since this widening would occur concurrent with commercial development and the construction of Street A to Los Gatos Boulevard, it is likely that the property would have already been acquired by project developers, and this property may be ready for commercial redevelopment at that time. However, it is possible that the property would still be residential at the time of the widening, and that the required strip of land would be acquired separately from the rest of the existing parcel.

The proposed project would increase delays at the National Avenue/Samaritan Drive intersection by 5.1 to 5.9 seconds during the AM peak period, and the intersection already operates at LOS F under background conditions. The intersection is within the jurisdiction of the City of San Jose, and the City of San Jose considers these delays at an LOS F intersection to be a significant impact. The City of San Jose and Town of Los Gatos have previously discussed measures to improve the operation of this intersection, including signalization of the intersection. The signalization of the intersection was determined to have an adverse impact to the Los Gatos Boulevard/Samaritan Drive intersection and was removed from consideration. The City of San Jose is currently processing a development application for a parcel with frontage on both National Avenue and Samaritan Drive, and considering the extension of Samaritan Court as a through route between the two streets to provide additional travel options (Karen Mack, personal communication, November 5, 2013). Other potential measures could include signalization of the *Samaritan Drive/Samaritan Court intersection and/or restriction of left turn movements for the National Avenue/Samaritan Drive intersection*. The Town of Los Gatos shares responsibility with the City of San Jose for the improvements necessary to mitigate impacts at this intersection. Implementation of the following mitigation measure would reduce impacts to a less-than-significant level.

## Mitigation Measure

*TR-3. Applicants for development or redevelopment projects within the Northern District shall pay a pro-rata share of improvements at the Samaritan Drive/National Avenue intersection or other improvement related to relieving congestion at the Samaritan Drive/National Avenue intersection. Improvements could include, but are not limited to, lane or traffic control improvements to the Samaritan Drive/National Avenue intersection and/or signalization of the Samaritan Drive/Samaritan Court intersection. Pro-rata share shall be based on percent of project trips, per distribution patterns in the North 40 Transportation Impact Analysis, as a share of total trips within the intersection. Fees shall be paid to the City of San Jose prior to issuance of building permits. The applicant shall pay the pro-rata share of improvement as determined by the Town of Los Gatos and City of San Jose. If a specific improvement project has not been identified, the fee shall be based on pro-rata share of a traffic signal, and shall be proportionally refundable if a less expensive project is developed.*

## Significant and Unavoidable Impact: Conflict with Measure of Effectiveness – Highways Level of Service

**Freeway Segments.** The proposed project would contribute to regional increases in highway traffic, and increased delays on State Route 17 and State Route 85. *Town of Los Gatos 2020 General Plan Policy TRA-1.1* states that development shall not exceed transportation capacity. The transportation impact analysis includes evaluation of 14 freeway segments. With development scenario A, project-generated traffic added to existing conditions would not degrade traffic flow from acceptable to unacceptable level of service, nor increase traffic by one percent or more of capacity on any of the studied segments. With development scenario B, project-generated traffic would exceed one percent of capacity on the southbound State Route 85 mixed flow lanes from Winchester Boulevard to State Route 17. This segment already operates at LOS F. (Fehr and Peers 2014, Table 15). This would be a significant environmental impact. The transportation impact analysis does not propose mitigation to address adverse freeway segment effects.

VTA and Caltrans are currently planning a project on State Route 85 that would convert the existing high occupancy vehicle lanes into high occupancy/toll lanes (high occupancy vehicles use the lane at no cost, while single-occupancy vehicles may use the lane for a toll). These improvements are currently planned for completion by 2017, although completion of this project is not yet assured. Under the 2015 study scenario conducted for the high occupancy/toll lanes project, although total vehicle miles traveled on the highway are projected to increase by six percent, travel times are projected to decrease on the segment where Draft Specific Plan traffic would have adverse effects (DKS 2013, pages 51 to 58 and 70 to 77). The proposed project would add 41 vehicle trips per hour to this segment of State Route 85. Observation of similar

high occupancy/toll lanes that have been implemented suggests a typical shift of between 100 and 300 vehicle trips per hour from mixed lanes to high occupancy lanes (Katy Cole, personal communication, March 27, 2014). If the State Route 85 high occupancy/toll lanes are implemented, the proposed project's impacts would be reduced to a less-than-significant level.

Improvements necessary to address increased delays on state highways would be under the jurisdiction of Caltrans and the improvements would also fall under the requirements for Congestion Management Program facilities. Improvements to these facilities are subject to long-range improvement planning processes and funding programs. Therefore, it is not feasible for the Town to effectively mitigate impacts to freeway facilities through freeway expansion projects. Pursuant to California Government Code Section 65088, the VTA's *Transportation Impact Analysis Guidelines* require that a deficiency plan be prepared when significant impacts to a Congestion Management Program facility cannot be feasibly mitigated. The deficiency plan must present actions to compensate for a situation where a feasible roadway improvement will not improve a Congestion Management Program to an acceptable level of service, or a feasible improvement does not exist. Deficiency plans can include improvements to related roadway components, facilitation of alternative modes of transportation, transportation demand management, or other approaches that reduce traffic congestion. Mandatory employer trip reduction programs are not permitted since passage of Senate Bill 437 in 1996, so these programs must be voluntary (Santa Clara Valley Transportation Authority 2009b, 2010).

The proposed project's mixed use design will inherently reduce traffic volumes, and this is reflected in the trip generation rates that were used in the transportation impact analysis. For example, the provision of retail services (Northern and Transition districts) adjacent to the residential uses (Transition and Lark districts) allows for non-vehicular trips or short vehicular trips within the Plan Area to obtain many day-to-day goods or services. The Specific Plan includes requirements for the implementation of transportation demand strategies to reduce traffic. Potential strategies include unbundled residential parking, secure bicycle storage, shower and changing facilities, electric vehicle charging stations, car sharing, and shuttle services. Additionally, many Santa Clara County employers participate in the Spare the Air program, pre-tax transit pas subsidies, 511 Rideshare, and other established regional transportation demand management programs to reduce vehicle miles traveled by employees. However, in spite of the mixed use design and transportation demand measures, Plan Area traffic would result in significant adverse traffic effects on facilities outside the control of the Town, and the impact would be significant and unavoidable.

### **Less-than-Significant Impact: Conflict with Measure of Effectiveness – Highway Ramps and Construction Traffic**

**Freeway On-ramps.** The transportation impact analysis presents an evaluation of project traffic effects on volume to capacity ratio and queuing at the Lark Avenue on-ramp to northbound

State Route 17 and the Los Gatos Boulevard onramp to southbound State Route 85. At the State Route 17 on-ramp, the project share of vehicle to capacity ratio would exceed one percent, and with metering rates of 330 vehicles per hour per lane, the proposed project would add 79 feet of queue (development scenario A) or 66 feet of queue (development scenario B) at the metering lights. With a rate of 900 vehicles per hour per lane, the proposed project would not add to the queue length at the metering lights. During a typical weekday morning, the metering light rate would vary in the range between 330 and 900 vehicle trips per hour per lane at the two high occupancy vehicle lanes. At the State Route 85 ramp, the project share of vehicle to capacity ratio would be 7.8 percent (development scenario A) or 2.5 percent (development scenario B). Added traffic would have operational effects on the on-ramps, but would not back traffic onto surface streets, so is considered a less-than-significant impact.

**Construction Phase Traffic.** Construction of the proposed project is expected to occur over a five to 20 year timeframe. Construction would involve improvements to the frontage and medians of both Los Gatos Boulevard and Lark Avenue; construction-worker commute trips at nearby intersections, and hauling of debris and construction materials on local roads and freeways.

The transportation impact analysis did not estimate traffic generated during the construction phases of the proposed project. However, construction traffic volumes would be spread out over many years, and are typically lower at any given time than build-out operational traffic, so no significant effects on level of service are likely.

Construction of frontage and median improvements could result in lane closures or detours, which could affect traffic operations on both Los Gatos Boulevard and Lark Avenue. Each of these streets is two lanes in each direction, and Los Gatos Boulevard has a fifth lane used for turning movements. Construction could result in temporary closures of one of the two lanes. During peak traffic hours, closure of one of the two lanes would result in significant delays and back-ups.

There is an ongoing flow of construction-worker commute trips within the region, the specific routing of which varies by specific location of construction projects, but this traffic forms part of the existing and background traffic environment. Worker trips into the Plan Area for construction of infrastructure and buildings would be at volumes lower than build-out operational traffic, and are not likely to result in significant effects on adjacent streets or intersections.

Truck traffic would include hauling away of debris from demolition or clearing, and deliveries to the Plan Area of equipment and materials. Trucks are larger, slower moving, and require larger turning radii than other traffic. Therefore, a truck will sometimes result in momentary traffic delays while approaching, entering, or leaving a site. The number of trucks visiting the Plan Area cannot be accurately estimated at this stage, but would be considerable over the entirety of

the construction period. The Town's *Engineering Design Standards* require preparation of a traffic control plan for improvements that would encroach into the Town right-of-way, and pedestrian and vehicular access is to be kept available at all times. With implementation of the Town's required traffic control plan, the impacts would be less than significant.

### **Less-than-Significant Impact with Mitigation: Conflict with Measure of Effectiveness – Transit**

The proposed project would add destination and origination points along the VTA routes that serve Los Gatos Boulevard and/or Samaritan Drive. About 3.5 percent of commute trips in Santa Clara County are made on public transportation (Bay Area Census 2013). To estimate transit trips, residential trips and worker commute trips for the proposed project were multiplied by this transit ridership share. For this estimate, it is assumed that non-commute transit trips to commercial uses within the Plan Area would be negligible. [Table 25, Transit Ridership Projection](#), provides the calculations of projected transit demand.

**Table 25 Transit Ridership Projection**

Land Use	Total Trips	Percent Commute	Residential or Commute Trips	Percent Transit	Projected Transit Trips
<b>Development Scenario A</b>					
Residential	1,827	n/a	1,827	3.5%	64
Shopping Center	9,690	2%	194	3.5%	7
Hotel	970	5%	49	3.5%	2
General Office	929	35%	325	3.5%	11
Medical Office	2,341	7%	164	3.5%	6
<b>Total Development Scenario A Transit Trips</b>					<b>90</b>
<b>Development Scenario B</b>					
Residential	1,827	n/a	1,827	3.5%	64
Shopping Center	12,703	2%	254	3.5%	9
Hotel	970	5%	49	3.5%	2
<b>Total Development Scenario B Transit Trips</b>					<b>75</b>

*Source:* Fehr and Peers 2014, EMC Planning Group 2013, Bay Area Census 2013

*Note:* For total trips refer to [Table 20, Development Scenario A Trip Generation](#), and [Table 21, Development Scenario B Trip Generation](#). Percent commute from Fehr and Peers. Percent transit use from Bay Area Census. Transit generation estimated for residential trips and commercial worker commute trips only.

Of the total daily trips projected for the proposed project about 90 (development scenario A) or 75 (development scenario B) would be likely to use transit. Given *Town of Los Gatos 2020 General Plan* policies that promote transit service to the future Vasona light rail station, the number of transit trips to and from the Plan Area could increase when the Vasona light rail extension is completed. Residential generated transit trips could especially increase, as availability and convenience of transit connections from residences to major employment centers would improve when the Vasona light rail extension is completed. Each VTA bus has a capacity of between 40 and 60 riders. The addition of new transit riders to or from the Plan Area could be adequately served by the existing VTA bus service and/or additional service identified in the *Town of Los Gatos 2020 General Plan*. The proposed project would not result in a reduction of transit availability or interfere with existing transit users.

The Plan Area is immediately adjacent to several transit lines, with Route 49 currently providing service to the Winchester light rail station, which is located about two and one-half miles from the Plan Area. *Town of Los Gatos 2020 General Plan* policies LU-11.6, VLR 1.1, VLR-1.3, and VRL 9.3 address transit provisions to connect the Plan Area to the Vasona light rail station, which is located slightly more than one mile from the Plan Area. The proposed transit connection could be a shuttle or regular VTA bus service. The Draft Specific Plan's proposed internal street layout is conducive to a transit route, with Street A providing a centralized transportation corridor within the Plan Area. Likewise, transit service on Los Gatos Boulevard can serve both the Plan Area and the east side of Los Gatos Boulevard, which is also within the Vasona Light Rail Area, although the Plan Area would not be well-served by transit stops on the east side of Los Gatos Boulevard, due to limited pedestrian crossings. The Draft Specific Plan does not include policies to facilitate Vasona light rail transit connections, nor does it include policies to reserve appropriate transit stops within the Plan Area. Implementation of the following mitigation measure would reduce inconsistencies with future transit needs to a less-than-significant level, and could become components of a deficiency plan for the state highway impacts identified above.

## **Mitigation Measures**

*TR-4. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.*

*TR-5. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.*

Without mitigation presented above, the proposed project would significantly increase congestion and intersection traffic delays, which could delay bus service. However, Mitigation Measure TR-1 and Mitigation Measure TR-2, presented above, would attain acceptable levels of service at these intersections, and delays to transit operations would likewise be less than significant.

### **Less-than-Significant Impact with Mitigation: Conflict with Measure of Effectiveness – Bicycles and Pedestrians**

The Draft Specific Plan includes mixed uses, internal pedestrian connections, and streets intended to be shared by all forms of transportation. The Draft Specific Plan's internal provisions for pedestrians and bicycles provide an environment designed to promote non-motorized trips within the Plan Area. Proposed pedestrian amenities include pathways, paseos, lighting, and benches. The Draft Specific Plan provides three crossings of Los Gatos Boulevard (at Samaritan Drive, Neighborhood Street, and Lark Avenue) and one crossing of Lark Avenue (at Los Gatos Boulevard). In general, while conditions internal to the Plan Area provide adequately for bicycles and pedestrians, outward connections are limited or poor, and due to this location adjacent to two freeways and two arterials, the Draft Specific Plan is isolated from the standpoint of bicycle and pedestrian transportation. Added traffic could affect the suitability for walking or bicycling on streets in the vicinity of the Plan Area. The following sections discuss specific bicycle and pedestrian issues.

**Safe Routes to Schools.** 2010 Clean Air Plan control measure TCM C-2 and *Los Gatos Sustainability Plan* Policy TR-1 promote safe routes to school. The *Town of Los Gatos 2020 General Plan*'s description of the North Forty Specific Plan emphasizes connections to existing intersections along Los Gatos Boulevard and Lark Avenue and an easily accessible, fully-connected street network that encourages walking. Elementary and middle school students living in the proposed project's Lark District would attend Louise Van Meter School and Fisher Middle School, located about one and one-quarter to one and one-half miles to the south of the Plan Area. Two potential routes to the schools exist from the Plan Area. The most direct route to these schools from the project site is via Los Gatos Boulevard. A second route utilizes a series of residential streets between Los Gatos Boulevard and State Route 17, beginning at Highland Oaks Drive opposite the Plan Area at Lark Avenue, and continuing to Oak Rim Way at Blossom Hill Road. About one-third of this route is currently designated as a school access route for these schools, but this route is difficult to reach from the Plan Area due to an uncontrolled crossing of Lark Avenue.

The primary impediment to use of Los Gatos Boulevard is the high volume of traffic and two sections with substandard sidewalks between the Plan Area and the schools. In order to increase traffic flow capacity on Lark Avenue, the Draft Specific Plan includes a median on Lark

Avenue, which would prevent crossing at the Lark Avenue/Highland Oaks Drive intersection. However, a combination of these routes utilizing Garden Lane provides a signalized crossing to the Plan Area and avoids the section of Los Gatos Boulevard that lacks sidewalks. The Specific Plan does not include any policies assuring that a direct pedestrian access to the Lark Avenue/Los Gatos Boulevard intersection would be provided. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

### **Mitigation Measure**

*TR-6. Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.*

### **Less-than-Significant Impact: Conflict with Measure of Effectiveness – Bicycles and Pedestrians**

**Lark Avenue Bicycle Lanes.** Lark Avenue provides the only direct bicycle access between the Plan Area and the Los Gatos Creek Trail. The Draft Specific Plan's cross-section for Lark Avenue includes a parallel Class I multi-modal path, and reserves room (currently used as median) for the future provision of bicycle lanes on Lark Avenue. VTA guidance states that separate bike paths paralleling the roadway do not substitute for on-street bike lanes (Santa Clara Valley Transportation Authority 2012, pages 7-2 and 7-9).

*Town of Los Gatos 2020 General Plan* policies TRA-1.5, TRA-2.1, TRA-2.2, TRA-2.8, and TRA-3.10 address adequate accommodation of all forms of traffic on Town streets. The *Town of Los Gatos 2020 General Plan* lists bike lanes as a planned improvement on Lark Avenue between Los Gatos Boulevard and Winchester Boulevard (pages TRA-17 and TRA-18). Roadway Design Element 3.1 Roadway and Lane Width, in the *Bicycle Technical Guidelines*, requires reconstruction of all streets to include space for bicycles (Santa Clara Valley Transportation Authority 2012, pages 3-1 and 7-9). Although not proposed for immediate construction, the Draft Specific Plan reserves adequate space for future accommodation of bicycle lanes on Lark Avenue.

**Countywide Bicycle Route 16B.** County wide route 16B passes through the Los Gatos Boulevard/Samaritan Drive intersection. *San Jose Bike Plan 2020* proposes Class II bike lanes on Samaritan Drive. The proposed project would result in significant level of service impacts at this intersection, but the required street improvements would not alter the existing geometry on Samaritan Drive, or effect the potential to develop bicycle facilities.

## **Significant and Unavoidable Impact: Conflict with Congestion Management Program**

The level of service analysis presented above indicates that one Congestion Management Program intersection would degrade to LOS F, but mitigation would bring the intersection to an acceptable level of service, and that a Congestion Management Program highway segment would incur significant and potentially unavoidable impacts. Impacts are discussed in greater detail earlier in this section.

**Roadways and Intersections.** The Los Gatos Boulevard/Samaritan Drive intersection would operate at LOS F, but would be mitigated (see Mitigation Measure TR-1) to acceptable levels of service. The proposed project would not prevent implementation of any Congestion Management Program roadway improvements.

**Highway Segments.** The proposed project would result in significant and potentially unavoidable impacts on operations of one Congestion Management Program highway segment during the PM peak period. With development scenario B, project-generated traffic would exceed one percent of capacity on the mixed flow lanes of the segment of southbound State Route 85 from Winchester Boulevard to State Route 17. The transportation impact analysis does not present mitigation to address the significant impacts on freeway segments. The State Route 85 express lanes project would reduce impacts to a less-than-significant level if it is implemented.

**Bus and Bicycle Routes.** The proposed project would have no effect on the VTA Congestion Management Program bus route operating on Samaritan Drive. The bus route approaches from the south and does not pass through the study intersections. The countywide bike corridor near the Plan Area passes through three of the study intersections: Los Gatos Boulevard/Samaritan Drive, Samaritan Drive/National Avenue, and National Avenue/Los Gatos-Almaden Road. Samaritan Drive/National Avenue would continue to operate at unacceptable LOS F under background plus project conditions. Project traffic added to background traffic would result in unacceptable levels of service at the Los Gatos Boulevard/Samaritan Drive intersection. Mitigation Measure TR-1 and Mitigation Measure TR-2 would mitigate impacts to these intersections.

## **Less-than-significant Impact with Mitigation: Hazardous Design or Incompatibility**

The Draft Specific Plan provides street cross sections for three types of streets within the Plan Area: A Street (the primary through street), Neighborhood Street (connecting Los Gatos Boulevard to A Street near the center of the Plan Area, and residential streets (within the Lark

District). The Draft Specific Plan avoids overly-wide streets in order to maintain a more intimate pedestrian scale to the transportation facilities, as might be found in an older urban neighborhood.

The Street A cross-section starts at Lark Avenue with four, ten-foot wide lanes, with the two outside lanes being continuous right turn lanes with sharrows (shared bike travel symbols used to inform both motorists and bicyclists of the safe positioning of the bicycle on a roadway without bike lanes or shoulders), indicating through bicycle traffic. No on-street parking would be allowed on this section of A Street. In the Transition District and Northern District, the A Street cross-section has two 11- to 13-foot travel lanes with sharrows and parking lanes or perpendicular parking on each side. Residential streets would follow one of two options: 1) two 10-foot lanes with parallel parking on each side, or 2) two 11-foot lanes with no parking or parking on only one side. The Draft Specific Plan's main internal street would effectively function as a Class III bicycle route. The Neighborhood Street would have two, 13-foot travel lanes with diagonal parking on each side. Based on analysis of peak hour trips, the average daily traffic volume on A Street near Los Gatos Boulevard would be about 8,000 trips, and near Lark Avenue about 1,100 trips. The average daily traffic volume on Neighborhood Street would be about 5,000 trips. The 2,600 daily residential trips would be divided over several residential streets, with volumes on any given street likely to be below 1,000 trips.

The *Bicycle Technical Guidelines* state that sharrows are intended for use on existing narrow streets and that bike lanes are strongly preferred on new streets. Collector streets should be designed with a maximum design speed of 30 mph. If projected traffic volumes are more than 4,000 vehicles per day, bike lanes should be included. (Santa Clara Valley Transportation Authority 2012, page 7-19). The proposed street configurations conflict with the guidance of the *Bicycle Technical Guidelines*. This is a significant environmental impact. Implementation of the following mitigation measures would reduce this impact to a less-than-significant level, while maintaining the intended neighborhood character.

*TR-7. Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.*

### **No Impact: Emergency Access**

The Draft Specific Plan includes a through street and several streets connecting to Los Gatos Boulevard. Development of the Draft Specific Plan would be in accordance with the Town's circulation system improvement standards and therefore, accommodate adequate emergency access. The total lane width on proposed streets is at least 20 feet (in residential areas), and up to

26 feet on two lane sections (up to 46 feet on four lane sections). The Santa Clara County Fire Department standards require a minimum width of 20 feet generally, and a minimum width of 26 feet for access to buildings in excess of 30 feet tall. The additional width for taller buildings is to accommodate ladder trucks (Santa Clara County Fire Department 2009). Future development in accordance with the Santa Clara County Fire Department's Standard Details and Specifications would ensure adequate emergency access to project buildings by fire apparatus. At build-out, two existing dead-end residential streets (Burton Road and Bennett Way) that do not provide good emergency access and egress would be replaced by new development. At build-out of the Draft Specific Plan, adequate access to all portions of the Plan Area would be provided.

### **No Impact: Safety Risks from Change in Air Traffic Patterns**

The proposed project would have no effect on air traffic patterns.

### **Less-than-Significant Impact: Conflict with Transit, Bicycle, or Pedestrian Planning or Use**

The Plan Area is within the Vasona Light Rail area. The *Town of Los Gatos 2020 General Plan*'s Vasona Light Rail Element sets forth policies for projects within the Plan Area, many of which are specific to transportation, and in particular to multi-modal connections. *Town of Los Gatos 2020 General Plan* Policy LU-11.6 calls for multimodal links between the Plan Area and the future Vasona light rail station and Policy VLR-9.3 calls for transportation alternative programs or facilities that help link development and mass transit. Policy TRA-9.5 requires that alternative transportation means be required whenever the traffic generated by a development would result in a significant increase in air pollution or traffic congestion. Other policies identify development of an additional trail segment on the east side of Los Gatos Creek north of Lark Avenue, and contributions by Vasona Light Rail area developments toward a trail bridge over Los Gatos Creek.

The planned Vasona station site is located at the junction of State Route 85 and Winchester Boulevard. The station site is about one mile away from the Plan Area. The most direct access is via Lark Avenue and Winchester Boulevard (State Route 85 has southbound off-ramps and northbound on-ramps at Winchester Boulevard, so does not provide a means of access from the Plan Area to the future station site). Transit connections to the Vasona station are discussed under Measures of Effectiveness – Transit, presented earlier. Mitigation measures are provided to facilitate transit connections from within the Plan Area.

No direct bicycle or pedestrian route between the Plan Area and the Vasona station site exists. The most feasible bicycle routes (which don't require left turns from arterials) are Lark Avenue and either Winchester Boulevard or the Los Gatos Creek Trail to the station, and the Mozart

Road bridge over State Route 17 to Los Gatos Boulevard to return from the station. The most direct pedestrian route would follow Lark Avenue and Winchester Boulevard, but some sections have narrow or no sidewalks. An alternative pedestrian route could be to use the Los Gatos Creek Trail. State Route 17 and State Route 85 present a barrier to direct bicycle and pedestrian access to the station site. The *Countywide Bicycle Plan* identifies across barrier connections (proposed bicycle crossings of creeks or freeways), although such a crossing is not identified at the Plan Area.

The *Town of Los Gatos 2020 General Plan* does not explicitly direct the provision of bicycle and pedestrian routes from the Plan Area to the Vasona light rail station, but referral to multimodal infers options other than transit and private automobile. Bicycle path alignments that would provide a direct connection would require highway bridges and/or pathways within the freeway rights-of-way, and are considered infeasible. Although not ideal, there are existing routes that could serve to provide bicycle and pedestrian access to the Vasona light rail station site.

Several transit, bicycle, and pedestrian planning and policy conflicts are discussed earlier under the Conflict with Measure of Effectiveness headings. Refer also to Section 3.12 Population and Public Services for discussion of the *Santa Clara Countywide Trails Master Plan*.

### **No Impact with Mitigation: General Plan Inconsistency**

**Ridesharing, Transit, Bicycle, and Pedestrian Policies.** Refer to the discussions under the Measures of Effectiveness headings above. Several inconsistencies with *Town of Los Gatos 2020 General Plan* policies are identified in these discussions. Mitigation measures presented would eliminate inconsistencies with the *Town of Los Gatos 2020 General Plan*.

## **3.14 UTILITIES AND SERVICE SYSTEMS**

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant impacts relating to utilities and service systems. The following technical report was prepared for the proposed project and is referenced in this section:

- Schaaf and Wheeler. *North 40 Drainage Study*. October 27, 2010.
- MacKay and Somp. *Memorandum: North 40 Hydrology Summary*. April 29, 2013.
- San Jose Water Company. *San Jose Water Company Town of Los Gatos North 40 Development Water Supply Assessment*. July 2013.
- RMC Water and Environment. *Updated Sewer Impact Evaluation for North Forty Development*. March 5, 2014.

The drainage, hydrology and water reports are included in [Appendix J](#). The sewer system study is included in [Appendix N](#). No NOP comments were received relating to utilities and service systems.

## ***Environmental Setting***

### **Wastewater**

The West Valley Sanitation District provides wastewater collection and disposal services for Campbell, Los Gatos, Monte Sereno, and portions of Saratoga and the nearby unincorporated County. The West Valley Sanitation District serves approximately 112,000 residents and its service area encompasses 29 square miles. The wastewater collection system is comprised of approximately 426 miles of sewer main and 206 miles of sewer laterals. The West Valley Sanitation District's system within the Town of Los Gatos consists of gravity mains ranging from 6 inches to 27 inches in diameter. A review of the collection system was conducted in 2008, and deficiencies were identified in 20 locations; none of the locations identified in that study are within one mile of the Plan Area (West Valley Sanitation District 2013; 2011, Appendix D).

The collection system flows north, through City of San Jose trunk sewers, and ultimately to the San Jose/Santa Clara Water Pollution Control Plant in Alviso. The treatment plant serves a 300-square-mile area encompassing San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno. Most of the treated water is discharged as fresh water through Artesian Slough and into San Francisco Bay. About 10 percent of wastewater entering the plant is recycled, and distributed through South Bay Water Recycling pipelines for landscaping, agricultural irrigation, and industrial needs in the region (Carollo 2012).

The treatment plant has a treatment capacity of 167 million gallons of wastewater per day (mgd) utilizing advanced tertiary treatment. Despite a steady increase in population served by the treatment plant, influent wastewater flows at the treatment plant have decreased since the late 1990s due to the loss of industry and increased water conservation. Flows in 2000 were 131 mgd and flows in 2010 were less than 110 mgd. The master plan for the treatment plant sets a capacity of 450 mgd. The treatment plant's recycling capabilities would be increased, with much of the recycled water used in groundwater recharge ponds (West Valley Sanitation District 2011, Carollo 2012).

The West Valley Sanitation District has 8,419 connections for single-family residential uses, 3,188 connections for multi-family uses, and 756 connections for commercial/industrial uses for a total of 12,363 connections within the Town of Los Gatos. The West Valley Sanitation District has a contractual share of the treatment plant capacity of 12.052 mgd. In fiscal year 2009-2010, the West Valley Sanitation District collected and conveyed 10.417 mgd (West Valley Sanitation

District 2011, Carollo 2012). Based on generation factors of 250 gallons per day for residences and 250 gallons per day per 1,000 square feet for commercial uses, the current wastewater flow is estimated to be about 22,500 gallons per day (RMC Water and Environment 2014).

## Water Supply

**Groundwater and Water Management.** Water supplies in Santa Clara County are managed by the Santa Clara Valley Water District. Groundwater represents the largest water source, ranging from approximately 40 to 50 percent of total water use. Treated local and imported surface water (local run-off and imported) represents the second largest share, from 30 to 38 percent of total water use. The Santa Clara Valley Water District also banks excess import supplies in wet years as a reserve supply for dry years. San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water, approximately 5 percent, and other non-District local surface water, approximately 4-5 percent (Santa Clara Valley Water District 2011, page 2-9). [Figure 24, Santa Clara Valley Water District Supply Facilities](#), shows the general location of major water supply infrastructure in the County. Refer to Section 3.9 Hydrology and Water Quality for more detailed information on water supplies.

**Local Water Delivery.** Within the Plan Area and surrounding community, the San Jose Water Company is the retailer that delivers water to customers. The San Jose Water Company delivered about 141,450 acre-feet of potable water in 2008 and 141,900 acre-feet of potable water in 2009. Water sources for the San Jose Water Company in 2009 were: 70,300 acre-feet from treated Santa Clara Valley Water District supplies; 60,500 acre-feet from groundwater; and 11,100 acre-feet from other surface water sources; plus 1,300 acre-feet of recycled water. In 2010, the San Jose Water Company delivered 122,800 acre-feet of water, which is considered unusually low (Santa Clara Valley Water District 2011, page 2-10; San Jose Water Company 2011, pages 7, 13). [Table 26, San Jose Water Company Water Sources](#), provides a summary of water supply sources used within the San Jose Water Company service area. Within Los Gatos, 80 percent of delivered water comes from the local surface waters, and 20 percent comes from the Santa Clara Valley Water District treated water supply (Carollo 2009, page 9).

### Legend

- Lakes, Reservoirs, Rivers, Creeks and Bays
- Raw Water Pipeline
- Drinking Water Pipeline
- Pump Plants
  - 1. Vasona
  - 2. Coyote
  - 3. Pacheco
- Drinking Water Treatment Plants
  - 1. Rinconada
  - 2. Santa Teresa
  - 3. Penitencia
- Anderson Hydroelectric Facility
- ▲ Recharge Ponds



not to scale



Source: Santa Clara Valley Water District 2010

E

M

C

Figure 24  
Santa Clara Valley Water District Facilities  
North Forty Specific Plan EIR

### 3.0 ENVIRONMENTAL EFFECTS

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**Table 26 San Jose Water Company Water Sources**

Source	2009 Volume (Acre-feet) <sup>1, 2</sup>	Percent of Supply <sup>2</sup>
Groundwater (Santa Clara Plain)	60,500	42.3
Local Surface Water (Santa Cruz Mountains)	11,000	7.7
Santa Clara Valley Water District Surface Water <sup>2</sup>	21,800	15.2
Water Imported from State Water Project <sup>2</sup>	20,400	14.3
Water Imported from Central Valley Project <sup>2</sup>	28,100	19.6
Recycled Water	1,300	1.0
<b>Total Supply (Potable and Recycled)</b>	<b>143,100</b>	

*Source:* Santa Clara Valley Water District 2011, San Jose Water Company 2011

*Note:*

1. All numbers rounded to nearest 100 acre-feet. Percentages do not add to 100 due to rounding.
2. Volumes and percentages vary year to year. This data is based on 2009 water use.
3. These quantities are estimated based on overall percentage for Santa Clara Valley Water District sources for treated water in 2009: local reservoir, 31 percent; State Water Project, 29 percent; and Central Valley Project, 40 percent. Total treated water delivery to San Jose Water Company in 2009 was 70,300 acre-feet.

San Jose Water Company's groundwater is withdrawn from the Santa Clara Plain sub-basin. The Santa Clara Valley Water District estimates the long-term operational storage capacity of the Santa Clara Plain to be 350,000 acre-feet. In any given year the amount of groundwater that can be withdrawn depends on current groundwater conditions and hydrology. Average natural recharge in the Santa Clara Plain is about 35,100 acre-feet per year, and dry or multiple dry year recharge is from 26,900 to 27,400 acre-feet per year. About 80 percent of recharge occurs through Santa Clara Valley Water District artificial stream and pond infiltration (Santa Clara Valley Water District 2001). Based on this percentage, about 140,000 acre-feet of artificial recharge could occur in a normal year. Total groundwater pumping within the Santa Clara Plain ranged from 82,600 to 115,400 acre-feet between 2000 and 2009; average pumping was about 102,000 acre-feet. Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity. San Jose Water Company does not deliver groundwater to its Los Gatos service area (Santa Clara Valley Water District 2010, pages 2-10, 3-6 to 3-11; San Jose Water Company 2011, page 17).

San Jose Water Company's treated water comes from surface water run-off into local reservoirs, the State Water Project, and the Central Valley Project. Normal year imported water deliveries are 64,000 acre-feet from the State Water Project (64 percent of contract) and 108,120 acre-feet from the Central Valley Project (71 percent of contract). During single or multiple dry years import deliveries range from 11,000 to 31,830 acre-feet from the State Water Project, and from

69,180 to 80,270 acre-feet from the Central Valley Project. Information on the specific breakdown of treated water sources delivered to San Jose Water Company is not known, but is likely parallel to that of the Santa Clara Valley Water District's overall treated water sources. San Jose Water Company's local surface water is drawn from upper Los Gatos Creek and Saratoga Creek, from which San Jose Water Company has both historic rights and licensed rights. Los Gatos creek withdrawals can be up to about 11,200 acre-feet per year (Santa Clara Valley Water District 2010, pages 2-10, 3-5; San Jose Water Company 2011, pages 11, 12). Recycled water is not delivered within the Town of Los Gatos (Santa Clara Valley Water District 2011, page 7-2).

**Current Plan Area Water Use Estimate.** San Jose Water Company water demand factors for businesses and residences were used to estimate current non-agricultural water use within the Plan Area. Well water withdrawals for agricultural use were estimated based on typical water use for walnuts, but using the low end of the range in recognition of drip irrigation observed. Total current annual water use within the Plan Area is estimated at about 75.7 acre-feet per year. [Table 27, Estimated Current Annual Water Use](#), presents estimated water use within the Plan Area.

**Table 27 Estimated Current Annual Water Use**

Land Use	Quantity	Annual Demand Factor	Estimated Use
Single Family Residential	32 units	0.45 acre-feet per unit	14.4 acre-feet
Business	66,000 sq. ft.	0.11 acre-feet per 1,000 sq. ft.	7.3 acre-feet
Walnuts	27 acres	2.0 acre-feet per acre	54.0 acre-feet
Total Water Use			75.7 acre-feet

*Source:* San Jose Water Company 2013b; EMC Planning Group; California Department of Water Resources 1994

*Note:* Business and residential rates derived from gallons per day factors in Water Supply Assessment. Walnut water use based on Department of Water Resources "Other deciduous orchard" rate for the San Francisco area. The listed range is 2.0 to 3.2, and the low end of this range was selected due to evidence of drip irrigation for at least portions of the orchard. Actual water use for irrigation is not known.

**Water Supply Infrastructure.** Water supply infrastructure serving Santa Clara County includes dams and reservoirs, import and conveyance pipelines, treatment plants, pump stations, recharge ponds, wells, as well as local delivery lines. Most of the major water infrastructure in Santa Clara County is operated by the Santa Clara Valley Water District. The following infrastructure serves the Plan Area and vicinity:

*Dams and Reservoirs.* The Santa Clara Valley Water District operates ten dams and reservoirs in the Santa Cruz Mountains and Mount Hamilton foothills. The closest reservoirs to the Plan Area are Vasona Reservoir and Lexington Reservoir (Lenihan Dam), although water from most of the reservoirs can be moved within the County. The Santa Clara Valley Water District also operates small diversion dams. The San Jose Water Company operates Lake Elsman and Williams Reservoir, located near the summit of the Santa Cruz Mountains. The San Jose Water Company has three other raw water reservoirs, and 98 storage tanks and reservoirs, including the Seven Mile Reservoir, just south of Lark Avenue (Santa Clara Valley Water District 2011; Santa Clara County Local Agency Formation Commission, 2011).

*Import and Conveyance Pipelines.* The Santa Clara Valley Water District obtains import water for the Plan Area through the San Felipe pipeline from the Central Valley Project, and through the South Bay Aqueduct from the State Water Project. The San Jose Water Company uses a system inter-tie at Quito Road to obtain treated water for the Los Gatos service area. The 72" diameter Almaden Valley raw water pipeline traverses the northern end of the Plan Area, beneath Burton Road. Several in-use and abandoned water lines run north-south through the Plan Area. Refer to Figure 11, Conceptual Backbone Water Infrastructure.

*Treatment Plants.* The Santa Clara Valley Water District operates three water treatment plants, with the water for the Los Gatos area treated at its Rinconada Plant, within one-half mile north of the Plan Area. San Jose Water Company treats its Los Gatos Creek surface water at the Montevina Plant located along State Route 17 at the Lexington Reservoir. San Jose Water Company has recently upgraded the treatment plant and connecting pipelines.

*Pump Stations.* The Santa Clara Valley Water District operates three pump stations, at San Luis Reservoir, the base of Anderson Dam, and at Vasona Reservoir, south of the Plan Area. The San Jose Water Company uses 247 pump stations to distribute water within its service area.

*Recharge Ponds.* The Santa Clara Valley Water District operates 393 acres of recharge ponds and 91 miles of controlled in-stream recharge, including ponds located within one-half mile north of the Plan Area.

*Wells and Local Delivery Lines.* The San Jose Water Company operates 111 wells, although none of these supply water to the Plan Area. The San Jose Water Company has over 2,450 miles of distribution pipes.

**Future Water Supply Development.** With the existing infrastructure and supply sources, water supplies exceed demands until 2035. Beginning in 2035, there is an estimated shortfall of about 2,000 acre-feet per year between supplies and demands (Santa Clara Valley Water District 2012, page 7). The Santa Clara Valley Water District's *2012 Water Supply and Infrastructure Master Plan* outlines the strategies for ensuring water supplies meet demands. The objective of the strategy is

to meet 100 percent of water demand during normal years and 90 percent of demand during dry years. The *2012 Water Supply and Infrastructure Master Plan* focuses on three strategies: 1. secure baseline supplies and infrastructure; 2. optimize the use of existing supplies and infrastructure; and 3. increase recycling and water conservation to meet future increases in demands.

Baseline water supplies are expected to increase from the current average of about 398,000 acre-feet per year to an average of 421,000 acre-feet per year in 2035, with the increase due to removal of operating restrictions on existing reservoirs, increased non-potable water recycling, and increased baseline conservation savings. Several existing reservoirs are held to about half capacity due to concerns about the seismic stability of the dams. These dams are expected to be re-constructed and in full service prior to 2035. Existing supplies can be optimized through increased recharge, a new pipeline from Lexington Reservoir to increase flexibility in the use of that supply, and sales or exchanges of banked water. Several in-district diversion dam projects and a pipeline replacement project are in the Capital Improvement Program, and expected to add about 13,800 acre-feet of water to the County's supply. Increased water recycling includes the use of advanced treated recycled water for groundwater recharge (indirect potable use) and promotion of grey water systems. The San Jose Santa Clara Water Pollution Control Plant is projected to increase production of recycled water from 8,650 acre-feet in 2009 to 22,700 acre-feet by 2030 (Santa Clara Valley Water District 2011, pages 3-20 to 3-23, 7-10; Santa Clara Valley Water District 2012, pages 4, 17 to 20). The San Jose Water Company has plans to replace existing wells with higher capacity wells for an increase in pumping capacity from about 50,000 to about 60,000 acre feet per year (San Jose Water Company 2011, page 28).

The Santa Clara Valley Water District has determined that some efforts it has explored are not feasible and is no longer considering them. Expansion of reservoirs (aside from removing current operating restrictions on several reservoirs) was rejected, because additional storage space alone does not adequately address supplies during a sustained drought. Direct potable reuse (advanced treatment water sent directly to a water treatment plant) is not allowed under California law. The Bay Area Regional Desalination Project is a collaborative effort of five Bay Area water utilities, that would develop a 10 to 20 million gallon per day desalination plant in eastern Contra Costa County, and utilize mostly existing conveyance pipes to distribute the water. A permanent west side intertie to the Hetch Hetchy system offers significant operational benefits, but was not included in the *2012 Water Supply and Infrastructure Master Plan* because it does not advance long-term reliability of the water supply (Santa Clara Valley Water District 2012, pages 24 to 26; Bay Area Regional Desalination Project 2013).

## Storm Drainage

Los Gatos is served by a man-made storm drainage system including pipe networks, ditches, and culverts. These systems discharge into the natural creeks that cross the Town. According to the

*1999 Draft North Forty Specific Plan*, natural drainage within the Plan Area primarily flows west toward State Route 17. At the time the State Route 85/17 interchange was constructed, temporary drainage was provided within the State Route 85 and State Route 17 rights-of-way, with a discharge to Los Gatos Creek north of State Route 85. Permanent drainage facilities to accommodate future development of the Plan Area were installed under State Route 17 in two segments: from the Plan Area boundary beneath State Route 17 to the eastern right-of-way of Oka Road; and a discharge to Los Gatos Creek and 50 feet of connecting pipe, south of the Bonnie View mobile home park. The already-developed parcels along Los Gatos Boulevard currently drain into systems within Lark Avenue and Los Gatos Boulevard. The storm drainage system in Los Gatos Boulevard (which serves both sides of Los Gatos Boulevard) is considered to be undersized. Much of storm water in the Plan Area percolates and does not drain beyond the Plan Area boundaries. Refer to Section 3.9 Hydrology and Water Quality for additional discussion of drainage.

Per the Los Gatos Town Code (Section 24.60.035 and 24.60.045), fees are collected on new buildings, improvements (including but not limited to paving), and subdivisions. Fees are established by the Town Council. Storm drainage improvements are financed through fees collected on new construction. The fees collected are deposited in an account, depending upon the drainage basin where the new construction occurs. This money can only be used in the basin where development occurs. In addition, developers must install drainage improvements to serve their development. If improvements to the Town's existing system are made, the cost of those improvements is deducted from the drainage fees (Santa Clara County Local Agency Formation Commission 2007 page 7-10).

## **Solid Waste and Recycling**

West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage are transported to the Guadalupe Landfill, located off Hicks Road about four miles southeast of the Plan Area; less than 10 percent of waste is disposed of at other landfills within California. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted capacity of 16.5 million cubic yards. As of January 2011, the landfill has used approximately 5.4 million cubic yards (about 33 percent of its capacity) and is expected to reach its capacity in about 2048. According to California Integrated Waste Management Board data, the Town of Los Gatos disposed of 19,896.5 tons of solid waste (exclusive of recycling) in 2011, of which, more than 18,000 tons was disposed of at Guadalupe Landfill. About one-third of the Town's solid waste comes from residences and about two-thirds from non-residential sources.

West Valley Collection & Recycling provides single stream (single mixed bin) recycling to residential and commercial customers. Recyclable materials are sorted at West Valley Collection & Recycling's Materials Recovery Facility north of downtown San Jose. The Guadalupe Landfill provides recycling facilities as well. West Valley Collection & Recycling collects compostable waste (clean scrap wood, yard trimmings, etc.) from residential customers for delivery to the Guadalupe Landfill, where it is processed into landscape products (California Regional Water Quality Control Board 2011, West Valley Collection & Recycling 2013).

## ***Policy and Regulation***

### **State**

**California Water Conservation and Recycling Requirements.** California's Title 24 energy code includes restrictions on the amount of water consumed by various fixtures, including toilets and showerheads. The current version of Title 24 regulations further reduce fixture water use, with toilets now restricted to 1.28 gallons per flush and shower heads to 2.0 gallons per minute. The Water Recycling Act of 1991 established water recycling as a priority in California, and encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

**State Water Conservation Targets.** San Jose Water Company has an average per capita water use of 144 gallons per day (total water consumption divided by population), based on data from 1995 through 2004. The Water Conservation Bill of 2009 (SBX 7 7) requires establishment of a water use reduction target, based on one of four calculation methods. Based on a 20 percent reduction from the current per capita water usage, San Jose Water Company could establish a target per capita water use of 115 gallons per day. This is below the 95 percent water conservation target for the Bay Area (targeted for 2020), which is 124 gallons per capita per day. Therefore, San Jose Water Company determined to set its 2020 target at 124 gallons per capita per day. San Jose Water Company's interim target has been established at 134 gallons per capita per day (San Jose Water Company 2011, pages 13-16). The Santa Clara Valley Water District's water shortage contingency plan calls for maximum water use cut-backs of 20 percent. The contingency plan relies on the overall Santa Clara Valley Water District strategies that are in place to secure a variety of water supplies and to conserve and bank water to stretch supplies in dry years and multiple dry years (Santa Clara Valley Water District 2011, pages 6-2 to 6-5).

**Urban Water Management Planning Act.** The Urban Water Management Planning Act (California Water Code Section 10631) requires every urban water supplier that provides water to 3,000 or more customers or provides over 3,000 acre-feet of water annually to prepare and adopt an urban water management plan (UWMP) to "actively pursue the efficient use of available supply." The UWMP is to be updated every five years. The Urban Water Management

Planning Act also requires urban water suppliers, as part of their long-range planning activities, to make every effort to ensure the appropriate level of reliability in their water service sufficient to meet the needs of their various categories of customers during normal, dry, and multiple dry water years.

**Water Supply Assessments.** SB 610 (Cal. Water Code, § 10910 et seq.) requires that CEQA review for larger projects include a water supply assessment. A water supply assessment is required for proposed residential projects with 500 or more units, proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space, or commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

The assessment must address whether existing water supplies will suffice to serve the project and other planned development over a 20-year period in average, dry, and multiple-dry year conditions, and must set forth a plan for finding any additional supplies necessary to serve the project. Cities and counties can approve projects notwithstanding identified water supply shortfalls provided that they address such shortfalls in their findings.

**California Integrated Waste Management Act of 1989.** The California Integrated Waste Management Act of 1989 (AB 939) requires all California cities and counties to achieve a 50 percent diversion rate by 2000. The Santa Clara County Integrated Waste Management Plan outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of AB 939 and its diversion mandates. Additional statutes pertaining to solid waste are found in California's Public Resources Code, Government Code, and Health and Safety Code, among others.

**Commercial Recycling and 75 Percent Diversion Goal.** Chapter 476, Statutes of 2011 (Chesebro, AB 341) sets forth the requirements of the statewide mandatory commercial recycling programs and establishes a goal of 75 percent waste stream diversion by 2020, an increase from the current 50 percent target.

### **Town of Los Gatos**

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to utilities and service systems are applicable to the proposed project.

**Policy LU-4.2** Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

**Policy LU-4.3** Only approve projects for which public costs can be justified by the overall benefit to the community.

**Policy LU-4.4** Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

**Policy LU-11.3** Provide coordinated infrastructure in the North Forty area.

**Policy HOU-2.4** Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

**Policy VLR-8.1** Development in the Vasona Light Rail area shall facilitate the upgrading of utilities to the level needed to serve the area when it is fully developed.

**Policy ENV-6.2** Require new construction to incorporate water-efficient landscaping following the Town's Water Efficiency Landscaping Ordinance.

**Policy ENV-6.5** Require the use of water-saving devices in new developments and plumbing-related remodels, and develop incentives to encourage their installation in existing development.

**Policy ENV-7.4** Encourage dual plumbing in large, new commercial and/or residential developments to enable future use of recycled water.

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

The *Los Gatos Sustainability Plan* includes the following applicable utility-related policies.

**WW-1 Water Use and Efficiency Requirements.** For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-

efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.

**WW-3 Bay Friendly Landscaping.** Require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at [StopWaste.org](http://StopWaste.org) and [BayFriendlyCoalition.org](http://BayFriendlyCoalition.org).

**SW-2 Recycling Areas in Multi-Family Developments.** Require all new and significant redevelopments/remodels of existing multi-family developments to provide recycling areas for their residents within existing trash areas. Significant redevelopments and remodels include those that add or change 50 percent or more of the square footage or wall area.

The Town relies on the state's current Model Water Efficient Landscape Ordinance. The state ordinance provides for minimization of overspray and runoff, development of landscape water budgets, appropriate use and groupings of plants, use of automatic irrigation systems, soil assessment and soil management plans, maintenance, capture and retention of storm water, and use of recycled water if available.

## ***Standards of Significance***

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

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;
- require or result in the construction of new water, wastewater treatment, or storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects;

- be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs;
- comply with federal, state, and local statutes and regulations related to solid waste; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

Based upon the criteria derived from Appendix F of the CEQA Guidelines and Public Resources Code Section 21100(b)(3), a project will have a significant impact on energy if the proposed project would:

- Encourage activities that resulted in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.

## ***Analysis, Impacts, and Mitigation***

### **Less-than-Significant Impact: Adequate Wastewater Treatment**

Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 mgd and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. The proposed project's wastewater flow was estimated based on generation factors of 250 gallons per day per residence and 70 gallons per day per 1,000 square feet for commercial uses (RMC Water and Environment 2009). Plan Area build-out would result in the generation of approximately 131,600 gallons of wastewater per day.

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with wastewater (Final EIR page 2-9), with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Proposed project wastewater would be 0.12 percent of the current flow at the treatment plant, and would utilize 0.23 percent of the remaining capacity. The wastewater treatment plant would have adequate capacity to treat wastewater from the proposed project.

### **No Impact: Sufficient Water Availability**

The proposed project would develop the Plan Area with new uses that would use water provided by the San Jose Water Company. The water would come from two primary sources: local surface water and imported surface water. The San Jose Water Company prepared a water supply assessment for the proposed project, and estimates that the proposed project would use approximately 242 acre-feet of water per year at build-out (San Jose Water Company 2013b).

This is a net increase from existing conditions of about 166.3 acre-feet per year, and a net increase in potable use of about 220.3 acre-feet per year. [Table 28, Annual Water Use Projection](#), presents the estimated water use at build-out of the proposed project.

**Table 28 Annual Water Use Projection**

Land Use	Quantity	Annual Demand Factor	Estimated Use
Residential	364 units	0.45 acre-feet per unit	164.2 acre-feet
Business	400,000 sq. ft.	0.11 acre-feet per 1,000 sq. ft.	44.2 acre-feet
Hotel	125,000 sq. ft.	30,000 gallons per day	33.6 acre-feet
<b>Total Water Use</b>			<b>242.0 acre-feet</b>

*Source:* San Jose Water Company 2011, 2013b; EMC Planning Group

*Note:* Numbers have been adjusted to correct rounding errors.

The Santa Clara Valley Water District and the San Jose Water Company evaluate future regional water demands based on gross per capita water use, as described earlier in the environmental setting. The per capita water use is inclusive of all other uses (business, industry, etc.) within the service area. The Santa Clara Valley Water District and the San Jose Water Company urban water management plans both account for future development in accordance with local general plans within their respective service areas. The Santa Clara Valley Water District Urban Water Management Plan uses the population projections developed by the Association of Bay Area Governments in 2009. Based on these estimates, the County's population would grow by 45 percent through 2035. The estimated population for 2010 was 1,822,000; The Census Bureau data documents an actual 2010 population of 1,781,642, about 40,400 lower, indicating that population has grown at a lower rate than projected. The San Jose Water Company Urban Water Management Plan assumes a 0.4 percent annual growth rate within its service area, based on historic growth patterns it has observed. By comparison, the Association of Bay Area Governments' growth rate estimate for the service area is 1.4 percent, but as seen for the County, that projected growth rate is higher than growth documented by actual census data. All of the water projections within these urban water management plans are based on the population projections, so if a proposed project is within those projections, it is accounted for by the urban water management plan (Santa Clara Valley Water District 2011, pages 2-1 to 2-1; San Jose Water Company 2011, page 7; United States Census Bureau 2013; Santa Clara County Local Agency Formation Commission 2011, page 411).

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with water supply (Final EIR page 2-9) with implementation of applicable *Town of Los Gatos 2020 General Plan*

goals, policies, and actions. The General Plan has included development of the Plan Area since at least 1989. The Draft Specific Plan provides for reduced development by comparison to that allowed in the *Town of Los Gatos 2020 General Plan*. Therefore, the proposed project would have lower water demands than has been accounted for, and can be adequately accommodated by the Santa Clara Valley Water District and the San Jose Water Company. The San Jose Water Company sent a letter confirming this conclusion on January 14, 2013, and adopted a water supply assessment supporting this conclusion in July 2013 (San Jose Water Company 2013a, b).

### **Less-than-Significant Impact with Mitigation: New or Expanded Utilities Facilities**

Each utility requires off-site pipe connections to serve the proposed project.

**Water Facilities.** The proposed project would be served by adequate existing or planned water treatment facilities. Refer to the discussion of water supplies above. An off-site water supply pipe connection of about 780 feet is required between the Plan Area and the Seven-mile Station, which is located to the south of Lark Avenue. The construction of this pipeline extension would result in a potentially significant impact relating to contaminated soils in the vicinity of the proposed extension. Refer to Section 3.7 Hazards and Hazardous Materials for discussion and mitigation of this potentially significant impact to a less-than-significant level.

**Wastewater Facilities.** The proposed project would be served by adequate existing or planned wastewater treatment facilities. Refer to the discussion of wastewater treatment facilities above. Based on factors of 250 gallons per day for each residence and 250 gallons per day for each 1,000 square feet of non-residential uses, build-out of the Plan Area would generate 236,000 gallons of wastewater per day. A short off-site wastewater collection pipe connection would be required where the existing off-site connection line currently terminates at the southern Oka Road right-of-way, and would be extended within the right-of-way to a connection with an existing 21-inch trunk line. This extension would not result in significant environmental impacts. A study conducted based on the full Plan Area build-out allowed in the *Town of Los Gatos 2020 General Plan* determined that a 1,150-long section of downstream pipe within the Oka Road right-of-way may need upgrading from the existing 12-inch diameter to 15-inch diameter. This improvement is identified as a potential component of the proposed project and studied as a potential off-site improvement. However, the sewer system study was updated to reflect the Draft Specific Plan and a proposed connection to a parallel 21-inch sewer line in Oka Road. Based on the updated study, there is adequate capacity to accommodate the proposed project within the 21-inch pipe; some wet weather flow is assumed to use the smaller pipe (RMC Water and Environment 2014).

**Storm Water Facilities.** The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated

with storm drainage (Town of Los Gatos 2010c, page 2-9), with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions. The proposed project would require the construction of off-site storm water facilities to complete facilities that were partially constructed when the State Route 85 freeway was constructed. At the time the highway was constructed, certain parts of the planned storm drainage system, including a pipe beneath State Route 17 and a discharge at Los Gatos Creek, were built in anticipation of development within the Plan Area. However, gaps remain that require connecting pipes at locations outside the Plan Area. Refer to the discussion of storm drainage presented above, and to Section 3.8 Hydrology and Water Quality. The potential impacts of these off-site improvements are discussed for each relevant topic area. Potentially significant air and noise impacts could occur during construction of this pipeline connection. Refer to the impact discussions and mitigation measures presented in Section 3.3 Air Quality and 3.11 Noise. Mitigation measures presented in these sections would reduce impacts to a less-than-significant level.

### **No Impact: Sufficient Landfill Capacity**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with solid waste (Town of Los Gatos 2010c, page 2-9), with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Based on a residential disposal rate of 3.7 pounds per person per day, the 364 units with an average household size of 2.39 persons (870 persons), the residential portion of the proposed project would generate about 3,220 pounds of solid waste per day. Based on a non-residential disposal rate of 7.1 pounds per person per day, the 510,000 square feet of new commercial buildings with an average of one worker per 766 square feet of floor area (680 persons), the commercial portion of the proposed project would generate about 4,830 pounds of solid waste per day (California Regional Water Quality Control Board 2011; United States Energy Information Administration 2013). Total daily disposal would be about 8,050 pounds per day, or about 1,469 tons per year. The landfill has adequate landfill space through 2048, and adequate landfill space would be available for the proposed project.

### **No Impact: Consistent with Solid Waste Regulations**

The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2011 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. The Town exceeded those targets by limiting residential disposal to 3.7 pounds per person per day, and non-residential disposal to 7.1 pounds per person per day. The proposed project would have the same recycling and diversion opportunities, so disposal rates would be similar to the Town's existing rates. Therefore, the proposed project would be in compliance with solid waste regulations.

**No Impact: Consistent with Plan Adopted for Environmental Purposes**

The proposed project does not conflict with *Town of Los Gatos 2020 General Plan* utilities and services systems policies adopted for the purpose of avoiding or mitigating an environmental effect.

**Less-than-Significant Impact with Mitigation: Wasteful use of Fuel, Water, or Energy**

The proposed project is a mixed use project, the design of which is intended to reduce vehicular trips by placing commercial and residential uses in close proximity. The traffic impact analysis provides a 30 percent reduction in trips credit as a result of the mixed use arrangement. The proposed project is not expected to include any uses that would consume unusually large quantities of water or energy. Landscaping would cover a minimum of 20 percent of the Plan Area, but its irrigation is subject to the provisions of the recently adopted update to the California Model Water Efficient Landscape Ordinance, so water use would be minimized. Mitigation measures presented in Section 3.3 Air Quality, and Section 3.13, Transportation and Traffic, would further reduce the use of energy and fuel. With implementation of these mitigation measures, the proposed project would have a less-than-significant impact on fuel, water, and energy resources.

# 4.0

## CUMULATIVE IMPACTS

### 4.1 CEQA REQUIREMENTS

CEQA Guidelines section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

## 4.2 CUMULATIVE DEVELOPMENT SCENARIO

As allowed by CEQA Guidelines section 15130 (b)(1)(B), the EIR includes a summary of projections contained in the *Town of Los Gatos 2020 General Plan* to form the cumulative projects scenario; i.e. build-out of the general plan. Unless noted otherwise, the geographic scope of the cumulative analysis is the *Town of Los Gatos 2020 General Plan*'s sphere of influence, which encompasses 6,216 acres within the Town limits and 5,260 acres outside the Town limits, for a total of 11,476 acres (Town of Los Gatos 2011, pages LU-6 to 7). The *Town of Los Gatos 2020 General Plan* provides an estimate of about 1,600 new residential units, 419,000 square feet of new retail, 516,000 square feet of new office, and 8,000 square feet of new industrial uses through 2020 within the Town limits and sphere of influence. A summary of the impacts discussed in the *Town of Los Gatos 2020 General Plan EIR* is presented and is supplemented by new data regarding development projections and impacts, as appropriate. The cumulative traffic section also considers the effects of a list of pending projects near the Plan Area, as presented in the transportation impact analysis. For each topic area, an evaluation and determination as to whether the proposed project's impacts are cumulatively considerable is presented.

## 4.3 CUMULATIVE IMPACTS AND THE PROPOSED PROJECT'S CONTRIBUTION

### **Aesthetics**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would result in less-than-significant aesthetic impacts (Town of Los Gatos 2010c, page 2-6), with implementation of the General Plan goals, policies, and actions. Build-out of the *Town of Los Gatos 2020 General Plan*, which includes development of the Plan Area would not result in cumulative aesthetics impacts due to design criteria and policies included in the General Plan and zoning standards. The only aesthetic impact identified for the proposed project is mitigated to a less-than-significant level. Therefore, the proposed project would have a less-than-cumulatively considerable effect on aesthetics.

### **Agricultural Resources**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would have a significant and unavoidable impact on agricultural resources. The Town's Sphere of Influence includes 112 acres of land under active agricultural use, and 483 acres under Williamson Act contracts (some Williamson Act contracts protect open space). Primarily due to development under the North Forty Specific Plan Overlay that would convert designated unique farmland to urban uses, which would be incompatible with continued agricultural use of the Plan Area, the *Town of Los Gatos 2020 General Plan Final EIR* determined that there would be a significant impact to agricultural resources. The *Town of Los Gatos 2020 General Plan Final EIR* determined that the impact was significant and unavoidable and did not provide any mitigation (Town of Los Gatos 2010b, pages 4.9-10, 4.9-25; 2010c, pages 2-8, 3-14). The Land Evaluation and Site Assessment analysis prepared for the proposed project provided a more in-depth analysis of the value of the farmland within the Plan Area and determined that the loss of farmland could be considered less than significant at the project level (refer to Section 3.2, Agricultural Resources, of this EIR). Therefore, the proposed project would have a less-than-cumulatively considerable effect on agricultural resources.

### **Air Quality**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would be inconsistent with applicable clean air planning efforts of the Air District, as projected vehicle miles traveled that could occur under the General Plan would increase at a greater rate than population growth. The *Town of Los Gatos 2020 General Plan*

includes extensive goals, policies, and actions that aim to reduce vehicle reliance and vehicle miles travelled within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional vehicle miles travelled beyond that anticipated in the then-current clean air plan. As a result, development in Los Gatos consistent with the *Town of Los Gatos 2020 General Plan* would contribute to the on-going violations of ozone ambient air quality standards in the air basin (Town of Los Gatos 2010c, page 2-6). Therefore, there would be a cumulative impact on air quality; however, the Specific Plan would not result in a cumulatively considerable impact, as explained in the following paragraph.

The Specific Plan proposes a significantly reduced population for the Plan Area, approximately half of what was planned in the *Town of Los Gatos 2020 General Plan*. Plan Area vehicle miles traveled would also be reduced from those analyzed in the *Town of Los Gatos 2020 General Plan EIR*. The proposed project's increase in service population (residents plus employees) would exceed the proposed project's vehicle trip increase, which means the vehicle miles traveled per service population would decrease compared to existing conditions within the Plan Area (refer to Section 3.3 Air Quality). As a result, the proposed project would have a less-than-significant impact with respect to increases in vehicle travel compared with service population, and have significantly reduced impacts on air quality compared to those anticipated in the *Town of Los Gatos 2020 General Plan Final EIR*. Because of its reductions in vehicle miles traveled as compared to population growth and per service population, the proposed project is considered to make a less-than-cumulatively-considerable contribution to the previously identified significant cumulative impact relating to emissions of criteria pollutants.

Because hazardous air emissions are significant on the basis of local concentrations, the geographic scope for these emissions is the area within 1,000 feet of the Plan Area, consistent with analytical methods recommended by the Air District. There are three stationary hazardous sources within 1,000 feet of the Plan Area, and no new sources are anticipated as part of the proposed project. When the risk factors associated with the several nearby sources are added together, cumulative hazardous air emissions would be below the 100 cases per one million threshold for cancer risk, below the hazard index of ten, and below the fine particulate matter annual average threshold of 0.8 micrograms per cubic meter (Bay Area Air Quality Management District 2011). Therefore, there would not be a significant cumulative impact from hazardous air emissions.

## **Biological Resources**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant cumulative impacts to biological resources (Town of Los Gatos 2010c, page 2-6), with implementation of the applicable goals, policies, and actions in the General Plan. All of the proposed project's biological impacts would be mitigated

to a less-than-significant level if the measures proposed in the EIR are adopted and implemented. Therefore, the proposed project would not make a cumulatively considerable contribution to any significant impact on biological resources.

## **Cultural Resources**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant cumulative impacts associated with cultural resources (archaeological and historic resources) with implementation of General Plan goals, policies, and actions (Town of Los Gatos 2010c, page 2-6). Therefore, there would not be a cumulative impact on cultural resources.

Archaeological Consulting conducted a site reconnaissance and prepared an archeological resources report, and concluded that there was no record or surface evidence of cultural resources in the Plan Area. The potential that unknown buried cultural resources could be disturbed during construction is mitigated through the inclusion of mitigation measures requiring protocols consistent with policies in the *Town of Los Gatos 2020 General Plan*. A historic resources evaluation was conducted within the Plan Area, and concluded that several of the buildings in the Plan Area had potential historic significance. Mitigation measures are proposed which, if adopted and implemented, would reduce effects on potential historic resources to a less-than-significant level. As mitigated, and with other development within the Town constructed in accordance with *Town of Los Gatos 2020 General Plan* cultural resources policies, the proposed project would not make a cumulatively considerable contribution to a significant impact on cultural resources.

## **Geology, Soils, and Mineral Resources**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with geology, soils, or seismicity (Town of Los Gatos 2010c, page 2-6). Mineral resources are not addressed in the *Town of Los Gatos 2020 General Plan EIR*. Therefore, there would not be a cumulatively considerable impact on geology, soils, and mineral resources.

## **Greenhouse Gas Emissions**

Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Hence, GHG emissions leading to global climate change are inherently a cumulative effect. The individual contribution of a project to GHG in the atmosphere can

generally be quantified in terms of volume of greenhouse gas emissions that it generates as converted to CO<sub>2</sub>e. However, the precise indirect effects of that contribution are difficult if not impossible to identify due to the complexity of local, regional, and global atmospheric dynamics and the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur. Because the potential impacts of the proposed project are inherently considered in a cumulative context, the analysis in Section 3.4 Greenhouse Gas Emissions and Climate Change is a cumulative impact assessment.

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would make a significant unavoidable contribution to the cumulative impact of climate change (Town of Los Gatos 2010c, page 2-7). The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in annual GHG emissions by 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level of 30 percent. Since that time, a revised reduction estimate of 16 percent has been developed by the California Air Resources Board (California Air Resources Board 2011). Moreover, an analysis of the proposed project's GHG emissions using the Air District's plan threshold indicates that the proposed project's greenhouse gas emissions would be within an acceptable range. Therefore, there is not a cumulatively considerable impact on GHG emissions and climate change.

## **Hazards and Hazardous Materials**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant cumulative impacts associated with hazardous materials and safety (Town of Los Gatos 2010c, page 2-8). Activities within the Plan Area would be subject to state and local regulations controlling the transport and use of hazardous materials. There are no proposed uses within the Plan Area that pose a heightened risk of exposure to or upset of hazardous materials. There would not be a cumulatively considerable effect on hazards or hazardous materials.

## **Hydrology and Water Quality**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant cumulative impacts associated with hydrology and water quality (Town of Los Gatos 2010c, page 2-8). Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers

will be maintained in balance, and build-out of the *Town of Los Gatos 2020 General Plan*, which includes the proposed project, would not have a cumulatively-considerable impact on groundwater levels.

The Plan Area has a less-than-significant risk of major flooding or dam failure inundation, and therefore there is not a significant cumulative flooding risk within the Town.

As mitigated, with additional low impact development requirements discussed in the impact project analysis, the proposed project would not cause significant water quality degradation. The San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan*. The *San Francisco Bay Region Basin Plan* uses a watershed management approach focused on the particular needs of each watershed. The Town and the San Francisco Bay Regional Water Quality Control Board have programs in place to minimize the introduction of pollutants and sediment into water bodies. With the proposed project and other development within the Town constructed in accordance with *Town of Los Gatos 2020 General Plan* policies, Town erosion control and grading regulations, and San Francisco Bay Regional Water Quality Control Board regulations, there would not be any significant cumulative water quality impacts.

## **Land Use and Planning**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant land use impacts, with the exception of agricultural resources (discussed earlier under its own heading). The *Town of Los Gatos 2020 General Plan* anticipated 943,210 square feet of new commercial development between 2008 and 2020, to be added to the approximately 4.1 million square feet existing in 2008. The *Town of Los Gatos 2020 General Plan* projected the addition of 1,600 new housing units and 3,790 new residents between 2008 and 2020. Town population was forecast to reach 32,600 in 2020. The Specific Plan proposes 364 housing units, which is fewer than envisioned in the General Plan. The Specific Plan proposes about 580,000 square feet of non-residential square footage, which is within the expectations of the General Plan. The proposed project is consistent with the land use designations and long term planning direction of the *Town of Los Gatos 2020 General Plan*. The proposed project requires several General Plan text amendments related to the Town's vision for the Plan Area, but would not significantly alter the direction contained in the General Plan for the types of land uses or population envisioned for this area. There would not be a cumulatively considerable impact on land use and planning.

## Noise

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant cumulative impacts associated with noise (Town of Los Gatos 2010c, page 2-8). Highways and arterial roads are adjacent on all sides of the Plan Area and are significant noise sources for the Plan Area and surrounding areas. The addition of cumulative traffic to these roadways would increase traffic volumes, but a very significant percentage traffic increase is required to significantly affect cumulative noise levels. The proposed project would not represent a sufficiently large share of overall traffic levels to have a cumulatively considerable effect on background noise levels. There would not be a cumulatively considerable impact on noise.

## **Population, Housing, and Public Services**

The *Town of Los Gatos 2020 General Plan Final EIR* determined that build-out of the *Town of Los Gatos 2020 General Plan* would have a less-than-significant impact on population, housing, fire services, police services, parks, and schools.

The *Town of Los Gatos 2020 General Plan* projected the addition of 1,600 new housing units and 3,790 new residents between 2008 and 2020. Town population was forecast to reach 32,600 in 2020, approximately 2,600 more people than projected for 2020 by the Association of Bay Area Governments. The *Town of Los Gatos 2020 General Plan* estimated that the Plan Area could accommodate up to 750 housing units. The Specific Plan caps residential development at 364 units. The 386 fewer housing units would equate to a reduction of about 923 residents compared to *Town of Los Gatos 2020 General Plan* estimates. There would not be a cumulatively considerable impact on population or housing..

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not require construction of new fire protection facilities. No additional or expanded fire facilities would be required to serve the proposed project. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would require additional police personnel, and that there were minor issues related to accommodating the additional personnel, including lack of secure parking and inadequate space within the Town Hall police facility, but the Town has since expanded the police facilities. The police department would serve the proposed project within the Town's performance standards, from existing facilities. No new or expanded police facilities would be required. There would not be a cumulatively considerable impact on fire or police services.

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that although new development would require additional school capacity to serve the additional students, development impact

fees levied by the school districts would reduce impacts to a less-than-significant level (Town of Los Gatos 2010c, pages 2-8 and 3-37). The proposed project would add about half as many students to schools in four districts as were anticipated for the Plan Area in the *Town of Los Gatos 2020 General Plan Final EIR*. There would not be a cumulatively considerable impact on school facilities.

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that the Town had ample parks and recreation facilities. The Town, county, regional, and state parks in the area would be adequate to serve the proposed project's residents. There would not be a cumulative impact on parks and recreation.

## **Transportation and Traffic**

### **Highways and Streets**

Many of the intersections and roadway segments in the region are affected by congestion during certain hours. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would result in significant and unavoidable impacts associated with transportation and circulation, because mechanisms are not currently in place to fund all of the required improvements (Town of Los Gatos 2010c, page 2-9). Therefore, there would be a significant cumulative impact on transportation. The Town assesses a development impact fee for transportation infrastructure improvements, and other funding sources are allocated for projects by VTA, but the funding does not address all of the current and future transportation needs within the Town. The *Town of Los Gatos 2020 General Plan Draft EIR* identified five intersections that would operate at an unacceptable level of service at General Plan build-out, four of which were studied in the proposed project's transportation impact analysis:

- Winchester Boulevard and Knowles Drive;
- Los Gatos Boulevard and Samaritan Drive;
- Los Gatos Boulevard and Lark Avenue;
- North Santa Cruz Avenue and Los Gatos – Saratoga Road; and
- Los Gatos – Almaden Road and Union Avenue (not studied in the proposed project's transportation impact analysis).

The transportation impact analysis included two cumulative list scenarios. The first of the cumulative impact scenarios included pending development projects within the Town and the City of San Jose. The more conservative second cumulative scenario added potential housing

developments in the Town's affordable housing overlay zone and the Dell Avenue Area Plan in the City of Campbell. These projects are listed in [Table 29, Cumulative Traffic Projects List](#). The EIR cumulative analysis utilizes the more conservative scenario that includes the AHOZ units. Under cumulative conditions (without the proposed project), the Los Gatos Boulevard/Lark Avenue intersection would operate at unacceptable levels of service.

**Table 29 Cumulative Traffic Projects List**

Project	Location
Bentley Silicon Valley	620 Blossom Hill Road, Los Gatos
Classic Community 11 residences	16213 Los Gatos Boulevard, Los Gatos
Hillbrook School	300 Marchmont Drive, Los Gatos
Ten residences	Twin Oaks Drive, Los Gatos
Three residences	146 Gemini Court, Los Gatos
Moore Buick GMC	15500 Los Gatos Boulevard, Los Gatos
CVS Pharmacy	15600 Los Gatos Boulevard, Los Gatos
Valley Christian School	100 Skyway Drive, San Jose
AHOZ-A Southbay Development	East end Knowles Drive, Los Gatos
AHOZ-B Los Gatos Oaks Apartments	517 Blossom Hill Road, Los Gatos
AHOZ-C Los Gatos Lodge (Parking Lot)	50 Los Gatos-Saratoga Road, Los Gatos
AHOZ-D Los Gatos Lodge (Main Complex)	50 Los Gatos-Saratoga Road, Los Gatos
AHOZ-E Higgins Business Park	400 Blossom Hill Road, Los Gatos
Dell Avenue Area Plan Office Park	Winchester Boulevard, Campbell

*Source:* Fehr and Peers 2014

*Note:* The "AHOZ" (affordable housing overlay zone) and Dell Avenue projects are included only in the second cumulative projects scenario.

The transportation impact assessment also considered the effects adding traffic from development scenario A and development scenario B to the cumulative scenarios. Under the cumulative plus project scenarios (either development scenario A or development scenario B), four intersections would experience unacceptable levels of service and/or significant delays, and the proposed project would, therefore, have cumulatively considerable transportation impacts. The four intersections with cumulatively considerable impacts would be State Route 17 southbound ramps/Lark Avenue, Los Gatos Boulevard/Samaritan Drive, National Avenue/Samaritan Drive, and Los Gatos Boulevard/Lark Avenue. [Table 30, Study Intersections Cumulative plus Project Significant Impacts](#), summarizes significant cumulative traffic impacts.

**Table 30 Study Intersections Cumulative plus Project Significant Impacts**

No.	Intersection	Peak Period	Cumulative		Plus Project A		Plus Project B	
			Delay	LOS	Delay	LOS	Delay	LOS
11	SR 17 South Ramps	AM	33.3	C-	35.0	C-	34.1	C-
	Lark Avenue	PM	44.8	D	<b>60.5</b>	E	<b>62.3</b>	E
19	Los Gatos Boulevard	AM	30.1	C	33.1	C-	32.5	C
	Samaritan Drive	PM	37.5	D+	<b>90.5</b>	F	<b>83.7</b>	F
20	National Avenue	AM	138.1	F	<b>144.2</b>	F	<b>143.4</b>	F
	Samaritan Drive	PM	>200	F	>200	F	>200	F
23	Los Gatos Boulevard	AM	<b>66.9</b>	E	<b>84.6</b>	F	<b>79.0</b>	E-
	Lark Avenue	PM	<b>48.1</b>	D	<b>79.5</b>	E-	<b>80.5</b>	F

**Source:** Fehr and Peers 2014, Table 37

**Note:** Weighted average intersection delays in seconds per vehicle calculated in accordance with 2000 Highway Design Manual; LOS calculated using TRAFFIX 8.0 Software. Increased delay of more than four seconds constitutes a significant impact at the National Avenue/Samaritan Drive intersection. The cumulative scenario presented includes AHOZ projects.

Implementation of Mitigation Measure TR-1, presented in Section 3.13 Transportation and Traffic, and required to be implemented by developers in the Northern District, would provide the required lane geometry to accommodate traffic at the Los Gatos Boulevard/Samaritan Drive intersection under the cumulative plus project scenario. However, signal timing adjustments would be required. Implementation of Mitigation Measure TR-2, presented in Section 3.13 Transportation and Traffic, would reduce impacts at the Los Gatos Boulevard/Lark Avenue intersection under the cumulative plus project scenario as well, and no additional mitigation would be required. Implementation of the following additional mitigation measure would reduce cumulative impacts to a less-than-significant level.

## Mitigation Measures

*CUM-TR-1. Project developers shall pay a pro-rata share towards the construction of the following off-site intersection improvement at the Lark Avenue/southbound State Route 17 onramps intersection.*

- a. *Reconfiguration of the eastbound lanes on Lark Avenue to convert the existing right-turn only lane to a shared through/right turn lane, with the following final configuration: one left turn lane (onto State Route 17) two through lanes, and one shared through/right turn lane at Garden Hill Drive.*

*CUM-TR-2. The following signal light adjustments shall be completed no later than the occupancy of 50 percent of the retail square footage.*

- a. Increase cycle length and associated green time to accommodate the increase in traffic.*

Traffic impacts at the National Avenue/Samaritan Drive intersection would remain significant and unavoidable, as described in Section 3.13 Transportation and Traffic.

### **Transit, Bicycles, and Pedestrians**

The *Town of Los Gatos 2020 General Plan Final EIR* identified no impact relating to conflicts with alternative transportation plans or policies (transit, bicycles, or pedestrians). There would not be a cumulatively considerable impact on these forms of transportation with implementation of the policies cited in the General Plan EIR.

## **Utilities and Service Systems**

### **Water Service**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with water supply (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions. There would not be a cumulatively considerable impact on water service.

### **Wastewater Service**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with wastewater (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions. There would not be a cumulatively considerable impact on wastewater service.

### **Storm Drainage**

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with storm drainage (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions. There would not be a cumulatively considerable impact on storm drainage.

## **Solid Waste**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with solid waste, with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions (Town of Los Gatos 2010c, page 2-9). There would not be a cumulatively considerable impact on solid waste disposal.

## **Wasteful use of Fuel, Water, or Energy**

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with excessive or wasteful water use or energy consumption with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions (Town of Los Gatos 2010b, pages 4.14-35 and 4.14-35). Additionally, the project includes a number of design features aimed at energy efficient building, water use, and transportation modes. There would not be a cumulatively considerable impact relating to excessive or wasteful water use or energy consumption.

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# 5.0

## ALTERNATIVES

### 5.1 CEQA REQUIREMENTS

CEQA Guidelines section 15126.6(a) requires a description of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines section 15126.6 (e) stipulates that a no project alternative be evaluated along with its impacts.

CEQA Guidelines section 15126.6(d) requires the EIR to present enough information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. CEQA Guidelines section 15126.6(e) requires the identification of an environmentally superior alternative. If the "No Project" alternative is the environmentally superior alternative, then the environmentally superior alternative amongst the remaining alternatives must be identified.

## 5.2 ALTERNATIVES SELECTED FOR EVALUATION

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

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

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

## 5.3 ALTERNATIVES CONSIDERED BUT NOT SELECTED

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

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

- The “Existing [2000] General Plan” alternative was the “no project” alternative for the *Town of Los Gatos 2020 General Plan EIR*, continuing the then-current *Town of Los Gatos 2000 General Plan*. This alternative would have reduced the Town’s residential development potential, but would have increased the potential for development under the Mixed-Use Commercial land use designation, thus allowing an increased amount of commercial development within the Plan Area. Additionally, under this alternative, there would not be a North Forty Specific Plan overlay designation, and there would be less-specific guidance on development within the Plan Area. The Mixed-Use Commercial designation under the *Town of Los Gatos 2000 General Plan* allowed up to 50 percent lot coverage, floor-area ratio of 1.5, and a building height up to 35 feet. Thus, build-out of the Plan Area could have allowed up to 2,740,000 square feet of building area – assumed in the *Town of Los Gatos 2020 General Plan EIR* to be equivalent to 1,100 residential units and 1,400,000 square feet of commercial uses.

In adopting the *Town of Los Gatos 2020 General Plan*, the Town Council determined that this alternative would significantly increase traffic and associated noise, air quality, and greenhouse gas emission impacts. The additional commercial development would increase storm water run-off. This alternative would also shift the jobs/housing balance to 1:8 compared to 1:6 under the *Town of Los Gatos 2020 General Plan* (a jobs/housing balance is considered to improve as it gets closer to 1:1). Environmental impacts under this alternative would be significantly increased compared to those of the proposed project.

- The “Medium-Density Residential” alternative would have reduced the development capacity of the Plan Area. The “Medium Density Residential” alternative included a Mixed Use Commercial land use designation with the North 40 Specific Plan overlay, but limited residential development within the Plan Area to 500 dwelling units and 500,000 square feet of commercial. Compared to the proposed project, this alternative would reduce Plan Area commercial development by 80,000 square feet (14 percent) and increase Plan Area residential development by 136 units (37 percent).

In adopting the *Town of Los Gatos 2020 General Plan*, the Town Council determined that this alternative would result in less concentrated residential development and significantly increase vehicle miles traveled and storm water run-off. The “Increased Residential/Decreased Commercial” alternative included in this EIR is similar to this alternative.

- The “Commercial Alternative” would have increased non-residential development throughout the Town and specifically within the Plan Area. The “Commercial Alternative” included a Mixed Use Commercial land use designation with the North 40 Specific Plan overlay, but limited residential development within the Plan Area to 300 units, and commercial development to 750,000 square feet. Compared to the proposed project, this alternative would reduce residential development by 64 units and increase commercial development by 170,000 square feet.

In adopting the *Town of Los Gatos 2020 General Plan*, the Town Council determined that, as with the “Existing [2000] General Plan” alternative, this alternative would significantly increase traffic and associated noise, air quality, and greenhouse gas emission impacts. The additional commercial development would increase storm water run-off. This alternative would also shift the jobs housing balance to 1:8 compared to 1:6 under the *Town of Los Gatos 2020 General Plan*. This alternative would likely increase traffic and transportation, air quality, and greenhouse gas emissions effects compared to the proposed project.

- **Alternative Location.** The point of the Draft Specific Plan is to provide a more detailed plan for development of the Plan Area. A project at another location would not achieve this prerequisite objective, and would be contrary to the policy direction of the *Town of Los Gatos 2020 General Plan*. Therefore, no alternative location was considered.

## 5.4 EVALUATION OF ALTERNATIVES

Each of the selected alternatives is described below, followed by an analysis of how each alternative’s environmental impacts compare to those of the proposed project. An alternative described as having reduced environmental effects would be considered environmentally-superior to the proposed project for that environmental topic area.

### **Alternative I: No Project**

CEQA Guidelines section 15126.6 (e) requires the “No Project” alternative be evaluated along with its impacts. The “No Project” alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

## No Project Alternative Description

The “No Project” alternative assumes that the current land uses would continue within the Plan Area. Some minor renovation of existing development could occur; however, absent the adoption of a specific plan, significant investments could not occur. No new infrastructure would be constructed. The orchards would likely remain on the larger parcels. Under the *Town of Los Gatos 2020 General Plan*, no entitlements are allowed without adoption of a specific plan.

## Aesthetics

The “No Project” alternative would have no significant effects on aesthetics. The Plan Area could see some minor renovation, but the visual conditions at the Plan Area would remain unchanged for the most part. The “No Project” alternative would result in a reduced level of aesthetic impacts compared to the proposed project.

## Agricultural Resources

The “No Project” alternative would have no effect on agricultural resources. The portion of the Plan Area that is used for orchards is zoned Resource Conservation for the purpose of allowing continuing agricultural use, and under the “no project” alternative, that agricultural use would continue. The “No Project” alternative would result in a reduced level of agricultural resources impacts compared to the proposed project.

## Air Quality

The “No Project” alternative would have no significant effect on air quality. The Plan Area could see some minor renovation, but the associated air emissions would be below the Air District’s thresholds for significant air quality effects. The “No Project” alternative would result in a reduced level of air quality impacts compared to the proposed project.

## Biological Resources

The “No Project” alternative would have no significant effect on biological resources. Any biological resources present within the Plan Area would continue without disturbance from significant levels of development. The “No Project” alternative would result in a reduced level of biological resources impacts compared to the proposed project.

## **Cultural Resources**

The “No Project” would not have a significant effect on cultural resources. With the “No Project” alternative there is only a very low possibility that buildings identified as historic could be approved to be removed or significantly altered, thus losing their historic value. The “No Project” alternative is not likely to disturb archaeological resources. The “No Project” alternative would result in a reduced level of cultural resources impacts compared to the proposed project.

## **Geology, Soils, and Mineral Resources**

The “No Project” alternative would have no significant effect on geology and soils. Minimal ground disturbance would occur. The potential for substantial soil erosion would be low. The “No Project” alternative would result in a similar level of geology, soils, and mineral resources impacts compared to the proposed project.

## **Greenhouse Gas Emissions**

The “No Project” alternative would have no significant effect on greenhouse gas emissions. The Plan Area could see some minor renovation, but the associated greenhouse gas emissions would be below Air District thresholds for significant impacts. The “No Project” alternative would result in a reduced level of greenhouse gas emissions impacts compared to the proposed project.

## **Hazards and Hazardous Materials**

The “No Project” alternative would have no significant effect from hazards and hazardous materials. Soils at south end of the Plan Area would not be disturbed, so soil contamination would not affect workers. The “No Project” alternative would result in a reduced level of hazards and hazardous materials impacts compared to the proposed project.

## **Hydrology and Water Quality**

The “No Project” alternative would have no significant effect on hydrology, water quality, or flooding. The existing outfall to Los Gatos Creek would remain unused by development within the Plan Area (it could be used by future development along Oka Road), and storm water flows from the Plan Area would not increase at any locations within or outside of the Plan Area. The “No Project” alternative would result in a reduced level of hydrology and water quality impacts compared to the proposed project.

## **Land Use and Planning**

The “No Project” alternative would have no significant effect on land use and planning. The “no project” alternative would not result in new entitlements, and would not affect the economic success of downtown. The *Town of Los Gatos 2020 General Plan*’s directive for a specific plan to guide development of the Plan Area would not be fulfilled, so the “No Project” alternative would be inconsistent with General Plan direction for the Plan Area. The “No Project” alternative would result in a similar level of land use and planning impacts compared to the proposed project.

## **Noise**

The “No Project” alternative would have no significant effect on noise. No significant new noise sources would be created, and no noise-sensitive uses would be developed. The “No Project” alternative would result in a reduced level of noise impacts compared to the proposed project.

## **Population, Housing, and Public Services**

The “No Project” alternative would have no significant effect on the existing population. The Town’s housing goals would not be advanced, since there would be no development of new housing within the Plan Area. No significant new demands would be placed on public services. The “No Project” alternative would result in a reduced level of population, housing, and public services impacts compared to the proposed project.

## **Transportation and Traffic**

The “No Project” alternative would have no significant effect on traffic. No additional traffic would be generated from the minor renovation that could occur. The “No Project” alternative would result in a reduced level of transportation and traffic impacts compared to the proposed project.

## **Utilities and Service Systems**

The “No Project” alternative would generally have no significant effect on utilities and service systems. The only potential exception would be storm drainage capacity within Los Gatos Boulevard, since no storm drainage would be diverted from the existing substandard conveyance to the new outfall at Los Gatos Creek. The “No Project” alternative would result in a reduced level of utilities and service systems impacts compared to the proposed project.

## **Alternative 2: Increased Residential/Reduced Commercial**

### **Alternative Description**

The “Increased Residential/Reduced Commercial” alternative would be similar to the *Town of Los Gatos 2020 General Plan EIR*’s “Medium Density Residential Alternative,” in that it would increase residential densities and reduce commercial square footage, although by different percentages. The “Increased Residential/Reduced Commercial” alternative is intended to reduce the proposed project’s significant and unavoidable traffic impacts, by reducing the commercial component of the proposed project, which has the greatest level of traffic generation. At the same time, in order to maintain potential economic viability, the “Increased Residential/Reduced Commercial” alternative seeks to preserve an approximately equivalent level of total development capacity, by increasing residential development. The commercial capacity of the Plan Area would be reduced by 25 percent to 435,000 square feet, and the residential capacity of the Plan Area would be increased by 25 percent to 455 units. Layout of the Plan Area would remain essentially the same as in the Draft Specific Plan, but because of the shift in land use capacities, it is assumed that there would be a greater emphasis on residential development within the Transition District.

### **Aesthetics**

The “Increased Residential/Reduced Commercial” alternative would result in minimal changes to aesthetics compared to the proposed project. The “Increased Residential/Reduced Commercial” alternative would reduce the commercial building square footage by about 25 percent, and could result in reduced building heights, although the alternative would not alter the heights allowed in the Draft Specific Plan. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of aesthetic impacts compared to the proposed project.

### **Agricultural Resources**

The “Increased Residential/Reduced Commercial” alternative would remove all existing agricultural uses from the Plan Area. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of agricultural impacts compared to the proposed project.

### **Air Quality**

The “Increased Residential/Reduced Commercial” alternative would reduce daily traffic volumes by about 19 percent, and would result in a corresponding reduction in air emissions

compared to the proposed project. The “Increased Residential/Reduced Commercial” alternative could also place additional residential units within an area that has elevated toxic air contaminant concentrations, although the extent of this effect is less in the Transition District, and will be decreasing in the coming years due to more stringent diesel fuel and engine requirements. Policy inconsistencies and construction dust impacts would be unchanged. Overall, the “Increased Residential/Reduced Commercial” alternative would result in a reduced level of air quality impacts compared to the proposed project.

## **Biological Resources**

The “Increased Residential/Reduced Commercial” alternative would potentially affect the same special-status species as the proposed project, because development would take place throughout most of the Plan Area. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of biological resources impacts compared to the proposed project.

## **Cultural Resources**

The “Increased Residential/Reduced Commercial” alternative would potentially disturb unknown buried cultural resources. The “Increased Residential/Reduced Commercial” alternative would likely propose the removal of the potentially historic buildings within the Plan Area, although similar mitigation measures would apply. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of cultural resources impacts compared to the proposed project.

## **Geology, Soils, and Mineral Resources**

The “Increased Residential/Reduced Commercial” alternative would result in development of a different mix of commercial and residential buildings, but would not affect overall development density. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of geology, soils, and mineral resources impacts as the proposed project.

## **Greenhouse Gas Emissions**

The “Increased Residential/Reduced Commercial” alternative would reduce daily traffic volumes by about 19 percent compared to the proposed project, and would result in a corresponding reduction in greenhouse gas emissions. The “Increased Residential/Reduced Commercial” alternative would result in a reduced level of greenhouse gas impacts compared to the proposed project.

## **Hazards and Hazardous Materials**

The “Increased Residential/Reduced Commercial” alternative would result in development on the portions of the Plan Area that are affected by migrating off-site groundwater contamination, similar to development of the proposed project. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of hazards and hazardous materials impacts compared to the proposed project.

## **Hydrology and Water Quality**

The “Increased Residential/Reduced Commercial” alternative would result in slightly less impervious surface within the Plan Area, based on typically higher building coverage percentages for commercial development. Because there would be less commercial development and more residential development, more open space with pervious surfaces would be likely. This would reduce storm water run-off rates in comparison with the proposed project. The Increased Residential/Reduced Commercial” alternative would result in a reduced level of hydrology and water quality impacts compared to the proposed project.

## **Land Use and Planning**

The “Increased Residential/Reduced Commercial” alternative would result in a somewhat changed mix of land uses within the Plan Area, with additional residential units and fewer commercial uses. The “Increased Residential/Decreased Commercial” alternative would have 61 percent of the residential units and 75 percent of the commercial development envisioned for the Plan Area in the *Town of Los Gatos 2020 General Plan*. The “Increased Residential/Reduced Commercial” alternative would retain the mixed use concept directed by the *Town of Los Gatos 2020 General Plan*, and would not result in adverse effects on the Town’s downtown commercial area. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of land use and planning impacts compared to the proposed project.

## **Noise**

The “Increased Residential/Reduced Commercial” alternative would result in an increased number of residential units within the Plan Area. Portions of the Plan Area nearest to major streets and highways have an ambient noise level that exceeds the standard for residential development. The “Increased Residential/Reduced Commercial” alternative would likely place more residential units within these areas, and expose additional residential units to high noise levels. Because traffic volumes generated by the alternative would be about 19 percent less, there would be less project-generated noise, but this would result in a moderate change in noise levels, and not outweigh the effects of ambient noise from non-project sources. The Increased Residential/Reduced Commercial” alternative would result in an increased level of noise impacts compared to the proposed project.

## Population, Housing, and Public Services

The “Increased Residential/Reduced Commercial” alternative would result in additional residents and additional housing within the Plan Area, which would contribute to meeting the Town’s housing goals. Although the number of housing units would increase, the overall demand for public services would be similar to the proposed project because commercial uses would be reduced. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of population, housing, and public services impacts compared to the proposed project.

## Transportation and Traffic

To provide an estimate of trip generation under the “Increased Residential/Reduced Commercial” alternative, the proposed project’s residential trip generation was increased by 25 percent and the proposed project’s commercial trip generation was decreased by 25 percent. Although other factors influence trip generation, this method provides a reasonable estimate for comparison purposes. Comparative daily trip generation figures are shown in [Table 31, Increased Residential/Reduced Commercial Alternative Daily Trips](#), and comparative peak period trip generation is shown in [Table 32, Increased Residential/Reduced Commercial Alternative Peak Period Trips](#).

**Table 31 Increased Residential/Reduced Commercial Alternative Daily Trips**

	Development Scenario A	Development Scenario B
Proposed Project Residential Trips	1,827	1,827
25 percent Increase	457	457
Alternative Residential Trips	2,284	2,284
Proposed Project Commercial Trips	13,930	13,673
25 percent Decrease	3,483	3,418
Alternative Commercial Trips	10,447	10,255
Proposed Project Total Trips	15,757	15,500
Total Alternative Trips	12,731	12,539
Reduction from Proposed Project	3,036	2,961
	19 percent	19 percent

**Source:** Fehr and Peers 2013

**Note:** Proposed project residential trips increased by 25 percent and proposed project commercial trips decreased by 25 percent to estimate alternative project trips.

**Table 32 Increased Residential/Reduced Commercial Alternative Peak Period Trips**

	Development Scenario A		Development Scenario B	
	AM Peak	PM Peak	AM Peak	PM Peak
Proposed Project Residential Trips	137	175	137	175
25 percent Increase	34	44	34	44
Alternative Residential Trips	171	219	171	219
Proposed Project Commercial Trips	548	1,351	333	1,313
25 percent Decrease	137	338	83	328
Alternative Commercial Trips	411	1,013	250	985
Proposed Project Total Trips	685	1,526	470	1,488
Total Alternative Trips	582	1,232	421	1,204
Reduction from Proposed Project	103	294	49	284
	15 percent	19 percent	10 percent	19 percent

*Source:* Fehr and Peers 2013

*Note:* Proposed project residential trips increased by 25 percent and proposed project commercial trips decreased by 25 percent to estimate alternative project trips.

The “Increased Residential/Reduced Commercial” alternative would result in a daily trips reduction of about 19 percent, compared to either of the proposed project’s development scenarios. Trip reductions during the PM peak period would also be 19 percent compared to the proposed project. Reductions during the AM peak period would be less pronounced: 15 percent less than development scenario A and ten percent less than development scenario B. Peak residential commute traffic (which would increase under this alternative) more closely aligns with the AM peak period than do trips to retail stores. Most retail stores open after the peak traffic period, so reductions in commercial traffic have less influence on AM peak period traffic.

Level of service analysis was not prepared for the “Increased Residential/Reduced Commercial” alternative; however, delays at intersections would decline with the reduced traffic volumes, and some of the intersection level of service impacts could potentially be reduced compared to the proposed project. Likewise, traffic contributions to the freeway segments would be reduced.

Potential impacts related to transit, bicycle, pedestrian, and Town policy would remain the same with the “Increased Residential/Reduced Commercial” alternative.

The Increased Residential/Reduced Commercial” alternative would result in a reduced level of traffic and transportation impacts compared to the proposed project.

## **Utilities and Service Systems**

The “Increased Residential/Reduced Commercial” alternative would require water, sewer, storm drainage, and solid waste services similar to those required by the proposed project. The “Increased Residential/Reduced Commercial” alternative would result in a similar level of utilities and service systems impacts compared to the proposed project.

## ***Alternative 3: Historic Preservation***

### **Alternative Description**

The “Historic Preservation” alternative would set aside four or five acres of the Plan Area as a historic conservation area, within which the potentially historic structures could be relocated and preserved. The “Historic Preservation” alternative is intended to reduce the proposed project’s significant impacts on potentially historic resources by preserving them instead of documenting them. The potentially historic buildings could be used for any compatible purpose, including reuse as commercial or residential buildings. The remainder of the Plan Area would be used generally as proposed in the Draft Specific Plan, and development limits would remain unchanged. Potentially, some residential uses could be located within the Northern District or some commercial uses could be located within the Lark District, depending on the location of the historic conservation area and the purposes to which the potentially historic buildings are put. It is assumed for this analysis that the four or five acres would encompass the existing location of the red barn, in order to reduce costs associated with relocating the largest of the potentially historic structures.

### **Aesthetics**

The “Historic Preservation” alternative would result in development of most of the Plan Area. Four or five acres of the Plan Area would be set aside for preservation of potentially historic structures, but this would not significantly change the appearance of the Plan Area compared to the proposed project. The “Historic Preservation” alternative would result in a similar level of aesthetics impacts compared to the proposed project.

### **Agricultural Resources**

The “Historic Preservation” alternative would remove all existing agricultural uses from the Plan Area. Although several potentially historic buildings related to current and past agricultural uses would remain, the agricultural uses themselves would be gone. The “Historic Preservation” alternative would result in a similar level of agricultural resources impacts compared to the proposed project.

## Air Quality

The “Historic Preservation” alternative would result development and trip generation the same as with the proposed project, and therefore, air emissions would also be about the same as those of the proposed project. The “Historic Preservation” alternative would result in a similar level of air quality impacts compared to the proposed project.

## Biological Resources

The “Historic Preservation” alternative would potentially affect the same special-status species as the proposed project, because development would take place throughout most of the Plan Area. The “Historic Preservation” alternative would result in a similar level of biological resources impacts compared to the proposed project.

## Cultural Resources

The “Historic Preservation” alternative would preserve the potentially historic buildings within the Plan Area within a historic conservation area. Under this alternative, a historic conservation area of about four to five acres would be set aside, within which the potentially historic buildings from throughout the Plan Area would be relocated as development of the Plan Area proceeded. The potentially historic structures could be preserved for adaptive reuse or as a cultural display. The “Historic Preservation” alternative would result in a reduced level of cultural resources impacts compared to the proposed project.

## Geology, Soils, and Mineral Resources

The “Historic Preservation” alternative would result in development of most of the Plan Area with new buildings similar to those of the proposed project. The potentially historic buildings would be preserved, and are expected to require structural rehabilitation as part of their relocation; therefore, the potentially historic structures would meet applicable building code requirements, and not be inordinately more prone to damage from seismic activity. The “Historic Preservation” alternative would result in a similar level of geology, soils, and mineral resources impacts compared to the proposed project.

## Greenhouse Gas Emissions

The “Historic Preservation” alternative would result in development and trip generation the same as with the proposed project, and therefore, greenhouse gas emissions would also be about the same as those of the proposed project. The “Historic Preservation” alternative would result in a similar level of greenhouse gas emissions impacts compared to the proposed project.

## **Hazards and Hazardous Materials**

The “Historic Preservation” alternative would result in development on the portions of the Plan Area that are affected by migrating off-site groundwater contamination, similar to development of the proposed project. The “Historic Preservation” alternative would result in a similar level of hazards and hazardous materials impacts compared to the proposed project.

## **Hydrology and Water Quality**

The “Historic Preservation” alternative would not significantly change the development type of intensity, nor the overall arrangement of development within the Plan Area. The “Historic Preservation” alternative would result in a similar level of hydrology and water quality impacts compared to the proposed project.

## **Land Use and Planning**

The “Historic Preservation” alternative would result in a similar mix of land uses within the Plan Area, with about four to five acres set aside for historic preservation. Adaptive reuse of the potentially historic buildings could include residential, commercial, or other types of uses could occupy the historic conservation area. The “Historic Preservation” alternative would retain the mixed use concept directed by the *Town of Los Gatos 2020 General Plan*, and would not result in adverse effects on the Town’s downtown commercial area. The “Historic Preservation” alternative would result in a similar level of land use and planning impacts compared to the proposed project.

## **Noise**

The “Historic Preservation” alternative would not significantly change the location or intensity of development within the Plan Area compared to the proposed project. The “Historic Preservation” alternative would result in a similar level of noise impacts compared to the proposed project.

## **Population, Housing, and Public Services**

The “Historic Preservation” alternative would not significantly change the location, type, or intensity of development within the Plan Area compared to the proposed project. The same number of existing residences could be replaced with new development, and the same number of residential units would occupy the Plan Area at build-out. The development capacity of the Plan Area would not be changed, and the services demands would be the same as for the proposed project. The “Historic Preservation” alternative would result in a similar level of population, housing, and public services impacts compared to the proposed project.

### **Transportation and Traffic**

The “Historic Preservation” alternative would have the same combination of land uses and would generate the same number of vehicular trips as the proposed project. The “Historic Preservation” alternative would result in a similar level of transportation and traffic impacts compared to the proposed project.

### **Utilities and Service Systems**

The “Historic Preservation” alternative would require water, sewer, storm drainage, and solid waste services similar to those required by the proposed project. The “Historic Preservation” alternative would result in a similar level of utilities and service systems impacts compared to the proposed project.

## **5.5 COMPARISON OF ALTERNATIVES**

The alternatives are summarized and compared in a matrix format in [Table 33, Summary of Project Alternatives Effects](#).

The environmentally-superior alternative would be the “no project” alternative, because it would reduce impacts in all but three environmental topic areas, and would be similar to the proposed project in three others. The second environmentally-superior alternative would be the “Increased Residential/Reduced Commercial” alternative, which, although it would result in increased potential for noise and toxic air contaminant impacts, would reduce overall air quality impacts, and reduce impacts for greenhouse gasses, hydrology and water quality, and most significantly, transportation and traffic. The “Historic Preservation” alternative would decrease cultural resources impacts, but otherwise be similar to the proposed project.

**Table 33 Summary of Project Alternatives Effects**

Topic	Proposed Project	No Project	Increased Residential Decreased Commercial	Historic Preservation
Aesthetics	Mitigated	Reduced	Similar	Similar
Agricultural Res.	Less than Significant	Reduced	Similar	Similar
Air Quality	Mitigated	Reduced	Reduced	Similar
Biological Resources	Mitigated	Reduced	Similar	Similar
Cultural Resources	Mitigated	Reduced	Similar	Reduced
Geology and Soils	Less than Significant	Similar	Similar	Similar
Greenhouse Gasses	Less than Significant	Reduced	Reduced	Similar
Hazardous Mat.	Mitigated	Reduced	Similar	Similar
Hydro/Water Quality	Mitigated	Reduced	Reduced	Similar
Land Use/Planning	Mitigated	Similar	Similar	Similar
Noise	Mitigated	Reduced	Increased	Similar
Public Services	Less than Significant	Reduced	Similar	Similar
Transportation	Significant Unavoidable	Reduced	Reduced	Similar
Utilities	Mitigated	Reduced	Similar	Similar
<b>Rank</b>		<b>1</b>	<b>2</b>	<b>3</b>

*Source:* EMC Planning Group 2013

*Note:* Environmental effects noted as decreased, similar to, or increased compared with the unmitigated proposed project.

## 5.0 ALTERNATIVES

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# 6.0

## OTHER ISSUES

### 6.1 GROWTH INDUCING IMPACTS

#### ***CEQA Requirements***

CEQA Guidelines section 15126.2(d) requires a discussion of the growth-inducing impacts of a proposed project. Growth inducement refers to the likelihood that a proposed project will foster growth in the surrounding area, either directly or indirectly. The most common factor in fostering growth is the removal of obstacles to population or economic growth. Potential growth-inducing impacts must be discussed in relation to both the potential impacts on existing community service facilities and the way a project may encourage and facilitate other activities that could significantly affect the environment. It must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

#### ***Growth-inducing Impact Analysis***

The proposed project would develop an approximately 44-acre site within a largely urbanized area. The only large area of nearby vacant land that could be induced to growth is the land near Oka Road, to the west side of State Route 17. Development of that site may occur independently -- with or without the proposed project. Development of the proposed project would not cause or result in any circumstances that would lead to development of the Oka Road site. Plan Area development could potentially spur further re-development of underutilized parcels on the east side of Los Gatos Boulevard. However, these parcels comprise only a few discontinuous acres, so re-development would only incrementally increase the intensity of development on the east side of Los Gatos Boulevard. There are no other significant vacant sites near the Plan Area. The proposed project would not directly lead to additional growth.

The proposed project's utility infrastructure is sized primarily to accommodate the proposed project's build-out. The proposed project's storm drainage infrastructure is also sized to relieve existing capacity problems for the existing development along Los Gatos Boulevard. The proposed project's improvements along Los Gatos Boulevard are consistent with the VTA's *Valley Transportation Plan 2035* and the *Town of Los Gatos 2020 General Plan*. The proposed project's infrastructure is not sized to accommodate additional growth outside the Plan Area.

## 6.2 SIGNIFICANT UNAVOIDABLE IMPACTS

### **CEQA Requirements**

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less than significant level through the implementation of mitigation measures. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

### **Unmitigatable Impacts**

#### **Transportation and Traffic**

The proposed project would add new trips amounting to more than one percent of the existing volume on a State Route 85 segment that currently operates at unacceptable levels of service. With development scenario A, project-generated traffic added to existing conditions would not degrade traffic flow from acceptable to unacceptable level of service, nor increase traffic by one percent or more of capacity on any of the studied segments. With development scenario B, project-generated traffic would exceed one percent of capacity on the southbound State Route 85

mixed flow lanes from Winchester Boulevard to State Route 17. This segment already operates at LOS F. (Fehr and Peers 2014, Table 15). This would be a significant environmental impact. The transportation impact analysis does not propose mitigation to address adverse freeway segment effects.

VTA and Caltrans are currently planning a project on State Route 85 that would convert the existing high occupancy vehicle lanes into high occupancy/toll lanes. If the State Route 85 high occupancy/toll lanes are implemented, the proposed project's impacts would be reduced to a less-than-significant level.

## **6.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

### ***CEQA Requirements***

CEQA Guidelines section 15126.2(c) requires a discussion of significant and irreversible changes that would be caused by the project if implemented. The use of non-renewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse in the future unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

### ***Significant Irreversible Environmental Effects***

The proposed project would commit the use of the existing orchard to non-agricultural uses. Once developed, agricultural uses would not return to the Plan Area in the foreseeable future. The proposed project would utilize typical amounts of building materials, and would not result in an irreversible commitment of natural resources for construction or operation.

## 6.0 OTHER ISSUES

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# 7.0

## DOCUMENTATION

### 7.1 PERSONS CONTACTED

Baker, Wendi. Director of Development, SummerHill Homes.

Cole, Katy. Associate, Fehr and Peers Transportation Consultants.

Costa, Aaron. Hazardous Materials Specialist II, Santa Clara County Department of Environmental Health.

Cunningham, Rob. Transportation Planner, Valley Transportation Authority.

Dunbar P.E., Nicole. Water Services Engineering Supervisor, San Jose Water Company.

Galvan, Andrew. Ohlone Tribe.

Ledbetter, Lauren. Santa Clara Valley Transportation Authority.

Mack, Karen, Principal Engineer. City of San Jose Public Works Department.

Pu, Jessy, Traffic Engineer. Town of Los Gatos.

Ragan, PE, Chris, Project Manager. MacKay and Somps Civil Engineers.

Selzler, Toni, Business Services Secretary. Campbell Union High School District.

### 7.2 DOCUMENTS REFERENCED

Archaeological Consulting. *Preliminary Archaeological Reconnaissance Report for the Proposed North Forty Project, in Los Gatos, Santa Clara County*. California. July 12, 2011.

Association of Bay Area Governments. Federal Emergency Management Agency online interactive flood zone map. <http://gis.abag.ca.gov/website/FloodZones/index.html>. Accessed April 29, 2013 (a).

Association of Bay Area Governments. Online interactive dam inundation flood zone map. <http://gis.abag.ca.gov/Website/DamInundation/> Accessed April 29, 2013 (b).

Association of Bay Area Governments / Metropolitan Transportation Commission. *Plan Bay Area-Strategy for a Sustainable Region*. July 2013c.

Anderson Brulé Architects, Inc. *Los Gatos Civic Center and Library Strategic Master Plan*. 2007.

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

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

Bay Area Air Quality Management District. *Options and Justification Report*. October 2009.

Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan*. September 15, 2010 (a).

Bay Area Air Quality Management District. *Source Inventory of Bay Area Greenhouse Gas Emissions* February 2010 (b).

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.

Bay Area Air Quality Management District. *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area*. November 2012 (a).

Bay Area Air Quality Management District. *Air Quality Standards and Attainment Status*. 2012 (b).

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2012 (c).

[http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_Final\\_May%202012.ashx?la=en](http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en)

Bay Area Air Quality Management District. Point Source Google Map Plug-in file for Santa Clara County 2012 (d).

<http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. Accessed September 12, 2013.

Bay Area Census. Statistics for Santa Clara County. Accessed October 29, 2013.

<http://www.bayareacensus.ca.gov/counties/SantaClaraCounty.htm>

Bay Area Regional Desalination Project. Website: <http://www.regionaldesal.com/about.html>. Accessed May 7, 2013.

California Air Resources Board. *Air Quality and Land Use Handbook*. April 2005.

California Air Resources Board. *AB 32 Scoping Plan*. May 11, 2009.

California Air Resources Board. *Advisory: 10-414 Enforcement of the In-Use Off-Road Diesel Vehicle Regulation*. February 2010, Revised May 2011.

California Air Resources Board. *Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document*. August 19, 2011.

California Air Resources Board. *Ambient Air Quality Standards*. June 4, 2013 (a).

<http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>

California Air Resources Board. California Greenhouse Gas Inventory for 2000-2011 — by Category as Defined in the 2008 Scoping Plan. August 1, 2013 (b).

[http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-11\\_2013-08-01.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf)

California Air Resources Board. Website: <http://www.arb.ca.gov/homepage.htm>. Accessed May 22, 2013 (c).

California Air Resources Board. Enforcement of the In-Use Off-Road Vehicle Regulation Regulatory Advisory. September 2013 (d).

California Climate Change Portal. <http://www.climatechange.ca.gov/>. Accessed on November 12, 2013.

California Department of Conservation. *Important Farmlands Map Santa Clara County*. 2010.

California Department of Conservation. *State of California Seismic Hazards Zones San Jose West Quadrangle Official Map*. February 7, 2002.

California Department of Conservation, Division of Mines and Geology. *A General Location Guide for Ultramafic Rocks in California - Areas More Likely to Contain Naturally Occurring Asbestos*. August, 2000.

California Department of Fish and Wildlife. *Staff Report on Burrowing Owl Mitigation*. Sacramento, California, October 1995.

California Department of Fish and Wildlife. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Sacramento, California, November 2009.

California Department of Fish and Wildlife. *Staff Report on Burrowing Owl Mitigation*. Sacramento, California, March 2012.

<http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>

California Department of Fish and Wildlife. *California Natural Diversity Database (CNDDB)*. Records of Occurrence for Cupertino, San Jose West, Castle Rock Ridge, and Los Gatos USGS quadrangles. Sacramento, California, 2013.

California Department of Forestry and Fire Protection. *Draft Fire Severity Hazard Zones in the Local Responsibility Area*. September 17, 2007

California Department of Parks and Recreation. <http://www.parks.ca.gov/>. Accessed May 16, 2013.

California Department of Toxic Substances Control. Envirostor database  
<http://www.envirostor.dtsc.ca.gov/>. Accessed April 3, 2013.

California Department of Transportation. *2011 Traffic Volumes Book*.

California Department of Transportation. *Highway Design Manual*. May 7, 2012 (a).

California Department of Transportation. California Manual on Uniform Traffic Control Devices. 2012 (b).

California Department of Transportation. Eligible and Scenic Highways web page:  
<http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>. Accessed May 31, 2013.

Californian Department of Water Resources. Geotracker database. Accessed January 2014.

California Energy Commission. Staff Paper - A Comparison of Per Capita Electricity Consumption in the United States and California (CEC-200-2009-015). August 2008.

California Energy Commission. New Solar Homes Partnership Guidebook. Sixth Edition, April 2013.

California Environmental Protection Agency. *Climate Action Team Report to Governor Schwarzenegger and the Legislature*. April 2006.

California Governor's Office of Planning and Research. *State of California General Plan Guidelines*. 2003.

California Integrated Waste Management Board. Jurisdiction Review Report website: <http://www.calrecycle.ca.gov/LGCentral/Reports/Jurisdiction/ReviewReports.aspx>. Accessed May 9, 2013.

California Native Plant Society. *Inventory of Rare and Endangered Plants*. Records of Occurrence for Cupertino, San Jose West, Castle Rock Ridge, and Los Gatos USGS quadrangles. Sacramento, California, 2013. <http://www.cnps.org/inventory>.

California Native Plant Society. *CNPS Botanical Survey Guidelines*. Sacramento, California, June 2001. <http://www.cnps.org>.

California Office of Environmental Health Hazard Assessment. *The Health Effects of Diesel Exhaust*. May 21, 2001 (a).

California Office of Environmental Health Hazard Assessment. *Prioritization of Toxic Air Contaminants under the Children's Environmental Health Protection Act*. October 2001 (b).

California Regional Water Quality Control Board (San Francisco Bay Region). *Revised Tentative Order Updated Waste Discharge Requirements and Rescission of Order No. 01-050 for: Guadalupe Rubbish Disposal Company, Inc. Guadalupe Recycling and Disposal Facility Class III Solid Waste Disposal Facility San Jose, Santa Clara County*. June 8, 2011.

[http://www.waterboards.ca.gov/rwqcb2/board\\_info/agendas/2011/June/Guadalupe\\_5C\\_TO.pdf](http://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2011/June/Guadalupe_5C_TO.pdf).

California Regional Water Quality Control Board (San Francisco Bay Region). San Francisco Bay Basin (Region 2) *Water Quality Control Plan (Basin Plan)*. December 31, 2011.

California Regional Water Quality Control Board. Geotracker database: <http://geotracker.waterboards.ca.gov/>. Accessed September 12, 2013.

Cambrian School District. *2010-2011 Farnham Charter School Accountability Report Card*. May 17, 2012.

Cambrian School District. Website: <http://www.cambrian.k12.ca.us/>. Accessed May 14, 2013.

Campbell, City of. *The City of Campbell General Plan*. November 6, 2001.

Campbell Union High School District. School Impact / Developer Fee Schedule. October 23, 2012 (a).

Campbell Union High School District. School Attendance Boundary Maps. March 2012 (b). [http://www.cuhisd.org/cms/lib2/CA01001603/Centricity/Domain/328/boundary\\_map.pdf](http://www.cuhisd.org/cms/lib2/CA01001603/Centricity/Domain/328/boundary_map.pdf)

## 7.0 DOCUMENTATION

Campbell Union High School District. Website: <http://www.cuhsd.org/Page/1>. Accessed May 14, 2013.

Carey and Company, Inc. *Reconnaissance Survey Historic Resources Evaluation Report*. November 21, 2011.

Carey and Company, Inc. *North 40 Specific Plan Historic Resources Technical Report*. November 12, 2013.

Carollo. *San Jose/Santa Clara Water Pollution Control Plant Master Plan. Task No. 3, Project Memorandum No. 8 Projected Wastewater Flows and Characteristics*. July 13, 2009.

Carollo. *The Plant Master Plan (San Jose Santa Clara Water Pollution Control Plant)*. Final Draft March 2012.

Charles M. Salter Associates, Inc. *Draft Environmental Noise Assessment for North Forty Specific Plan, Los Gatos, California*. October 23, 2013.

Clean Diesel Fuel Alliance. <http://www.clean-diesel.org/faqs.html>. Accessed March 18, 2013.

County of Santa Clara Department of Parks and Recreation. *Park Here*. May 2011 a.

County of Santa Clara Department of Parks and Recreation. *County of Santa Clara Parkland Acquisition Plan 2011 Update*. March 1, 2011 b.

County of Santa Clara Department of Parks and Recreation. *Santa Clara County Countywide Trails Master Plan Update*. November 19, 1995.

DKS. *SR 85 Express Lanes EA #04-4A7900 Traffic Operations Analysis Report, Final*. November 6, 2013.

Ellis, Deborah. *Arborist Report: North 40 Property, Los Gatos, California* (supplement). Saratoga, California, September 2013.

Ellis, Deborah. *Arborist Report: North 40 Property, Los Gatos, California*. March 25, 2011.

EMC Planning Group. *Biological Resources Evaluation Report: North Forty Specific Plan, Town of Los Gatos, California*. Monterey, California, February 2012.

Engeo. *Phase I Environmental Site Assessment North 40 Project Los Gatos, California*. January 11, 2013 (a).

Engeo. *North 40 Project Los Gatos, California Phase II Environmental Site Assessment*. January 11, 2013 (b).

Engeo. *Los Gatos North Forty Project, Los Gatos, California, Geotechnical Peer Review*. January 16, 2013 (c).

Engeo. Land Evaluation and Site Assessment (LESA) Modeling. May 2, 2013 (d).

Federal Emergency Management Agency. *Flood Insurance Rate Map Santa Clara County and Incorporated Areas Panels 239 and 377*. May 18, 2009.

Federal Transit Administration. *Transit Noise and Vibration Impact Assessment*. 2006.

Fehr and Peers. *North 40 Specific Plan Draft Transportation Impact Analysis*. March 26, 2014.

Four Seasons Hotels. Webpage for Palo Alto Convention Center: [fourseasons.com](http://fourseasons.com). Accessed June 5, 2013.

Fulton, William. *Guide to California Planning*. October 1994.

Geocon Consultants Inc. *Site Conceptual Model Report Lark Avenue Car Wash 16500 Lark Avenue Los Gatos California*. February 2013.

Google Inc. Google Earth and Google Maps mapping applications. Accessed various dates, 2013.

Griggs, Gary B. "Earthquake Activity between Monterey and Half Moon Bay, California" *California Geology*, Vol. 26, No. 5. May 1973.

Illingworth and Rodkin. *North 40 Specific Plan Air Quality and Greenhouse Gas Emissions Assessment Los Gatos, California*. October 22, 2013.

Japanese American Museum. Remembrance Project Webpage: <http://www.remembrance-project.org/tributes/takeo-yuki.html>. Accessed May 28, 2013.

Jepson Flora Project. *The Jepson Online Interchange: California Floristics*. Regents of the University of California, July 2011. <http://ucjeps.berkeley.edu/interchange.html>.

Loopnet. Online commercial real estate listings for Los Gatos: <http://www.loopnet.com>. Accessed June 3, 2013.

Los Gatos Monte Sereno Police Department. Website: <http://www.losgatosca.gov/index.aspx?nid=43>.

Los Gatos-Saratoga Joint Union High School District. Website: <http://www.lgsuhsd.org/>. Accessed May 14, 2013.

Los Gatos Union School District. *Imagine 2022 District Facilities Master Plan*. December 4, 2012.

Los Gatos Union School District. Website: [www.lgusd.k12.ca.us](http://www.lgusd.k12.ca.us). Accessed May 14, 2013.

Native American Heritage Commission. Letter to Mary Doane, Archaeological Consulting regarding Sacred Lands search. January 24, 2011 [SIC – actually 2012].

Norman Mineta San Jose International Airport. Flight tracking web page:  
<http://webtrak.bksv.com/sjc>. Accessed May 31, 2013.

RMC Water and Environment. *Sewer Impact Evaluation for North Forty Development*. November 2, 2009.

RMC Water and Environment. *Updated Sewer Impact Evaluation for North Forty Development* March 5, 2014.

RRM Design Group. *North 40 Specific Plan*. Screencheck Draft, October 2013.

San Jose, City of. *Envision San José 2040 General Plan*. August 2007.

San Jose, City of. *San José Bike Plan 2020*. November 17, 2009.

San Jose Water Company. *2010 Urban Water Management Plan*. April 2011.

<http://www.water.ca.gov/urbanwatermanagement/2010uwmps/San%20Jose%20Water%20Company/SJWC'S%202010%20UWMP%20with%20Appendices.pdf>.

San Jose Water Company. Letter from Bill Tuttle P.E., Director of Engineering to Joel Paulson, AICP, Senior Planner, regarding Water Supply Assessment (WSA) for the North Forty Development. January 14, 2013 (a).

San Jose Water Company. *San Jose Water Company Town of Los Gatos North 40 Development Water Supply Assessment*. July 2013 (b).

Santa Clara Basin Watershed Management Initiative. *Watershed Characteristics Report*. 2001.

Santa Clara Basin Watershed Management Initiative. *Watershed Assessment Report*. February 2003.

Santa Clara Basin Watershed Management Initiative. *Santa Clara Basin Watershed Action Plan*. August 2003.

Santa Clara County Department of Planning & Development, Planning Office. *Lehigh Permanente Quarry Reclamation Plan Amendment Draft Environmental Impact Report*. December 2011.

Santa Clara County Fire Department. *Standard Details & Specifications; Subject: Fire Department Apparatus Access*. June 1, 2009.

Santa Clara County Fire Department. *Fire Department Santa Clara County Strategic Plan January 2010 – December 2014*. January 2010.

Santa Clara County Local Agency Formation Commission. *Northwest Santa Clara County Service Review and Sphere of Influence Recommendations*. October 2007.

Santa Clara County Local Agency Formation Commission. *2011 Countywide Water Service Review*.

Santa Clara County Office of the County Executive. *Santa Clara County Operational Area Emergency Operations Plan*. March 2008.

Santa Clara County et al. *Santa Clara Valley Habitat Plan Santa Clara County, California*. August 2012.

Santa Clara Valley Transportation Authority. *Santa Clara Countywide Bicycle Plan*. August 2008 (a).

Santa Clara Valley Transportation Authority. *Short Range Transit Plan FY 2008-2017*. January 2008 (b)

Santa Clara Valley Transportation Authority. *Valley Transportation Plan 2035*. January 2009 (a).

Santa Clara Valley Transportation Authority. *Transportation Impact Analysis Guidelines*. March 2009 (b).

Santa Clara Valley Transportation Authority. *Deficiency Plan Requirements*. September 2010.

Santa Clara Valley Transportation Authority. *2011 Congestion Management Program*. December 2011.

Santa Clara Valley Transportation Authority. *Bicycle Technical Guidelines*. December 2012. [http://www.vta.org/bike\\_information/library/btg/btg\\_dec\\_2012\\_complete.pdf](http://www.vta.org/bike_information/library/btg/btg_dec_2012_complete.pdf)

Santa Clara Valley Transportation Authority. *Current Light Rail System Data and Current Bus System Data*. April 2013 (a).

Santa Clara Valley Transportation Authority. <http://www.vta.org/vtp/schedule.html>. Accessed November 12, 2013 (b).

Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management Plan Final Report*. April 2005.

Santa Clara Valley Urban Runoff Pollution Prevention Program. Hydromodification Management Applicability Map for Los Gatos and Monte Sereno. November 2010.

Santa Clara Valley Water District. *Santa Clara Valley Water District Guadalupe River Watershed Planning Study Engineer's Report Project No. 3015*. November 1999.

Santa Clara Valley Water District. *Santa Clara Valley Water District Groundwater Management Plan*. July 2001.

Santa Clara Valley Water District. *2010 Urban Water Management Plan*. 2011.

Santa Clara Valley Water District. *2012 Water Supply and Infrastructure Master Plan*. October 2012.

Santa Clara Valley Water District. Guadalupe Watershed information page.

<http://www.valleywater.org/services/guadalupe.aspx>. Accessed May 7, 2013.

Sawyer, Eugene T. History of Santa Clara County California with Biographical Sketches of the Leading Men and Women of the County Who Have Been Identified With Its Growth and Development from the Early Days to the Present. 1922.

Schaaf and Wheeler. *North 40 Drainage Study*. October 27, 2010.

SCI Consulting Group. [Campbell Union High School District] Development Fee Justification Report. June 2007.

Town of Los Gatos. *Emergency Operations Plan*. June 2010 (a).

Town of Los Gatos. *Town of Los Gatos 2020 General Plan Draft EIR*. March 10, 2010 (b).

Town of Los Gatos. *Town of Los Gatos 2020 General Plan Final EIR*. June 16, 2010 (c).

Town of Los Gatos. *Town of Los Gatos Housing Element*. August 2010 (d).

Town of Los Gatos. *Town of Los Gatos 2020 General Plan*. January 7, 2011.

Town of Los Gatos. *Los Gatos Town Code*. Adopted January 21, 1992.

Town of Los Gatos. *Los Gatos Boulevard Plan*. 1997.

Town of Los Gatos. *Los Gatos Sustainability Plan*. July 25, 2012, adopted October 15, 2012 (a).

Town of Los Gatos. Staff Report regarding Interim Director for Los Gatos Saratoga Recreation and Education District. May 3, 2012 (b).

Town of Los Gatos. *Town of Los Gatos Below Market Price Housing Program Guidelines*. September 17, 2012 (c).

Town of Los Gatos. *Tree Protection Ordinance (#2114)*. Town Code Chapter 29, Zoning Regulations, Article 1, Division 2, Tree Protection, updated August 2003.

Transportation Research Board. *Highway Capacity Manual*. 2010.

Treadwell and Rollo. *Preliminary Geotechnical Investigation Los Gatos North Forty, Los Gatos, California*. January 18, 2010 (a).

Treadwell and Rollo. *Phase I Environmental Site Assessment Los Gatos North 40 Los Gatos, California*. February 9, 2010 (b).

Treadwell and Rollo. *Environmental Site Characterization Los Gatos North 40 Los Gatos, California*. February 9, 2010 (c).

United States Census Bureau. State & County QuickFacts. January 13, 2013.  
<http://quickfacts.census.gov/qfd/index.html>

United States Energy Information Administration. Commercial building information webpage:  
[http://www.eia.gov/emeu/consumptionbriefs/cbeccs/pbawebpage/retailserv/retailserv\\_howmanyempl.htm](http://www.eia.gov/emeu/consumptionbriefs/cbeccs/pbawebpage/retailserv/retailserv_howmanyempl.htm). Accessed May 13, 2013.

United States Environmental Protection Agency. *Clean Air Nonroad Diesel Rule* (EPA420-F-04-032). May 2004.

United States Environmental Protection Agency. Energy Star program web page.  
[energystar.com](http://energystar.com). Accessed August 2013.

United States Fish and Wildlife Service. *Endangered Species Program*. Species list for Santa Clara County. Washington, D.C., 2013. <http://www.fws.gov/endangered/>

United States Geological Survey. List of Significant Earthquakes Sorted by State and Date.  
[http://earthquake.usgs.gov/earthquakes/states/historical\\_state\\_mag.php](http://earthquake.usgs.gov/earthquakes/states/historical_state_mag.php). Accessed April 1, 2013 (a).

United States Geological Survey, Natural Resources Conservation Service. Web Soil Survey.  
<http://websoilsurvey.nrcs.usda.gov/app/>. Accessed April 1, 2013 (b).

United States Geological Survey, Working Group on California Earthquake Probabilities. *The Uniform California Earthquake Rupture Forecast, Version 2*; (UCERF 2) Open File Report 2007-1437. <http://pubs.usgs.gov/of/2007/1437/>. 2008.

United States Securities and Exchange Commission. Various Form 10K filings. 2013.

Western Regional Climate Center. *Western U.S. Climate Historical Summaries: Period of Record Monthly Climate Summary for Los Gatos, California Station*. September 2011.  
<http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca5123>

West Valley Collection & Recycling. Website: <http://westvalleyrecycles.com>. Accessed May 8, 2013.

West Valley Sanitation District. *West Valley Sanitation District Sewer System Management Plan*. February 28, 2011.

West Valley Sanitation District. Website: <http://www.westvalleysan.org>. Accessed May 8, 2013.

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