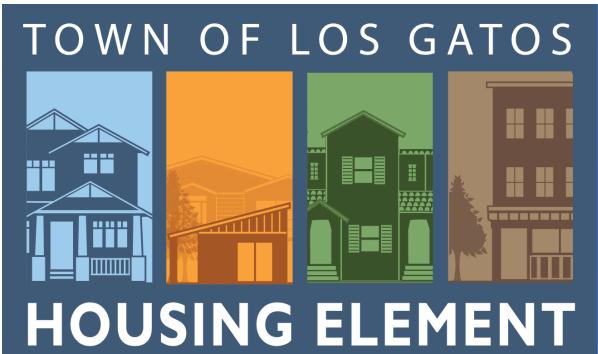
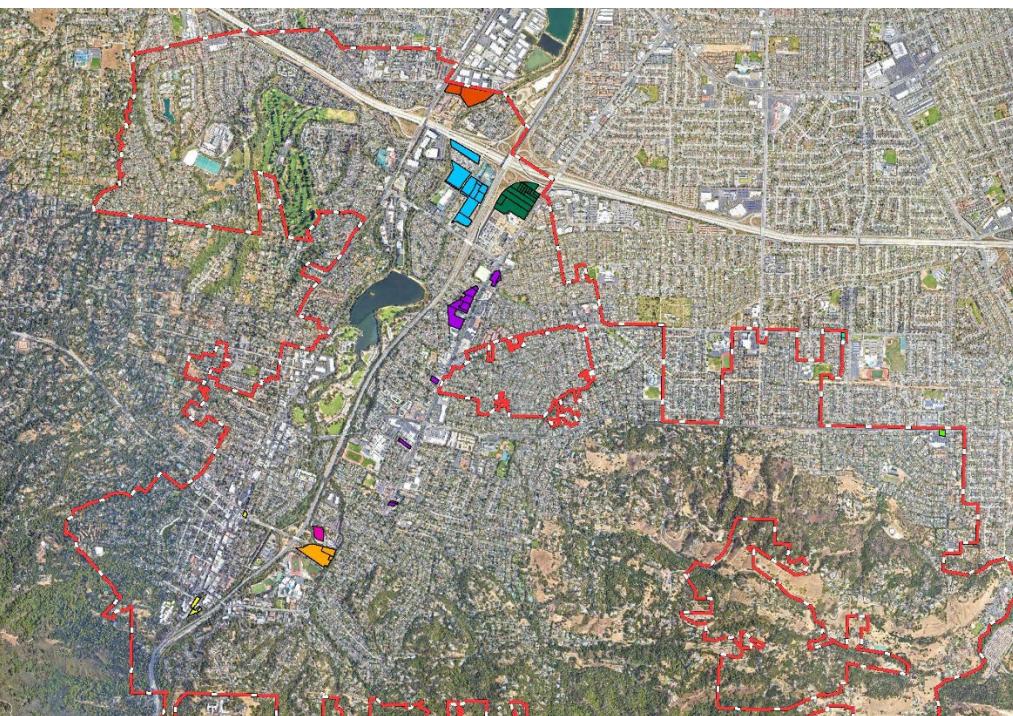


Environmental Analysis

Los Gatos 6th Cycle Housing Element

2023-2031 Planning Period

December 22, 2022



Prepared by
EMC Planning Group

ENVIRONMENTAL ANALYSIS

LOS GATOS 6TH CYCLE HOUSING ELEMENT 2023-2031 PLANNING PERIOD

PREPARED FOR

Town of Los Gatos

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December 22, 2022

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A. BACKGROUND

Project Title	Los Gatos 6 th Cycle Housing Element
Lead Agency Contact Person and Phone Number	Joel Paulson, Community Development Director 408-354-6879
Date Prepared	December 22, 2022
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	Town of Los Gatos
Project Sponsor Name and Address	Town of Los Gatos 110 E. Main Street Los Gatos CA 95030
General Plan Designation	Various
Zoning	Various

Setting

The Town of Los Gatos is located within Santa Clara County, south of the San Francisco Bay. It's surrounded by the City of Campbell to the north, the cities of Saratoga and Monte Sereno to the west, the City of San Jose to the east, and unincorporated land (i.e., the Santa Cruz Mountains) to the south. The incorporated area of Los Gatos covers approximately 11.5 square miles and is almost entirely built-out, with its sphere of influence encompassing approximately 18 square miles. Primary access is provided by State Route 17 from the north and south, which is the main roadway linking the Bay Area to Santa Cruz and the northern Monterey Bay region, and from State Route 85 from the west and east. Los Gatos can also be accessed from the west by State Route 9, also known as Los Gatos-Saratoga Road. [Figure 1, Location Map](#), presents the relationship between the Town of Los Gatos and nearby cities, as well as the state highway system.

Background

The Town of Los Gatos (Town) has prepared a draft 6th cycle Housing Element that covers the planning period 2023 through 2031 consistent with the requirements under California state law. Part of the Housing Element Update requires that the Town identify adequate housing sites to accommodate the Regional Housing Needs Allocation (RHNA) assigned to the Town by the California Department of Housing and Development (HCD) and the Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC). The RHNA identified for the Town's 6th cycle Housing Element is 1,993 units.

Methodology

The Town received a referendum to repeal the Land Use and Community Design Elements of the adopted *Town of Los Gatos California 2040 General Plan* (General Plan). In October 2022, the Town Council adopted a resolution to provide that the *Town of Los Gatos 2020 General Plan*'s Land Use and Community Design Elements will govern during the period of suspension. Therefore, when the term "General Plan" is used in this environmental analysis, it is the General Plan in effect that is being referenced (i.e., the *Town of Los Gatos California 2040 General Plan* with the *Town of Los Gatos 2020 General Plan*'s Land Use and Community Design Elements).

The Town's *2040 General Plan Final Environmental Impact Report SCH#2020070175* (General Plan Final EIR) (Town of Los Gatos June 2022a) (chrome-extension://efaidnbmnnibpcajpcglclefindmkaj/https://losgatos2040.com/images/docs/5_LG_2040_GP_FEIR_RTC_June_2022.pdf) was certified in June 2022, with the following documents making up the entirety of the General Plan Final EIR:

- *2040 General Plan Final Environmental Impact Report Addenda and Errata for Town Council SCH#2020070175* dated June 2022 (chrome-extension://efaidnbmnnibpcajpcglclefindmkaj/https://losgatos2040.com/images/docs/6_LG_2040_GP_FEIR_RTC_Addenda_Errata_for_Town_Council.pdf);
- *2040 General Plan Revised Sections of Draft Environmental Impact Report* dated November 2021 (chrome-extension://efaidnbmnnibpcajpcglclefindmkaj/https://www.losgatosca.gov/DocumentCenter/View/29410/Revised-Sections-of-Draft-EIR); and
- *2040 General Plan Draft Environmental Impact Report* (General Plan EIR) dated July 2021 (chrome-extension://efaidnbmnnibpcajpcglclefindmkaj/https://losgatos2040.com/images/docs/2040-General-Plan-DEIR-with-Appendices.pdf).

Some of the timing of preparation of the 6th cycle Housing Element Update overlapped with the preparation of the General Plan EIR, allowing for the two documents to work together on topics such as allowable density, floor area ratio, and height to assist in meeting the Town's RHNA requirement. The General Plan EIR evaluated the potential growth for up to 3,738 dwelling units, has already evaluated the housing and population growth projections identified within the 6th cycle Housing Element Update.

This environmental analysis relies on the earlier analyses in the General Plan Program EIR (against which no timely lawsuit challenging its adequacy under CEQA was filed), pursuant to CEQA Guidelines section 15168(c). Section 15168(c) provides that "later activities [here, the Housing Element Update] in the program [here, the General Plan] must be examined in light of the program EIR to determine whether an additional environmental document must be prepared." Section 15168(c)(2) provides: "If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required." The section further explains that the "within the scope" inquiry is a factual question that the agency determines based on substantial evidence. While no specific format is required to document the agency's determination, an initial study checklist provides a useful, familiar format

to explain the agency's reasoning and evidence. As explained in detail for each environmental resource area herein, there is no evidence that development under the Housing Element Update would result in any new or more severe significant environmental impacts than previously determined in the General Plan EIR. Therefore, this analysis supports a determination under CEQA Guidelines section 15162 that no subsequent or supplemental EIR is necessary for the Housing Element Update.

The analysis in this initial study contains a brief discussion identifying the following:

- a. “Earlier Analysis Used” identifies and states where the General Plan EIR is available for review (see above).
- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
- c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. This mitigation generally takes the form of General Plan policies.

Description of Proposal

The proposal includes the update and preparation of the Town’s 6th Cycle 2023-2031 Housing Element in order to comply with the state’s housing goals set forth in the Government Code, and adopting this element as an amendment to the Town’s General Plan. The Town is currently proposing a total of 2,312 housing units. Appendix H of the Town’s 2023-2031 Housing Element provides details and capacity estimates for each of the parcels that comprise the Town’s housing Sites Inventory. [Figure 2, Site Inventory Location Areas](#), shows an overview of the proposed sites inventory map with the sites combined into various areas of the Town. The total number of housing units in the Draft Site Inventory is subject to change; however, the total number of units will not exceed the maximum of 3,738 units that were considered under the 2040 General Plan Environmental Impact Report (EIR). Development of these housing units would result in a population increase of approximately 5,780 (California Department of Finance 2022). The Housing Element Update may require the demolition of existing commercial structures on some of the individual sites, but would not result in a net increase in commercial square footage to the Town of Los Gatos compared to existing conditions. The assumption in the General Plan was that there would not be any additional commercial beyond what would already be allowed by the previous, *Town of Los Gatos 2020 General Plan*.

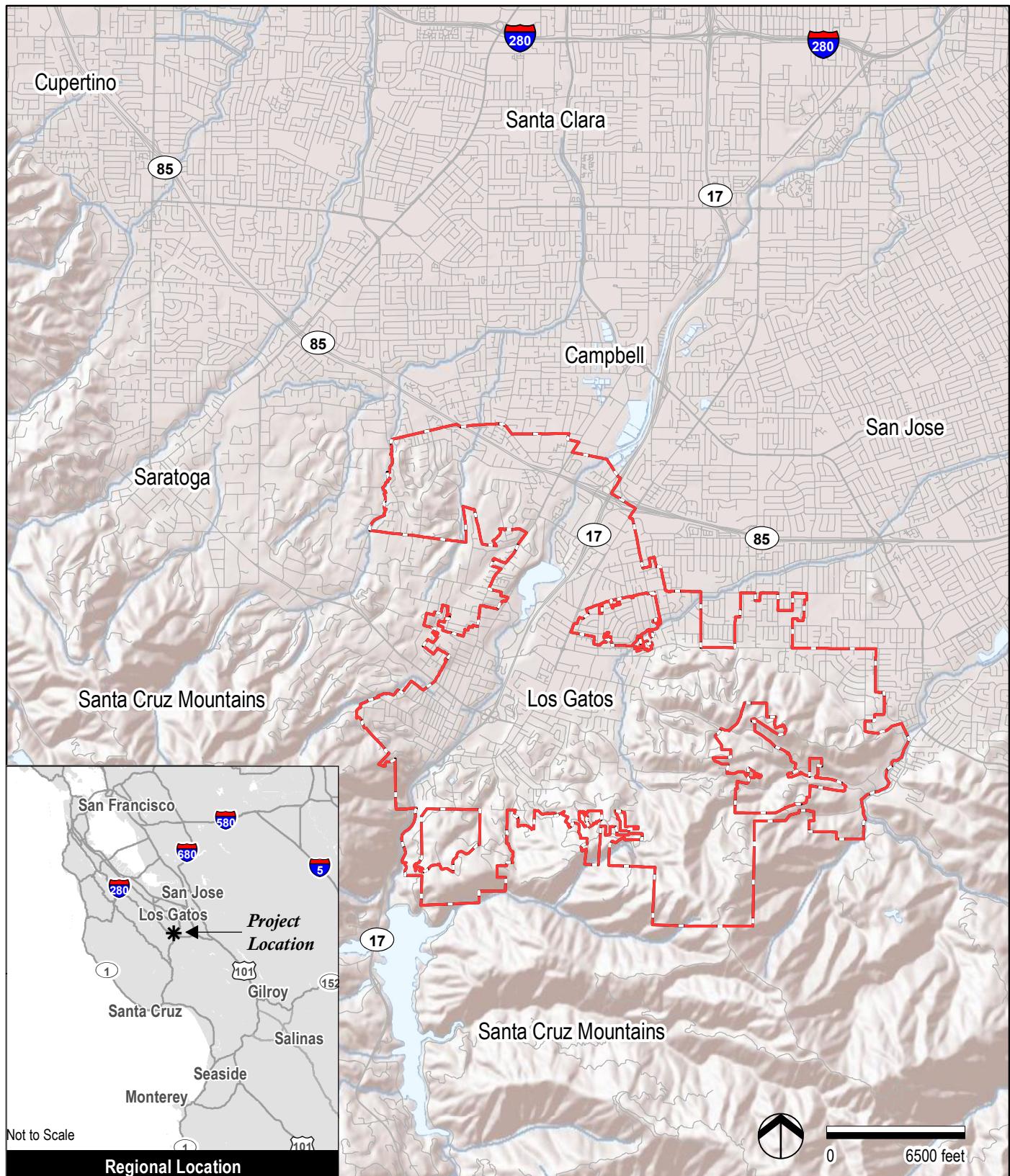
Other Public Agencies Whose Approval is Required

- California Department of Housing and Community Development

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The Town did not receive any requests from California Native American tribes requesting consultation under Assembly Bill 52 for the Housing Element Update or for the General Plan EIR.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

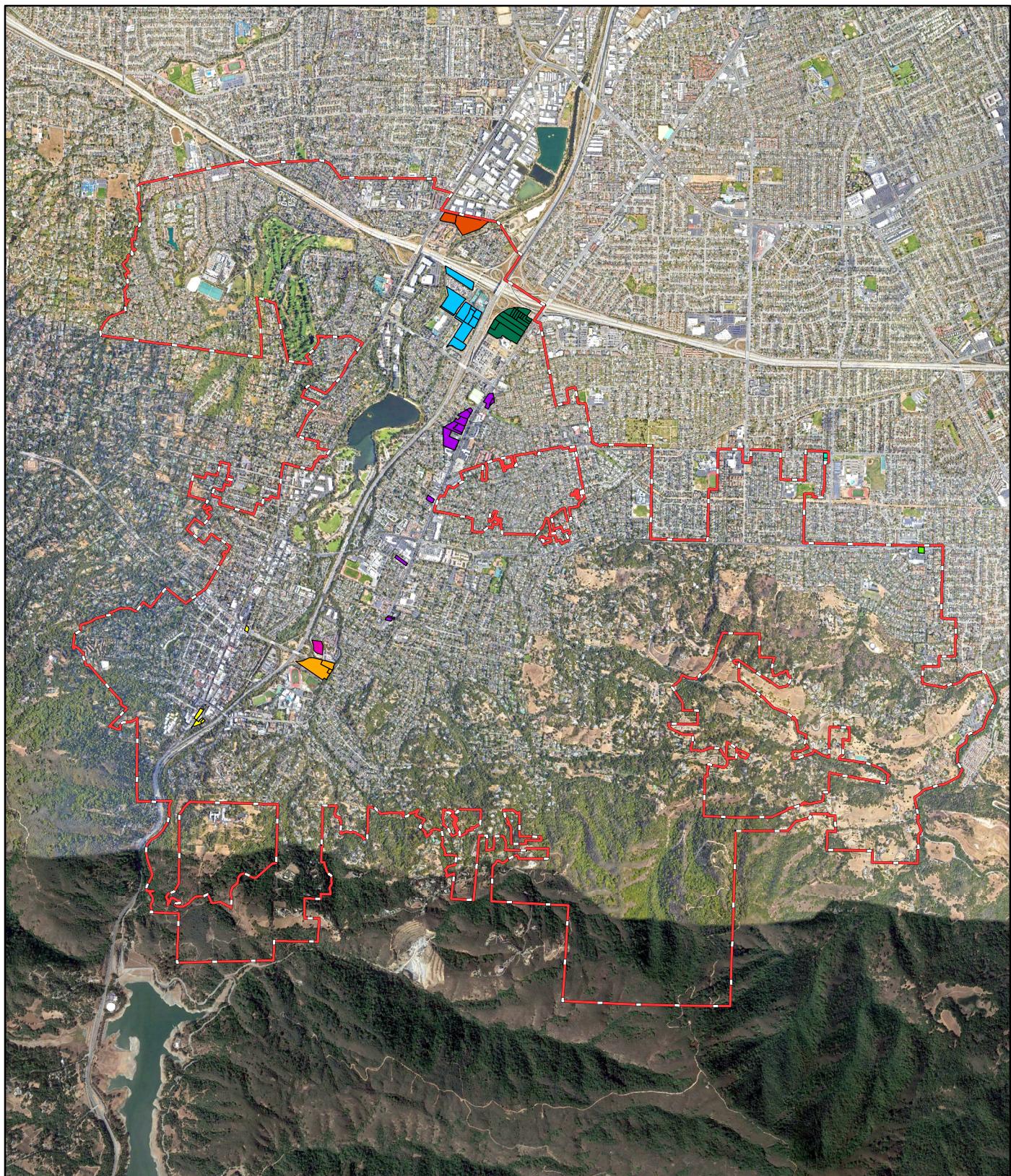


E **M** **C**

Los Gatos 6th Cycle Housing Element Environmental Analysis

Figure 1
Location Map

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0 4000 ft

- [Yellow square] Downtown Area Parcels
- [Green square] Harwood Rd. Area Parcels
- [Orange square] Los Gatos Lodge Area Parcels
- [Purple square] Los Gatos Blvd. Area Parcels
- [Dark Green square] North Forty Area Parcels
- [Blue square] Lark Ave. Area Parcels
- [Cyan square] Union Ave. Area Parcels
- [Magenta square] Alberto Way Area Parcels

- [Orange square] Winchester Blvd. Area Parcels
- [Cyan square] Union Ave. Area Parcels
- [Magenta square] Alberto Way Area Parcels

Source: Santa Clara County GIS 2022,
Google Earth 2022

Los Gatos Town Limits

E

M

C

Site Inventory Location Areas

Los Gatos 6th Cycle Housing Element Environmental Analysis

Figure 2

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B. DETERMINATION

On the basis of this initial evaluation:

- I find that the Housing Element Update COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Housing Element Update could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Housing Element Update have been made by or agreed to by its proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Housing Element Update MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Housing Element Update MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Housing Element Update could have a significant effect on the environment, because all potentially significant effects have been analyzed adequately in Town of Los Gatos General Plan EIR pursuant to applicable standards including CEQA Guidelines section 15168(c)2, and the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR, nothing further is required.



Joel Paulson, Community Development Director

01/17/2023

Date

C. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
2. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
3. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
4. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
6. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
7. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a. As identified in the General Plan EIR (Section 4.1, Aesthetics), scenic vistas in Los Gatos include the hillside area of the Santa Cruz Mountains and open space areas on the edges of the Town. New development facilitated by the Town, including the housing units proposed by the Housing Element Update, would be in the existing urbanized area and generally would not affect views of the hillside areas or other scenic vistas. The General Plan EIR states that new development in the urbanized area may be visible from ridges in the hillside area or from isolated locations in other open space areas of the Town, but would appear similar to existing surrounding urban development. However, new structures could be oriented or scaled in such a way that views of the hillside area are blocked from isolated locations in the Town.

The General Plan's Community Design Element contains goals and policies to minimize potential visual impacts on scenic vistas from future development such as Goal CD-16 and its associated policies, which promote and protect scenic resources through design of new structures or remodels that allow scenic views to all affected properties.

The General Plan EIR concludes (p. 4.1-16) that the General Plan's goals and policies would minimize visual intrusion and assist in reducing obstructions of view of the scenic vistas associated with the open space areas of the Town. Because development facilitated by the General Plan would occur in existing urbanized areas of the Town, and implementation of these policies would encourage vistas and visibility of scenic open space, impacts of the General Plan would be less than significant.

The Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Therefore, development consistent with the Housing Element Update would be required to implement the General Plan's applicable goals and policies to reduce impacts on scenic vistas thereby ensuring its impact would be less than significant. The General Plan EIR adequately addressed the Housing Element Update's potential impacts on scenic vistas.

b. According to the General Plan EIR (Section 4.1, Aesthetics), there are no state designated scenic highways within the Town limits and there would be no impacts on scenic resources within a state scenic highway (Town of Los Gatos 2021, p. 4.1-17)

The sites nearest to the officially designated portion of State Route 9, associated with the Housing Element Update, are located approximately 0.60 miles east. Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would not facilitate new development adjacent to the officially designated portion of State Route 9. The General Plan EIR adequately addressed the Housing Element Update's potential impacts on scenic resources within a state scenic highway.

c. As discussed in the General Plan EIR (Section 4.1, Aesthetics), the General Plan would facilitate incremental change in the visual character of the Town through development and redevelopment of land. Implementation of the Housing Element Update, consistent with the growth projections evaluated in the General Plan EIR, would include the reuse of existing urbanized lands and infill development on vacant parcels to meet the housing needs of the growing community.

New development would not substantially degrade the visual character or quality of the Town by complying with existing design guidelines as well as with General Plan policies. Impacts would be less than significant (Town of Los Gatos 2021, p. 4.1-24).

Some applicable General Plan policies from the *Town of Los Gatos 2020 General Plan's Land Use Element* are presented below:

- 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; and
- 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.

The Housing Element Update would adhere to the applicable General Plan policies and the Town's existing design guidelines to ensure that development facilitated by the Housing Element Update does not substantially degrade visual character and quality of Los Gatos. As previously stated, the General Plan EIR concluded that new development would result in less than significant impacts associated with degrading the visual character or quality of the Town. Given that the Housing Element Update is consistent with the growth evaluated in the General Plan EIR, the Housing Element Update would result in less than significant impacts on scenic quality.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on scenic quality.

d. As identified in the General Plan EIR (Section 4.1, Aesthetics), new development facilitated under the General Plan would increase the development intensity throughout the Town, thereby introducing new sources of light. Potential sources of new nighttime light from new development include light spillover from the windows of residences and businesses, outdoor security lighting, lighted signs, and streetlights. New development could also produce glare from sunlight reflecting off windows, reflective surfaces, etc.

The development that would be facilitated by the General Plan, such as the housing sites associated with the Housing Element Update, would occur in already-urbanized areas of the Town, where existing lights and surfaces with glare are common. As a result, the General Plan EIR concluded that additional light and glare created under the General Plan, which includes the Housing Element Update, would not illuminate or contribute to light pollution in currently dark or unlit areas without reflective or glaring surfaces (p. 4.1-25).

The Housing Element Update would also be required to comply with General Plan Policy CD-3.2, which requires that street and structure lighting minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky. In addition, safety lighting that may be implemented with the Housing Element Update would be required to conform to Town-prescribed lighting regulations provided in Section 29.10.09015, Residential Outdoor Lighting, of the Los Gatos Municipal Code.

According to the General Plan EIR, new sources would not substantially increase the amount of nighttime lighting or glare in the already urbanized Town. The General Plan has an overall intent to improve the visual quality of Los Gatos and considers light and glare impacts from new development in the Town; therefore, the General Plan EIR concludes that impacts associated with light and glare would be less than significant (p. 4.1-25). The Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would result in be less than significant impacts associated with light and glare. The General Plan EIR adequately addressed the Housing Element Update's potential impacts on light and glare.

2. AGRICULTURE AND FOREST RESOURCES

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

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

Comments:

- a. According to the General Plan EIR (Section 4.2, Agriculture and Forest Resources), the General Plan does not propose new or expanded conversion of Important Farmland or forestland to new uses and the Town prioritizes infill development and maximizing the underutilized parcels in the Town while maintaining existing community character. Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and the housing sites associated with the Housing Element Update would occur as infill development or on underutilized parcels in the Town.

Some of the sites associated with the Housing Element Update's Lark Avenue Area are identified as Prime and Unique Farmland by the Farmland Mapping and Monitoring Program (California Department of Conservation 2018). Conversion of Important Farmland-designated lands to non-agricultural uses is considered an environmental impact. However, the Lark Avenue Area sites have been anticipated for residential uses since the previous general plan in 2011 (Town of Los Gatos 2011, Figure LU-3), are zoned for residential uses (Town of Los Gatos 2019), and are surrounded by urban uses (Google Earth 2022). Therefore, development associated with the Housing Element Update would result in less than significant impacts related to the conversion of Important Farmlands to non-agricultural uses and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use.

- b. None of the housing sites are zoned for agricultural use or are in a Williamson Act contract. See General Plan EIR Figure 4.2-2, Important Farmlands and Williamson Act Contracts in Los Gatos and SOI, within Section 4.2, Agriculture and Forest Resources. Therefore, the Housing Element Update would not conflict with land currently zoned for agricultural use or with a Williamson Act contract.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on Williamson Act contracted land and conversion of land zoned for agricultural use.

- c-e. The Town does not contain forest lands (Section 4.18, Effects Found Not to be Significant, Town of Los Gatos 2021, p. 4.18-1); therefore, development consistent with the growth projections evaluated in the General Plan EIR, such as the Housing Element Update, would not facilitate new or additional development that would conflict with existing zoning of or result in the loss of forest land to non-forest uses. In addition, the land throughout the southern and eastern portions of Los Gatos are no longer used as a source of timber for logging (Section 4.2, Agriculture and Forest Resources, p. 4.2-9). No impact would occur associated with the availability of forestry resources within the Town (Town of Los Gatos 2021, p. 4.18-1), 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.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on forest lands.

3. AIR QUALITY

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a. The most recently adopted air quality plan applicable to the Town of Los Gatos is the Bay Area Air Quality Management District's *Final 2017 Clean Air Plan*, which describes how the San Francisco Bay Area will achieve compliance with the state's one-hour ozone standard as expeditiously as practicable, and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. As discussed in the General Plan EIR (Section 4.3, Air Quality), some of the General Plan policies within the Environment and Sustainability Element and the Mobility Element are aimed at reducing vehicle emissions and energy use, which are two major drivers of criteria air pollutant emissions. General Plan Policy ENV-11.2 requires the increase in energy efficiency in municipal facilities; Policy ENV-11.4 promotes the use of efficient energy in new residences, businesses, and municipal buildings; and Policies ENV-11.5 and ENV-11.6 support the use of solar and organic waste recycling. Development projected by the General Plan would also be designed to promote active transportation and reduce vehicle miles traveled (VMT) in the Town, further reducing vehicle emissions through Policies ENV-8.3, MOB-1.1, MOB-1.2, MOB-2.2, MOB-2.3, and MOB-2.11.

Implementation of these General Plan policies would ensure that development under the General Plan would not result in significant criteria pollutant emissions or other significant air quality impacts. Therefore, the General Plan would be consistent with the goals of the *Final 2017 Clean Air Plan* (Town of Los Gatos 2021, p. 4.3-9). The General Plan EIR also concluded that the General Plan would be consistent with applicable

control measures identified within the *Final 2017 Clean Air Plan* because it would implement similar measures through specific goals and policies that would reduce criteria pollutant emissions (p. 4.3-14). Additionally, it was concluded that buildout of the General Plan would not preclude planned transit or bike pathways and would not otherwise disrupt regional planning efforts to reduce VMT and meet federal and state air quality standards (Town of Los Gatos 2021, p. 4.3-14).

The Bay Area Air Quality Management District's *2017 CEQA Air Quality Guidelines* threshold for criteria air pollutants and precursors includes an assessment of the rate of increase of VMT and population. According to the General Plan EIR, because of the Town's geographic and socioeconomic context, the rate of increase of service population is a more appropriate indicator than typical population as to whether the increase in VMT would be considered significant. It was determined that because VMT associated with buildout of the General Plan would increase by approximately 25 percent (General Plan's 507,845 daily VMT/existing conditions 2,044,937 daily VMT), it would not exceed the rate of increase from the forecast population of approximately 29 percent (General Plan's population increase of 8,971/Town's population of 30,832). Therefore, impacts concerning criteria pollutants would be less than significant (Town of Los Gatos 2021, p. 4.3-14).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would be required to implement the applicable goals and policies of the Environment and Sustainability Element and the Mobility Element mentioned previously to ensure that development of the individual sites would not result in significant criteria pollutant emissions or other significant air quality impacts. Additionally, because many of the General Plan goals and policies are similar to the control measures outlined in the *Final 2017 Clean Air Plan*, implementation of them by the Housing Element Update would reduce criteria pollutant emissions. The Housing Element Update would also be required to promote active transportation through implementation of the applicable policies identified in the Mobility Element and stated above, reducing vehicle emissions.

The proposed population increase under the Housing Element Update is less than what was considered under the General Plan's total buildout population and was evaluated by the General Plan EIR. Therefore, development associated with the Housing Element Update would not involve a VMT increase that exceeds the rate of the forecasted population.

For these reasons, the Housing Element Update, consistent with the growth projections evaluated in the General Plan EIR, would not conflict with or obstruct implementation of the applicable air quality plan. The General Plan EIR adequately addressed the Housing Element Update's potential impact related to the conflict with an applicable air quality plan.

- b. Development under the General Plan would involve construction activities that may result in air pollutant emissions such as demolition, grading, construction worker travel,

delivery hauling of construction supplies and debris, and fuel combustion by onsite construction equipment. Construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants during site preparation and grading, but the extent of daily emissions is unknown as it depends on the quantity of equipment and the hours of operation for each project.

The Bay Area Air Quality Management District's *2017 CEQA Air Quality Guidelines* do not have plan-level significance thresholds for construction air pollutant emissions that would apply to the General Plan. However, there are project-level thresholds for construction emissions that determine if a project's construction emissions would be individually and cumulatively less than significant (i.e., if the construction emissions fall below the project-level thresholds). The Bay Area Air Quality Management District also identifies feasible fugitive dust control measures for construction activities that are recommended for all projects. Additionally, the Bay Area Air Quality Management District and California Air Resources Board have regulations that address the handling of hazardous air pollutants such as lead and asbestos, which could be aerially disbursed during demolition activities.

Section 4.3, Air Quality, of the General Plan EIR determined that construction associated with development under the General Plan would temporarily increase air pollutant emissions and possibly create localized areas of unhealthy air pollution concentrations or air quality nuisances. The General Plan's goals and policies do not include implementation of feasible measures to reduce construction emissions associated with development and, therefore, the following mitigation would be required by all development under the General Plan to reduce temporary construction air quality impacts to a less-than-significant level (Town of Los Gatos 2021, p. 4.3-16 and -17).

Mitigation Measure

AQ-1 New discretionary projects in the General Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter (PM₁₀ and PM_{2.5}) by implementing the Bay Area Air Quality Management District's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site-specific conditions.

Basic Construction Mitigation Measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. 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 shall be prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. A publicly visible sign shall be posted 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 Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and may result in the generation of air pollutant emissions during construction activities. As discussed above, there are no thresholds for construction-related air pollutant emissions that would apply to the Housing Element Update because specific developments are unknown at this time. Therefore, individual development associated with the Housing Element Update would be required to implement Mitigation Measure AQ-1 in order to reduce temporary construction air quality impacts and ensure that the Housing Element Update's potential increase of criteria pollutants, for which the region is in nonattainment, would be less than cumulatively considerable.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to the increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standard.

- c. Sensitive receptors include residences, schools, and hospitals and are located throughout the Town. Pursuant to the Bay Area Air Quality Management District's *2017 CEQA Air Quality Guidelines* when assessing community risk and hazards for siting a new receptor, sources such as freeways or high-volume roadways within a 1,000-foot radius of a project

site are typically considered. As discussed in the General Plan EIR (Section 4.3, Air Quality), development projected by the General Plan could result in additional sources of toxic air contaminants through its commercial uses and, therefore, could increase the number of stationary or permitted sources that emit toxic air contaminants in the Town of Los Gatos. There are also several high-volume roadways within and around Los Gatos, such as State Routes 17 and 85, Los Gatos Boulevard, and Winchester Boulevard. Areas of high traffic volumes typically result in elevated concentrations of carbon monoxide as the major source is automobile traffic.

The Bay Area Air Quality Management District's *2017 CEQA Air Quality Guidelines* have established preliminary screening criteria in determining whether a project would have a significant impact to localized carbon monoxide concentrations. It is noted that the screening criteria is not a threshold of significance, but is designed to provide the Town and project applicants with a conservative indication of whether a project would result in potentially significant air quality impacts. Using the screening criteria, the General Plan EIR determined that the highest traveled intersection in the Town (Los Gatos Boulevard at Lark Avenue) does not exceed traffic volumes for intersections affected by carbon monoxide and the General Plan would not substantially contribute to or result in the creation of carbon monoxide hotspots.

However, development under the General Plan may result in sensitive receptors placed in the proximity to high-volume roadways and freeways, which could expose sensitive receptors to pollutant concentrations. Development under the General Plan would be required to comply with General Plan Policy ENV-8.7, which requires that developments incorporate site planning techniques that reduce exposure of people to the impacts of high air pollutants from adjacent high-volume roadways. The General Plan EIR, therefore, concluded that impacts related to exposing sensitive receptors to pollutant concentrations would be less than significant (p. 4.3-18).

Development associated with the Housing Element Update could place sensitive receptors (i.e., residences) adjacent to high-volume roadways. The Housing Element Update does not, however, involve the increase in commercial development over existing conditions. Therefore, the Housing Element Update would not result in additional sources of toxic air contaminants through commercial uses increasing the number of stationary or permitted sources that emit toxic air contaminants in the Town. The Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would be required to comply with General Plan Policy ENV-8.7.

Because the Housing Element Update was evaluated in the General Plan EIR and anticipated by the General Plan, development associated with the Housing Element Update would result in less than significant impacts related to exposing sensitive receptors to pollutant concentrations.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to sensitive receptors.

d. The Bay Area Air Quality Management District's *CEQA Air Quality Guidelines* state that the land uses that typically produce objectionable odors include agricultural uses, wastewater treatment plants, food manufacturing plants, chemical plants, composting, refineries, landfills, and confined animal facilities. The General Plan would intermix industrial land uses with residential areas, which could have the potential to expose sensitive receptors (such as residents) to odors. Therefore, according to the General Plan EIR's Section 4.3, Air Quality, the General Plan's anticipated industrial development in these areas may result in objectionable odors that may affect a substantial number of people.

Construction associated with implementation of the General Plan could also emit odors from the construction vehicles and engine exhaust and idling, which may affect nearby receptors. Mitigation Measure AQ-1 would reduce construction air quality impacts to a less-than-significant level by reducing idling times and making sure that construction equipment is in proper working order (Town of Los Gatos 2021, p. 4.3-18).

The Housing Element Update does not involve the increase in any use other than residential, which the Bay Area Air Quality Management District determines as not typically producing objectionable odors. Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Therefore, the Housing Element Update would not result in the development of land uses that may expose sensitive receptors to objectionable odors. However, development associated with the Housing Element Update would involve construction activities, the equipment of which could emit odors that are objectionable to nearby sensitive receptors. Therefore, the Housing Element Update would be required to implement Mitigation Measure AQ-1 to reduce construction air quality impacts and their effect on nearby sensitive receptors.

The General Plan EIR adequately addressed the Housing Element Update's potential to impact sensitive receptors with the creation of objectionable odors.

4. BIOLOGICAL RESOURCES

Would the project:

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

Comments:

a. Table 4.4-1 of the General Plan EIR (within Section 4.4, Biological Resources) illustrates that almost half of the Town is developed or an urban land use and does not provide habitat for the special-status species reported or known to occur in or near the Town of Los Gatos. Areas that may provide habitat for special-status species are primarily located in the open space and undeveloped hillside areas of the planning area and the waterways and wetlands adjacent to the waterways in the planning area, such as Los Gatos Creek and Ross Creek (Town of Los Gatos 2021, p. 4.4-12). As discussed throughout the

General Plan EIR, the General Plan focuses on infill development and redevelopment within the Town limits, which do not provide habitat suitable for special-status species. Urban development is not allowed in areas of open space and the General Plan would not change these existing land use designations in order to prevent substantial development of the Town's chaparral and scrubland habitats. The General Plan would also not facilitate permanent development in the riparian vegetation along the Town's creeks and adjoining riparian areas.

Although development under the General Plan would occur in urban areas where infrastructure is already in place, the General Plan facilitates the increase in allowable density that could occur on some of the infill and redevelopment sites within the Town, which could require the upgrading of infrastructure facilities within riparian vegetation along creeks and waterways. Additionally, development within proximity to vegetation cover could result in new sources of light that affect nesting patterns or wildlife behavior. This would result in potential temporary riparian and aquatic habitat impacts that support special-status species. Further, development facilitated by the General Plan could impact isolated trees and pockets of vegetation in the urbanized areas of Los Gatos. These trees and isolated pockets could provide habitat for special-status species, including migratory nesting birds, the disturbance or potential loss of which would be considered a significant, adverse impact.

Development under the General Plan would be subject to the provisions of various federal and state natural resources regulations and their respective permitting processes and would be required to implement the list of various goals and policies of the General Plan to help prevent loss of special-status species habitat in the Town. Specifically General Plan Policies ENV-5.2 and ENV-7.1, which would protect special-status plants and wildlife species and their habitats from adverse impacts of public and private projects, and Policies ENV-6.1 and ENV-16.2, which would protect aquatic habitat and adjacent riparian habitat. General Plan Policy ENV-7.11 would also be applicable and require implementation by development as it reduces indirect impacts to wildlife from light spill or light trespass from nearby development. Policy ENV-7.5 and ENV-7.10 would also prevent direct impacts to migratory nesting birds. Implementation of the General Plan's applicable goals and policies, as well as compliance with state and federal regulations related to special-status species and their habitats, would ensure that impacts to special-status species and their habitats would be less than significant (Town of Los Gatos 2021, p. 4.4-16).

Development associated with the Housing Element Update would involve infill or the redevelopment of sites. No sites under the Housing Element Update are located within the Town's hillside or open space areas that could contain habitats for special-status species. However, some of the sites associated with the Housing Element Update (within the Winchester Boulevard Area and Lark Avenue Area) are adjacent to the Los Gatos Creek. Development at these sites could result in indirect impacts on potential special-status species that are present in this riparian area through the creation of new light

sources that may affect the nesting patterns or behavior. Other impacts that could occur by development include the removal of or disturbance to isolated trees and pockets of vegetation that could provide habitat to nesting birds.

Development associated with the Housing Element Update would be required to comply with applicable policies of the General Plan such as Policy CD-3.2 and the Town-prescribed lighting regulations provided in Town Code Section 29.10.09015, which are described further in Section 1.0, Aesthetics, checklist question “d;” Policy LU-1.3, which promotes high quality, well-designed, environmental sensitive, and diverse landscaping in new and existing developments and the preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats; Policy ENV-5.1, which requires that all development use native plants or appropriate non-invasive plants that are indigenous to Los Gatos and Santa Clara County to reduce disturbance of adjacent natural habitat; Policies ENV-5.2, -5.3, and -5.4, which all require that development protect special-status native plant species by way of prohibiting development that depletes or damages existing native plant species and prohibiting the use of invasive plant species; and Policies ENV-6.1, ENV-7.1, and ENV-16.2 mentioned previously. Implementation of the General Plan’s applicable goals and policies, as well as compliance with state and federal regulations related to special-status species and their habitats, would ensure that impacts to special-status species and their habitats by development associated with the Housing Element Update would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update’s potential to impact special-status species and their habitats.

- b. The General Plan would facilitate infill development and redevelopment within existing urbanized areas of the Town and, therefore, is unlikely to contain surface waters and associated riparian vegetation zones. However, Section 4.4, Biological Resources, of the General Plan EIR explains that it is possible that the infill development facilitated by the General Plan would increase density in some areas, which could require upgraded utilities or stormwater drainage in areas of riparian habitat and streams, the construction of which could cause adverse, environmental impacts.

The General Plan’s applicable goals and policies would require conservation of existing creeks and avoidance of disturbing creeks as well as requiring setbacks and measures to protect riparian areas. Implementation of the General Plan’s goals and policies would ensure that development under the General Plan would result in less than significant impacts on riparian habitats (Town of Los Gatos 2021, p. 4.4-17).

Some of the sites associated with the Housing Element Update’s Winchester Boulevard Area and Lark Avenue Area are located adjacent to the Los Gatos Creek. Development of these sites could result in ground disturbance that adversely impacts the adjacent riparian habitat. However, the Housing Element Update would be required to comply with General Plan Policy ENV-6.1, preventing development from damaging riparian areas; ENV-6.2, requiring that riparian corridors, among other water courses, be retained

in their natural condition; ENV-6.3, which requires that setbacks and measures are implemented to protect riparian corridors; ENV-6.4, promoting the planting of local naïve trees and shrubs where development occurs on land surrounding streams; and ENV-16.4, which requires the conservation of existing creeks and the avoidance of disturbances to these areas.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and the sites were evaluated with residential land uses in the General Plan EIR. Therefore, implementation of the applicable General Plan policies identified above would ensure that impacts on riparian habitats by development under the Housing Element Update would be reduced to a less-than-significant level.

The General Plan EIR adequately addressed the Housing Element Update's potential to impact on riparian habitats or other sensitive natural communities.

- c. The General Plan would facilitate infill development and redevelopment within existing urbanized areas of the Town and, therefore, is unlikely to contain jurisdictional wetlands. However, Section 4.4, Biological Resources, of the General Plan EIR explains that it is possible that the infill development facilitated by the General Plan would increase density in some areas, which could require upgraded utilities or stormwater drainage in areas of jurisdictional wetlands and streams, the construction of which could cause adverse, environmental impacts

Detailed wetland delineations would be needed to determine the extent of any jurisdictional wetlands and other waters at specific locations and the U.S. Army Corps of Engineers is responsible for making a final determination for a particular site.

Compliance with the requirements of the Clean Water Act would be required for any project proposed under the General Plan as well as compliance with the goals and policies from the Environment and Sustainability Element and the Open Space, Parks, and Recreation Element of the General Plan; specifically General Plan Policy ENV-6.1, which would prevent development within wetlands. Implementation and compliance with state and federal regulations and the General Plan's goals and policies promoting restoration of wetland and riparian habitat, impacts from development under the General Plan on wetlands would be less than significant (Town of Los Gatos 2021, p. 4.4-17).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR; therefore, the Housing Element Update would not propose residences on land with jurisdictional wetlands. The Housing Element Update would be required to comply with the requirements of the Clean Water Act and implement all applicable General Plan policies whose purpose is to protect wetlands within the Town (e.g., the policies associated with General Plan Goals ENV-6 and ENV-16). Compliance with state and federal regulations and implementation of applicable General Plan goals and policies would ensure that the Housing Element Update's potential impact on wetlands would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on wetlands.

- d. The General Plan promotes redevelopment and infill development, which would occur in the developed portions of the Town. The developed areas of Los Gatos would not provide for wildlife movement corridors because the areas are developed with buildings and roads. Wildlife movements in the Town are generally limited to the hillside areas to the south and east, and the creeks, such as the Los Gatos Creek. However, Section 4.4, Biological Resources, of the General Plan EIR states that infill development under the General Plan could require construction of upgraded utilities and infrastructure that are near stream corridors (such as stormwater outfalls that are typically near riparian areas adjacent to creeks), which may result in significant environmental effects.

Development under the General Plan would be required to implement applicable General Plan goals and policies that would encourage wildlife movements and migration, such as Policy ENV-7.3, which directs the Town to maintain wildlife habitat and movement corridors for native wildlife species. Because the General Plan would not facilitate development in open space areas, including stream corridors, and contains policies to reduce impacts to stream corridors and protect wildlife movement corridors, the General Plan EIR concluded that impacts would be less than significant (Town of Los Gatos 2021, p. 4.4-20).

Some of the sites associated with the Housing Element Update (within the Winchester Boulevard Area and Lark Avenue Area) are located adjacent to the Los Gatos Creek. However, development at these sites, among the others associated with the Housing Element Update, would be required to implement General Plan Policy ENV-6.1, requiring that developments do not damage riparian areas, wetlands, and intermittent or ethereal [sic] streams; Policy ENV-6.2, which requires that creek beds, riparian corridors, water courses, and associated vegetation are retained in their natural state; and Policy ENV-6.3, which requires that setbacks and measures are implemented to protect riparian corridors.

Consistent with the General Plan, the Housing Element Update would not facilitate development in open space areas, including stream corridors, and would implement all applicable General Plan policies to reduce impacts to stream corridors and protect wildlife movement corridors and open space. The sites associated with the Housing Element Update are not likely to facilitate major wildlife movement due to current active disturbance. As such, the Housing Element Update would have a less than significant impact on wildlife movement.

The General Plan EIR adequately addresses the Housing Element Update's potential to interfere with the movement of migratory species.

- e. Development under the General Plan could remove trees or substantially prune trees for construction. As discussed in the General Plan EIR (Section 4.4, Biological Resources),

development would be subject to all applicable local policies and regulations related to the protection of important biological resources such as the Town Municipal Code Chapter 29, Division 2 – Tree Protection. In addition to the Town Municipal Code, development under the General Plan would be required to comply with the policies associated with General Plan Goal ENV-2, such as Policy ENV-2.1, which requires that tree removal and replacement during development is consistent with the latest in tree conservation standards. Adherence to the tree protection requirements in the Town Municipal Code and implementation of the applicable General Plan policies would ensure that development under the General Plan would result in less than significant impacts related to local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Town of Los Gatos 2021, p. 4.4-21).

Most of the sites associated with the Housing Element Update contain trees and development may result in their removal or substantial pruning. However, the Housing Element Update would be required to comply with the Town Municipal Code’s Tree Protection standards for the preservation, protection, and maintenance of protected trees, including Section 29.10.1000 of the Town Municipal Code, which requires that a tree preservation report be prepared prior to construction on parcels with protected trees. The Housing Element Update would also comply with all applicable General Plan policies related to the protection of biological resources. Compliance with the Town Municipal Code’s Tree Protection standards and applicable General Plan policies would ensure that development associated with the Housing Element Update would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The General Plan EIR adequately addressed the Housing Element Update’s potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- f. The *Final Santa Clara Valley Habitat Plan* (habitat plan) (Santa Clara Valley Habitat Agency 2012) covers approximately 62 percent of Santa Clara County and only a small portion of this total involves the Town of Los Gatos. The Vasona Lake County Park and the riparian area on either side of Los Gatos Creek make up the portions of Los Gatos that are under the habitat plan’s coverage. The General Plan maintains a designation of Open Space for these areas and would not conflict with the habitat plan. There are no other adopted Habitat Conservation Plans or Natural Community Conservation Plans applicable to the planning area and, therefore, the General Plan EIR concluded that the General Plan would have no impact (Section 4.4, Biological Resources, p. 4.4-21).

Some of the sites associated with the Housing Element Update (the Winchester Boulevard Area and Lark Avenue Area) are adjacent to the Los Gatos Creek, which is within the habitat plan’s coverage area. Some portions of these sites are also themselves located within coverage of the habitat plan (Santa Clara Valley Habitat Agency 2022). Therefore, pursuant to the provisions of the habitat plan, development within these areas

would be required to prepare and submit a habitat plan screening form. Development may also be required to apply for an exemption.

Because the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR, development at the Winchester Boulevard Area and Lark Avenue Area would prepare and submit habitat screening forms reducing its potential to result in conflict with the provisions of the habitat plan to a less-than-significant level.

The General Plan EIR adequately addresses the Housing Element Update's potential to conflict with the provisions of the habitat plan.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a, b. According to the General Plan EIR (Section 4.5, Cultural and Tribal Cultural Resources), effects on cultural resources are only knowable once a specific project has been proposed because the effects are dependent on the individual project site conditions, project activities that may alter the character of an environment's resources, and/or the characteristics of the proposed ground-disturbing activity (p. 4.5-10). Ground-disturbing activities associated with development under the General Plan have the potential to damage or destroy previously unknown historic or prehistoric archaeological resources that may be present on or below the ground surface. In addition to compliance with applicable General Plan policies, development consistent with the General Plan would be required to complete a Phase I Cultural Resources Inventory of the site, as discussed under Mitigation Measure CR-1 below (Town of Los Gatos 2021, p. 4.5-12).

None of the sites associated with the Housing Element Update are located within the Town's Historic Districts (Town of Los Gatos 2022d); however, because development at each of the individual sites has not yet been proposed, construction activities could occur in areas that have not been previously developed with urban uses, have not been studied through a cultural resources investigation, or the excavation activities could reach depths that exceed those previously attained. Therefore, in order to ensure that development within the Town does not have detrimental effects on cultural resources, each individual project would need to be assessed as it is proposed.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would be required to comply with General Plan Policy ENV-12.1, which requires that archaeological and/or cultural resources are evaluated early in the development review process through consultation and use of contemporary professional techniques and Policy ENV-12.5, requiring that if cultural resource, including archaeological or paleontological resources, are uncovered during ground-disturbing activities, construction will stop until appropriate

mitigation is implemented. In addition to compliance with General Plan policies, the Housing Element Update would be required to implement Mitigation Measure CR-1 in order to reduce impacts to a less-than-significant level.

Mitigation Measure

CR-1 If a project requires activities that have the potential to impact cultural resources, the Town shall require the project applicant or proponent to retain a qualified archaeologist meeting the Secretary of the Interior's (SOI) Professional Qualification Standards (PQS) in archaeology and/or an architectural historian meeting the SOI PQS standards in architectural history to complete a Phase 1 cultural resources inventory of the project site (NPS 1983). A Phase 1 cultural resources inventory shall include a pedestrian survey of the project site and sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research shall include a records search conducted at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search conducted with the Native American Heritage Commission (NAHC). The technical report documenting the Phase 1 cultural resources inventory shall include recommendations to avoid or reduce impacts to cultural resources. These recommendations shall be implemented and incorporated in the project.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on historic and archaeological resources.

c. As discussed in the General Plan EIR (Section 4.5, Cultural and Tribal Cultural Resources), the potential to discover human burials within the Town exists even though much of the Town is built out. Excavation during construction activities would have the potential to disturb these resources. Therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, has the potential to disturb these unknown Native American burials.

The General Plan EIR determined that development under the General Plan (inclusive of the Housing Element Update) would be required to comply with existing regulations relating to the treatment of human remains in General Plan Goal ENV-12: Protect the Town's archaeological and cultural resources to maintain and enhance a unique sense of place.

Development associated with the Housing Element Update would also be required to comply with General Plan Policy 12.4, which states that any human remains discovered during implementation of public or private projects within the Town shall be treated with respect and dignity, and Policy ENV-12.6, which encourages development to avoid impacts to burial sites by designing or clustering development to avoid archaeological deposits that may contain human remains.

As concluded in the General Plan EIR, implementation of these General Plan policies would help ensure that development carried out under the General Plan (including the Housing Element Update) would have a less than significant impact from potential disturbance of human remains, including those interred outside of formal cemeteries (p. 4.5-13).

The General Plan EIR adequately addressed the Housing Element Update's potential to disturb human remains, including those interred outside of formal cemeteries.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. **Construction Energy Demand.** The General Plan EIR (Section 4.6, Energy) discusses the energy use during construction activities associated with implementation of the General Plan. It notes that construction would be temporary in nature and the construction equipment used would be typical of similar-sized construction projects in the region. Construction contractors would be required to comply with the provisions of the California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Development under the General Plan would also be required to comply with construction waste management practices to divert a minimum of 65 percent of construction debris, pursuant to the applicable regulatory requirements found in the California Green Building Standards Code. Compliance with these practices would result in efficient use of energy necessary to construct development under the General Plan. Therefore, the General Plan EIR concluded that the General Plan would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and construction impacts related to energy consumption would be less than significant (p. 4.6-14).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, developers would be required to comply with the provisions of the California Code of Regulations Title 13 Sections 2449 and 2485 and the applicable regulatory requirements related to diversion of construction debris associated with the California Green Building Standards Code in order reduce unnecessary fuel consumption. The Housing Element Update would result in the development of residential uses. The Housing Element Update's energy demand would not be excessive relative to total Santa Clara County-wide demand or relative to other land use projects and would not inherently be a source of wasteful energy demand. Development associated with the Housing Element Update would consume energy, but it would not be inefficient, wasteful, or unnecessary. Therefore, the impact would be less than significant.

Operational Energy Demand. *Transportation Fuel Consumption* - As discussed in the General Plan EIR (Section 4.6, Energy), operation of the development under the General Plan would contribute to regional energy demand by consuming electricity, natural gas, and gasoline and diesel fuels. The General Plan EIR states that fuel consumption is closely associated with vehicle miles traveled (VMT); the more miles a vehicle travels, the more fuel that is required and consumed by that vehicle. However, the General Plan EIR discusses how the VMT generated by the General Plan would not increase boundary VMT per capita (the VMT within a specific geographic region) in Santa Clara County and, therefore, the effects from VMT would be localized and not have regional impacts. This is related to energy because it suggests that fuel consumption resulting from the General Plan would be consistent with regional trends and would not be wasteful or inefficient. In addition, this encourages high-density and mixed-use infill developments with project design that support multi-modal transportation, which improve energy efficiency because it places residents closer to places of employment. These factors would help minimize the potential for the General Plan to result in the wasteful, inefficient, or unnecessary consumption of vehicle fuels.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, its VMT generation would not increase boundary VMT per capita in Santa Clara County suggesting that its fuel consumption, like the General Plan's consumption, would be consistent with regional trends and would not be wasteful or inefficient. Implementation of the Housing Element Update would also involve high-density and mixed-use infill developments thereby improving energy efficiency.

Natural Gas and Electricity - Development under the General Plan would consume natural gas and electricity for building heating and power, lighting, and water conveyance, among other operational requirements. Implementation of the policies associated with General Plan Goal PFS-6, encouraging development that reduces the use of non-renewable energy resources and expands the use of renewable resources and alternative fuels, and those associated with General Plan Goal PFS-7, which promotes green buildings that minimizes consumption of energy and natural resources, would offset some of the overall energy demand facilitated by buildout under the General Plan. In addition, developments under the General Plan would be subject to the energy conservation requirements of the California Energy Code and the California Green Building Standards Code. In 2018, the California Building Standards Commission began to require that solar photovoltaic panels be installed on new low-rise residential buildings (i.e., single-family homes and multi-family buildings of three stories or less). Because this requirement would involve applicable new residential development under the General Plan, the operational energy demand would be supplemented with renewable energy sources to a greater degree. Therefore, residential development facilitated by the General Plan would, in general, be less dependent on fossil fuels than previous development.

In addition, the General Plan EIR indicated that a greater proportion of electricity supplied for operational power needs in Los Gatos through 2040 would be sourced from

renewables. Renewable energy sources generally result in reduced long-term environmental impacts compared to non-renewables because renewable sources do not require combustion of coal or natural gas to generate electricity, which avoids environmental impacts associated with air pollution and greenhouse gas emissions.

The General Plan EIR concluded that development under the General Plan would not result in potentially significant environmental effects from wasteful, inefficient, or unnecessary consumption of energy and this impact would be less than significant (p. 4.6-14).

Development associated with the Housing Element Update would be required to comply with the above-mentioned goals and policies located with the Public Facilities, Services, and Infrastructure Element of the General Plan in order to reduce energy consumption by development. The Housing Element Update would also be subject to the energy conservation requirements of the California Energy Code and the California Green Building Standards Code, which would help offset some of the overall energy demand by the Housing Element Update. Development associated with the Housing Element Update would involve new single-family and multi-family structures three stories or less (i.e., low-rise residential buildings) and, therefore, would be required to install solar photovoltaic panels pursuant to the adopted 2018 modifications to Title 24 of the California Energy Code. Therefore, residential development facilitated by the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would be less dependent on fossil fuels than existing development.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would result in less than significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation. The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to energy demand during construction and operation.

- b. Section 4.6, Energy, of the General Plan EIR discussed the General Plan's consistency with state plans (California Green Building Standards Code and Title 24 of the California Energy Code) and a local plan (*Los Gatos Sustainability Plan*) for renewable energy or energy efficiency.

State. Any newly constructed buildings under the General Plan would be required to comply with all building design standards set in the California Building Code's Title 24 (the California Green Building Standards Code is Part 11 of Title 24). Title 24 requires the implementation of energy efficient light fixtures and building materials into the design of new construction projects. The standards identified in Title 24 are updated every three years and each iteration is more energy efficient than the previous standards.

Development under the General Plan would also be required to comply with Senate Bill 100, which mandates 100 percent clean electricity for California by 2045. Impacts related to consistency of the General Plan with applicable state plans for increased energy efficiency and renewable energy use would be less than significant (p. 4.6-15).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would also be required to comply with all applicable building design standards identified above and within Title 24. Compliance with these standards would allow development under the Housing Element Update to result in more efficient consumption of energy through design features such as efficient light fixtures and building materials. Additionally, because development associated with the Housing Element Update would be powered by the existing electricity grid, it would be powered by renewable energy mandated by Senate Bill 100. The Housing Element Update, therefore, would not conflict with or obstruct a state plan for renewable energy or energy efficiency.

Local. The *Los Gatos Sustainability Plan* was adopted as a long-term strategy to reduce greenhouse gas emissions in the Town and further implement sustainability measures from the previous general plan. The document focuses on five sectors, providing specific measures to reduce greenhouse gas emissions from each sector in order to achieve the Town's reduction target of reducing greenhouse gas emissions 15 percent below baseline emissions (2008 or earlier) by 2020. The sectors covered in this plan are Transportation and Land Use, Energy, Water, Solid Waste, and Open Space.

The General Plan EIR evaluates the General Plan's consistency against the *Los Gatos Sustainability Plan* in Table 4.6-5, and concludes that the General Plan would be consistent with the plan and the energy efficiency strategies contained therein. Impacts related to consistency of the General Plan with applicable local plans for increased energy efficiency and renewable energy use would be less than significant (p. 4.6-21).

Development associated with the Housing Element Update would be consistent with the growth projections evaluated in the General Plan EIR and, therefore, would implement those applicable General Plan goals and policies identified in the consistency analysis (Table 4.6-5 of the General Plan EIR) in order to comply with the sustainability measures of the *Los Gatos Sustainability Plan*. For these reasons, the Housing Element Update would not conflict with applicable local plans for increased energy efficiency and renewable energy use.

The General Plan EIR adequately addresses the Housing Element Update's potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

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

Comments:

a. **Earthquake Rupture.** No known fault crosses any one of the sites associated with the Housing Element Update and the sites are not located in an Alquist-Priolo Earthquake Zone; the nearest Alquist-Priolo Earthquake Zone is approximately three miles southwest of the southernmost site associated with the Housing Element Update (California

Department of Conservation 2022). Further, Section 4.7, Geology and Soils, of the General Plan EIR states that fault rupture is unlikely to affect new or existing structures in the Town because the only Alquist-Priolo Earthquake Zone is located west of the Town's western limits (p. 4.7-19). Therefore, development associated with the Housing Element Update would also not exacerbate impacts related to earthquake rupture for faults in an Alquist-Priolo Earthquake Zone.

The General Plan EIR adequately addressed the Housing Element Update's potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault.

Seismic Ground-Shaking. The Town is located in an active seismic region with three faults running through it (Blossom Hill Fault, Shannon Fault, and Berrocal Fault), which would subject the Town to very strong ground shaking. According to the General Plan EIR (Section 4.7, Geology and Soils), ground shaking risk would be primarily in the northern portion of the Town.

Development under the General Plan would result in additional residential and nonresidential development within the Town, which would potentially expose people and structures to the effects of seismic ground shaking events. However, the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would involve infill development, which would in many cases replace older structures subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground shaking (p. 4.7-19). Potential structural damage and the exposure of people to the risk of injury or death from structural failure would be minimized by compliance with the California Building Code engineering design and construction measures. Foundations and other structural support features for development consistent with the General Plan would be designed to resist or absorb damaging forces from strong ground shaking.

The Housing Element Update would be required to comply with General Plan Policy HAZ-4.1, which requires new development to be sited away from high risk geologic and seismic hazard zones or, if located in a high-risk zone, incorporate construction techniques to reduce risk; Policy HAZ-4.2, which requires a geotechnical report to be prepared for new development proposed in hazard zones mapped by the state or the Town; Policies HAZ-4.3 and HAZ-4.4, which both require, respectively, that a geotechnical report is prepared for development with significant grading, potential erosion, and sedimentation hazards and for developments proposed in areas with identified geologic hazards; and Policy HAZ-4.8, which requires that a licensed geologic/geotechnical engineer complete the Town Geologic Hazards Checklist to demonstrate that potential hazards have been identified and that proposed structures will be designed to resist potential earthquake effects (Town of Los Gatos June 2022a). The General Plan EIR concludes that implementation of the mandatory California Building Code requirements and the General Plan's goals and policies would reduce the potential for loss, injury, or death following a seismic event to a less-than-significant level.

The housing sites associated with the Housing Element Update are located in areas of medium to high ground-shaking intensity, according to the General Plan EIR's Figure 4.7-4. However, development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would not exacerbate seismic hazards associated with seismic ground shaking. The Housing Element Update would be required to implement the requirements of the California Building Code and applicable General Plan policies to ensure that impacts related to seismic ground-shaking are less than significant.

The General Plan EIR adequately addressed the Housing Element Update's potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic ground-shaking.

Liquefaction. According to the California Department of Conservation's mapping, the Town includes areas susceptible to liquefaction located generally in the center of the Town and along State Route 17 (California Department of Conservation 2022). Most, if not all, of the sites associated with the Housing Element Update are in areas of liquefaction susceptibility. According to the General Plan EIR (Section 4.7, Geology and Soils), foundations and other structural support features for development under the General Plan, including the Housing Element Update, would be designed to resist or absorb damaging forces from liquefaction (p. 4.7-20). The Housing Element Update would be required to comply with General Plan policies identified under the discussion for Seismic Ground-Shaking, above.

Implementation of General Plan policies, in addition to compliance with applicable laws and regulations, would minimize the potential for loss, injury, or death following a seismic event and would reduce impacts to a less-than-significant level (Town of Los Gatos 2021, p. 4.7-21). Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would comply with the General Plan policies listed above and applicable laws and regulations of the California Building Code to ensure impacts are reduced to a less-than-significant level.

The General Plan EIR adequately addressed the Housing Element Update's potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

Landslides. According to the California Department of Conservation's mapping, the Town has areas susceptible to landslides throughout much of the southern and eastern portions of the Town and extending as far north as Blossom Hill Road (California Department of Conservation 2022). Outside of the hillside areas of the Town, there is potential for landslides and slope instability along the steep banks of drainages, and steep graded slopes associated with excavations. However, according to Section 4.7, Geology and Soils, of the General Plan EIR, landslide potential is minimal in the gently sloping west central and northernmost portions of the Town (Town of Los Gatos 2021,

p. 4.7-19). None of the sites associated with the Housing Element Update are located within these landslide hazard zones and, therefore, development of these sites would not exacerbate landslide hazards through grading or other site modification activities that reduce slope stability.

The General Plan EIR adequately addressed the Housing Element Update's potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

- b. Wind and water are the main forces that cause soil erosion. Depending on how well exposed soil surfaces are protected from these forces, the erosion process can be very slow or rapid. Removal of natural or manufactured protection can result in substantial soil erosion and excessive sedimentation. Construction activities that would occur on individual sites associated with the Housing Element Update represent the greatest potential cause of erosion.

According to the General Plan EIR (Section 4.7, Geology and Soils), new development under the General Plan would involve construction activities that may result in loose or disturbed soils in the Town, which can increase the potential for erosion and loss of topsoil.

Construction activities that disturb one or more acres of soil and, therefore, would be subject to the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities adopted by the State Water Resources Control Board under the Clean Water Act. The Town's Municipal Code Chapter 22, Article III enforces compliance with the Construction General Permit. Development of any site that disturbs more than one acre of soil will also be required to file a Notice of Intent with the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan describing erosion and sediment control best management practices. Chapter 12 of the Town's Municipal Code also provides regulatory standards to ensure grading, erosion, and sediment associated with development are minimized.

Many of the sites associated with the Housing Element Update would involve construction activities that disturb one or more acres of soil and, therefore, would be subject to the General Permit and be required to prepare a Storm Water Pollution Prevention Plan. Compliance is also required with the Town's Municipal Code Chapter 12 that provides regulatory standards to ensure grading, erosion, and sediment associated with development are minimized. Development under the General Plan would be required to implement applicable General Plan policies and goals that would ensure that construction projects minimize their potential impacts related to erosion. Compliance with applicable laws and regulation, as well as implementation of applicable General Plan policies, would reduce impacts to a less-than-significant level (Town of Los Gatos 2021, p. 4.7-23).

According to the General Plan EIR, potential for erosion in Los Gatos is highest in the eastern, southern, and southwestern areas of the Town, with its potential decreasing toward the center of the Town and minimal in the flat areas just east of State Route 17. The sites associated with the Housing Element Update are centrally located in the Town, along and east of State Route 17, with a few sites in the southwestern and northern ends of the Town. Therefore, there is potential for development associated with the Housing Element Update to result in soil erosion or loss of topsoil.

Development associated with the Housing Element Update would be required to comply with General Plan Policy ENV-15.1, which requires all new developments in areas subject to soil erosion to prepare erosion control plans to minimize soil erosion; Policy ENV-15.2, which requires that grading permits be issued to ensure that the grading of slopes and sites proposed for development will be minimized; and Policy ENV-16.9, which requires that pollution in urban runoff be reduced from residential land use activities and other land uses.

Adherence to the state's stormwater discharge permitting requirements, in addition to the above-mentioned General Plan policies, would ensure that potential impacts associated with soil erosion and loss of topsoil would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts associated with soil erosion and the loss of topsoil.

- c. According to the General Plan EIR (Section 4.7, Geology and Soils), development under the General Plan would result in additional residential and nonresidential development within the Town that would be potentially exposed to the effects of unstable soils. However, potential structural damage and the exposure of people to the risks from unstable soils from structural failure would be minimized by compliance with the California Building Code engineering design and construction measures. Foundations and other structural support features would be designed to resist or absorb damaging forces from strong ground shaking and liquefaction. In addition to compliance with mandatory California Building Code requirements, implementation of applicable General Plan goals and policies, such as those listed previously in this section, would reduce the potential for development under the General Plan to exacerbate unstable soil conditions and ensure impacts are less than significant (p. 4.7-20 to 4.7-21).

Structures constructed on soils which are prone to liquefaction are subject to damage and possible collapse as a result of settlement and lateral spreading due to liquefaction (Town of Los Gatos 2021, p. 4.7-13). As discussed previously, most of the housing sites associated with the Housing Element Update are located on land that is susceptible to liquefaction. Development on the sites associated with the Housing Element Update could also result in soil erosion or loss of topsoil.

Construction activities on the individual housing sites associated with the Housing Element Update could risk exacerbating unstable soil conditions during grading and/or other site development/excavation activities. Developers are required to comply with the

General Plan policies identified in checklist questions “a” and “b” as well as the applicable requirements of the California Building Code. A detailed review of design and construction plans and incorporation of additional structural safety features would be required on a project-by-project basis, as necessary, for structures that would be located in areas subject to soil that is unstable, or that would become unstable as a result of the Housing Element Update.

Implementation of the applicable General Plan policies and the California Building Code would reduce the adverse effects of unstable geologic units and reduce the potential to exacerbate soil instability hazards to a less-than-significant level.

The General Plan EIR adequately addressed the Housing Element Update’s potential impacts associated with unstable soils.

- d. According to the General Plan EIR (Section 4.7, Geology and Soils), the clay minerals in the Town’s clay and clay loam soils are prone to expansion and have moderate to high shrink-swell potential (p. 4.7-23). The California Building Code includes requirements to address soil-related hazards such as the removal, proper fill selection, and compaction of soil. In cases where soil remediation is not feasible, the California Building Code requires structural reinforcement of foundations to resist the forces of expansive soils. According to the General Plan EIR, compliance with the requirements of the California Building Code would reduce impacts related to expansive soils to a less-than-significant level (p. 4.7-23).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would be required to comply with the applicable requirements of the California Building Code. Therefore, impacts related to expansive soils on the individual sites associated with the Housing Element Update would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update’s potential impacts associated with expansive soils.

- e. Development under the General Plan encourages infill development and redevelopment within the Town of Los Gatos limits and would minimize encroachment into open space areas where wastewater infrastructure does not currently exist. Therefore, Section 4.7, Geology and Soils, of the General Plan EIR concludes that the General Plan would result in less than significant impacts related to soils that are incapable of supporting septic tanks or alternative wastewater disposal systems (p. 4.7-24).

All proposed sites associated with the Housing Element Update would connect into the Town’s existing sanitary sewer system and, therefore, no impacts associated with soils supporting the use of septic tanks would occur.

The General Plan EIR adequately addressed the Housing Element Update’s potential to have soils onsite that are incapable of adequately supporting the use of septic tanks.

f. According to the General Plan EIR (Section 4.7, Geology and Soils), the geologic units exposed at ground surface in the Town and the vicinity include Mesozoic rocks of the Franciscan Assemblage, the Miocene Temblor Sandstone, the Miocene Monterey Formation, the Pliocene-Pleistocene Santa Clara Formation, and Quaternary Alluvium. The Miocene to Pleistocene sedimentary deposits in the Town have a high potential to yield paleontological resources (Town of Los Gatos 2021, p. 4.7-24). Therefore, paleontological resources may be encountered during any ground-disturbing activities associated with implementation of the General Plan. Directly or indirectly destroying a unique paleontological site is considered a significant environmental impact and, therefore, the General Plan would be required to comply with General Plan Policy ENV-12.5, requiring that if cultural resources, including paleontological resources, are uncovered during grading or other onsite excavation activities, construction shall stop until appropriate mitigation is implemented. Additionally, implementation of the following mitigation measure would ensure this potential impact would be less than significant (p. 4.7-25).

Mitigation Measure

GEO-1 The Town shall require paleontological resource studies for projects that involve ground disturbance in project areas mapped as high paleontological sensitivity at the surface or subsurface determined through environmental review. Additionally, in the event that a paleontological resource is disclosed, construction activities in the area shall be suspended, a qualified paleontologist shall be retained to examine the site, and protective measures shall be implemented to protect the paleontological resource.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and may encounter unknown paleontological resources during construction activities. The Housing Element Update would be required to implement Mitigation Measure GEO-1 in order to ensure impacts would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts associated with paleontological resources.

8. GREENHOUSE GAS EMISSIONS

Would the project:

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

Comments:

a. According to the General Plan EIR (Section 4.8, Greenhouse Gas Emissions), development facilitated by the General Plan would involve activities, such as construction demolition and grading, that would result in greenhouse gas (GHG) emissions. The Bay Area Air Quality Management District does not have plan-level significance thresholds for construction GHG emissions that would apply to the General Plan. Therefore, the General Plan EIR determined that no significance conclusion would be made with regard to General Plan programmatic construction-related GHG emissions alone; rather operational and total (construction plus operational) programmatic GHG emissions are assessed with regard to significance level (Town of Los Gatos 2021, p. 4.8-25).

Los Gatos GHG emissions are based on the Los Gatos communitywide 2008 emissions inventory and communitywide GHG emissions anticipated related to ongoing activities within the community and buildup of the General Plan. Projected GHG emissions for 2030, 2040, and 2045 include implementation of the General Plan as well as several state and local GHG reduction actions that are assumed to be implemented (p. 4.8-25). The General Plan EIR determined that the GHG emissions generated by the General Plan would exceed the 2030 efficiency threshold of 3.31 metric tons of carbon dioxide equivalents (CO₂e) per service person per year as well as exceed the 2040 efficiency threshold of 1.02 metric tons of CO₂e per service person per year.

The General Plan EIR explains that while various goals, policies, and implementation programs contained in the General Plan would implement some GHG emission reduction strategies related to energy use and vehicle miles traveled reduction, development under the General Plan would not achieve GHG reductions to reach less than significant levels (represented by equal to or less than 3.31 per capita metric tons CO₂e per service person per year and by 2030 and 1.02 per capita metric tons CO₂e per service person per year by 2040). The General Plan EIR indicates that the exceedance is primarily due to on-road vehicle miles traveled, which accounts for approximately 81 percent of the total emissions, and the main barrier to reducing vehicle miles traveled is the lack of public transit options in the Town.

As discussed in Section 17.0, Transportation, the greatest reduction in vehicle miles traveled would be from the regional level reduction strategies outlined in Mitigation Measure T-1, which is explained as not possible since the Town cannot guarantee that other agencies and municipalities would participate in the regional strategies. Because of these limitations, development under the General Plan would be required to implement Mitigation Measure GHG-1.

Mitigation Measure

GHG-1 Los Gatos shall implement the following GHG emissions reduction measures by sector:

Energy (EN)

- Measure EN1: Adopt an ordinance requiring new commercial construction to be all electric or otherwise operationally carbon neutral by 2025: Adopt a new building ordinance which bans the installation of natural gas in new commercial construction by 2025 and requires new commercial buildings to install all-electric equipment or otherwise be operationally carbon neutral. Support this action by conducting outreach and education to local developers about the benefits and resources associated with building carbon neutral buildings.
- Measure EN2: Identify and partner with stakeholders to conduct electrification outreach, promotion, and education: Leverage partnerships with stakeholders to conduct outreach, promotion, and education around new and existing building electrification.
- Measure EN3: Develop a Community wide Existing Residential Building Electrification Plan (EBEP): Support community-wide existing building electrification through the development of an EBEP that addresses the feasibility, timeline, equity concerns, local stakeholder involvement, costs, funding pathways, and implementation for electrifying existing residential buildings in Los Gatos.
- Measure EN4: Electrify existing residential buildings beginning in 2023: Adopt an electrification ordinance for existing residential buildings to transition natural gas to electric in two phases, to be implemented through the building permit process:
 - Phase I: Limit expansion of natural gas lines in existing buildings by 2023.
 - Phase II: Require HVAC system replacements and hot water heaters replacements to be all-electric by 2023.

- Measure EN5: Identify and partner with stakeholders to develop resident-level funding pathways for implementing electrification ordinance: Leverage partnerships with stakeholders and establish funding pathways to ease community members' costs when complying with the electrification ordinance, including:
 - Pass a transfer tax ordinance and provide a rebate for electric panels and/or other upgrades.
 - Partner with PG&E, SVCE, and/or other stakeholders to create or expand electrification/retrofit programs and incentives, especially for low-income residents. These could include the PACE program, PG&E's low-income weatherization program, tariffed on-bill financing, metered energy efficiency, or others.
- Measure EN6: Decarbonize municipal buildings by 2040: Adopt a municipal building energy decarbonization plan to decarbonize municipal building energy operations by 2040. This plan would include a new building electrification policy as well as an existing building natural gas phase-out policy.
- Measure EN7: Coordinate with stakeholders to provide local energy generation support and incentives for the community: Partner with PG&E, SVCE, and/or other stakeholders to support and incentivize local on-site energy generation and storage resources within the community.
- Measure EN8: Develop an EV Readiness Plan to Support Installation of 794 Chargers by 2030: Develop an EV Readiness Plan that supports the installation of 794 chargers (at least 160 of which would be public chargers) and a 30 percent EV share of registered passenger vehicles in Los Gatos by 2030. This plan should establish a path forward to increase EV for implementation of public charging infrastructure in key locations. In conjunction with an EV Readiness Plan, conduct a community EV Feasibility Study to assess infrastructure needs and challenges, particularly in frontline communities.
- Measure EN9: Increase privately owned EV charging infrastructure: Amend the Town's Building Code and Local Reach Code to require the following:
 - EV capable attached private garages for new single-family and duplex residential development;
 - 20 percent EV capable charging spaces and panel capacity for new multi-family residential development;

- 20 percent EV capable charging spaces for new commercial development; and
- At least 1 percent working chargers for all new development and major retrofits.
- Measure EN10: Increase Town-owned and publicly accessible EV charging infrastructure: Work with public and private partners to ensure there are sufficient publicly accessible DCFC and Level 2 EV chargers around the Town by 2030, with a focus on providing access to low-income households and affordable housing. Install new publicly accessible EV chargers at Town-owned facilities. Develop and implement a fee for use of Town-owned chargers to encourage efficient use and turnover, especially for those without home charging capability.
- Measure EN11: Identify and partner with stakeholders to develop EV-related rebates: Investigate partnerships with public and private partners for rebates on at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV purchases for low-income households in frontline communities.
- Measure EN12: Encourage EV adoption and infrastructure improvements: Conduct outreach, promotion, and education to encourage EV adoption and infrastructure improvements. This would include the following:
 - Providing education and outreach to the community on the benefits of ZEVs, availability of public charging, and relevant rebates and incentives available for businesses and residents.
 - Working with major employers to provide EV charging for employees and encourage EV adoption among employees.

Transportation (TR)

- Measure TR1: Implement Full Recommended Buildout of the Bicycle and Pedestrian Master Plan (BPMP): Fully implement the BPMP and add 23.2 new miles of bike network by 2035 to achieve 6 percent bicycle mode share by 2035.
- Measure TR2: Identify and partner with stakeholders to conduct outreach, promotion, and education: Leverage partnerships with stakeholders to conduct ongoing outreach, promotion, and education around active transportation in Los Gatos. This could include:

- Establishing Town-wide events or programs that promote active transportation in the community;
- Regularly updating the Town’s Bicycle and Pedestrian Network Map and sharing through Town and stakeholder partnership platforms;
- Supporting local bike groups in hosting workshops and classes on bike riding, safety, and maintenance by certified instructors;
- Instituting car-free days downtown, potentially coupled with other large and regular events; or
- Consolidating a list of local employer-provided bicycle parking, lockers, showers, and incentives as a demonstration tool for other interested employers.

- Measure TR3: Facilitate a bike share program: Conduct a bike share pilot program and facilitate full implementation of a bike share program within the Town.
- Measure TR4: Establish parking meter rates and invest in transportation improvements: Establish parking meter rates, considering dynamic parking pricing in the downtown area. Allocate a designated portion of paid parking revenue to investing in TDM strategies that will ensure cost-effective downtown access by improving transit, bicycle facilities, and create incentives for people to avoid driving.
- Measure TR5: Improve curbside management: Improve curbside management, including updating the municipal code to require active loading only, prohibit double parking, define locations for additional loading zones, and design loading zone signage.
- Measure TR6: Require transportation system management for new construction: Draft and implement a Transportation System Management Plan (TSMP) ordinance for new construction to allow the Town to shift travel behavior away from single-occupancy vehicles. Ensure telecommuting is an optional trip reduction strategy.
- Measure TR7: Eliminate parking minimums for developments: Remove parking minimums and establish parking maximums.

Waste (WS)

- Measure WS1: Require residential and commercial organic waste collection consistent with SB 1383 requirements: Work with local waste haulers and other community partners to expand organic waste collection capacity. Pass an ordinance by 2022 requiring residential and commercial organics generators to subscribe to organics collection programs or alternatively report organics self-hauling and/or backhauling. Allow limited waivers and exemptions to generators for de minimis volumes and physical space constraints and maintain records for waivers/exemptions.
- Measure WS2: Require edible food recovery consistent with SB 1383 requirements: Adopt an edible food recovery ordinance or similarly enforceable mechanism to ensure edible food generators, food recovery services, and food recovery organizations comply with requirements to increase recovery rates.

As discussed in the General Plan EIR, even with implementation of Mitigation Measure GHG-1 requiring community GHG reduction measures, the General Plan would result in emissions that exceed GHG efficiency thresholds and, therefore, state targets. As a result, impacts related to the generation of GHG emissions under the General Plan would be significant and unavoidable with mitigation incorporated (p. 4.8-31).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would generate GHG emissions. Development associated with the Housing Element Update is part of the significant and unavoidable cumulative GHG emissions impacts associated with the General Plan and, therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in significant and unavoidable GHG emissions impacts even after implementation of Mitigation Measure GHG-1.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to GHG emissions.

- b. Development under the General Plan would result in additional GHG emissions due to construction, an increase in mobile sources, more building space requiring more heating and cooling, etc. Section 4.8, Greenhouse Gas Emissions, of the General Plan EIR evaluated the General Plan's consistency with the California Air Resources Board 2017 Scoping Plan (which provides the framework for achieving the 2030 target related to GHG emissions), Senate Bill 32 (which codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020), and Executive Order B-55-18 (an executive order mandating the state to achieve carbon neutrality by no later than 2045). The General Plan EIR determined that the General Plan would conflict with the reduction targets of all three state plans identified above and would contribute to climate change. Therefore, implementation of Mitigation Measure GHG-1 would be required.

However, even with implementation of Mitigation Measure GHG-1, total and per capita Los Gatos GHG emissions would not be reduced to a level below state targets by 2030 and 2040. Additionally, the General Plan was determined to impede “substantial progress” toward meeting the California Air Resources Board 2017 Scoping Plan, Senate Bill 32, and Executive Order B-55-18 targets. Therefore, impacts would be significant and unavoidable even with mitigation incorporated (p. 4.8-32).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and has been evaluated by the General Plan EIR. Development associated with the Housing Element Update is part of the significant and unavoidable cumulative GHG emissions impacts associated with the General Plan and, therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in significant and unavoidable impacts related to consistency with applicable state plans, even after implementation of Mitigation Measure GHG-1.

The General Plan EIR adequately addressed the Housing Element Update’s potential to conflict with an applicable state plan related to GHG emissions and targets.

The Town adopted its Statement of Overriding Conditions on June 30, 2022 and determined that specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the General Plan Final EIR related to GHG emissions.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Comments:

a. According to the General Plan EIR (Section 4.9, Hazards and Hazardous Materials), development facilitated by the General Plan would result in approximately 156,400 square feet of manufacturing development, which would increase the overall routine transport, use, and disposal of hazardous materials in Los Gatos.

Documentation of compliance with hazardous materials regulations codified in the California Code of Regulations titles 8, 22, and 26 is required for all hazardous materials and hazardous waste transport. Individual contractors and property owners must comply with all applicable federal and state laws and regulations pertaining to the transport, use,

disposal, handling, and storage of hazardous waste, including but not limited to, Title 49 of the Code of Federal Regulations. Adherence to applicable regulations and laws would reduce accidental release of hazardous materials during transport. In addition to mandatory adherence to laws and regulations, the General Plan contains goals and policies that would apply to routine transport, use, or disposal of hazardous materials such as those policies associated with General Plan Goals HAZ-7 and MOB-15 (Town of Los Gatos 2021, p. 4.9-17).

The overall quantity of hazardous materials used and requiring disposal in Los Gatos could incrementally increase as a result of development under the General Plan. However, all new development would be required to comply with existing applicable regulations, programs, and standards as well as implementation of applicable General Plan goals and policies, which would minimize risks from routine transport, use, and disposal of hazardous materials and result in less than significant impacts (p. 4.9-19).

Development associated with the Housing Element Update involves only residential development and would not involve industrial or commercial development that more commonly involve the storing, using, transporting and/or disposing of hazardous materials. Therefore, the Housing Element Update would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material.

The General Plan EIR adequately addressed the Housing Element Update's potential impact related to the routine transport, use, or disposal of hazardous materials.

- b. The General Plan facilitates and encourages infill development throughout the Town, which could require the demolition of existing uses to facilitate future development. If such buildings identified for demolition were constructed prior to the 1970s. Section 4.9, Hazards and Hazardous Materials, of the General Plan EIR states that lead and asbestos could be present and released into the environment during demolition activities. The California Department of Public Health, the California Department of Industrial Relations, Division of Occupational Safety and Health Administration, and the Bay Area Air Quality Management District regulate lead and asbestos abatement necessary for construction and redevelopment projects. California Code of Regulations Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed California Department of Industrial Relations, Division of Occupational Safety and Health Administration standards. The control of asbestos during demolition or renovation of buildings is regulated under the Federal Clean Air Act. Compliance with the mandatory requirements of California Code of Regulations and the Federal Clean Air Act would reduce the potential hazards and risks associated with release of lead and asbestos. Oversight by the appropriate agencies would ensure that impacts related to the potential accident conditions involving the release of hazardous materials into the environment would be less than significant (Town of Los Gatos 2021, p. 4.9-19).

Development associated with the Housing Element Update would involve the demolition of existing structures as it focuses on infill development and redevelopment. It is unknown at this time if any of the existing structures were constructed prior to the 1970s and whether or not hazardous materials are present on each site. As individual development associated with the Housing Element Update are proposed, a Phase I Environmental Site Assessment would be required for new development on proposed land that may be contaminated with hazardous materials or waste, pursuant to General Plan Policy HAZ-7.2. Should lead and asbestos be detected on any one of the sites associated with the Housing Element Update, the development would be required to comply with the mandatory requirements of the California Code of Regulations and the Federal Clean Air Act to reduce the potential hazards and risks related to the release of lead and asbestos.

Development under the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Therefore, impacts related to the potential for accident conditions involving the release of hazardous materials into the environment would be less than significant.

The General Plan EIR adequately addressed the Housing Element Update's potential impact related to the accidental release of hazardous materials into the environment.

- c. Schools are located throughout Los Gatos. The General Plan would facilitate various types of development throughout the Town of Los Gatos; residential and office uses do not typically emit hazardous materials, and it is not possible to know the quantity of hazardous materials proposed for use at the future commercial and industrial development sites. Although the quantities of hazardous material used at the future commercial and industrial development cannot be known, Section 4.9, Hazards and Hazardous Materials, of the General Plan EIR determines that this type of development could occur within one-quarter mile of existing public or private schools in Los Gatos. However, development under the General Plan would be required to comply with the provisions of the California Fire Code adopted by the Town (Chapter 12, Article II) and the Santa Clara County Fire Department Certified Unified Program Agency requirements that comply with provisions set forth in the California Health and Safety Code, Division 20, Chapter 6.95, Articles 1 and 2. Impacts would be less than significant (Town of Los Gatos 2021, p. 4.9-20).

The Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in development within one-quarter mile of existing schools. However, the Housing Element Update involves only residential development, which does not typically generate or emit hazardous materials. Therefore, the Housing Element Update would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to hazardous emissions within one-quarter mile of a school.

d. Existing sites in Los Gatos that may contain hazardous land uses or contamination from land uses that were on the sites previously generators of hazardous waste, such as gas stations, dry cleaners, and industrial uses. According to the General Plan EIR (Section 4.9, Hazards and Hazardous Materials), there are active or open sites containing or potentially containing hazardous materials contamination within the Town limits. Development facilitated by the General Plan on these sites could expose construction workers and future occupants of the new uses to hazardous materials (p. 4.9-21). It is also possible that unknown underground storage tanks may be present within the Town; if one is uncovered or disturbed during construction activities, it would be removed under permit from the Santa Clara County Fire Department; tank removal activities could also pose health and safety risks.

Development at any one of these known sites would be subject to investigation, remediation, and cleanup under the supervision of the Regional Water Quality Control Board, the Santa Clara Valley Water District (Valley Water), or the California Department of Toxic Substances and Control before construction activities could begin. In addition, development would be required to comply with General Plan Goal HAZ-7 (reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazardous materials is eliminated) and its associated policies, reducing the potential for release of hazardous substances through inter-organization cooperation, site assessments, and hazardous material storage monitoring. Risks posed by underground storage tanks would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the Environmental Programs Division. Compliance with existing state and local regulations, in addition to implementation of applicable General Plan policies, would reduce risks related to hazardous material sites to a less-than-significant level (Town of Los Gatos 2021, p. 4.9-22).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would not occur on sites identified by the Town as active or open sites containing or potentially containing hazardous materials contamination. However, it is possible that unknown underground storage tanks may be present within those sites associated with the Housing Element Update. Disturbance or removal activities related to underground storage tanks could pose health and safety risks.

As previously stated, risks posed by underground storage tanks would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the Environmental Programs Division. Implementation of applicable General Plan policies such as Policy HAZ-7.2, which requires a Phase I Site Assessment for new development proposed on land that may be contaminated with hazardous materials or waste, would reduce risks posed by the underground storage tanks.

Compliance with existing state and local regulations, in addition to implementation of applicable General Plan policies, would reduce the Housing Element Update's potential risks of disturbing unknown underground storage tanks during construction activities to a less-than-significant level.

The General Plan EIR adequately addresses the Housing Element Update's potential impacts related to hazardous material sites.

- e. According to the General Plan EIR (Section 4.9, Hazards and Hazardous Materials), there are no public or private airports within or adjacent to the Town and the Town of Los Gatos is entirely outside the area of influence for the airport (Town of Los Gatos 2021, p. 4.9-22). Therefore, development of the Housing Element Update would have no impact related to airports or their influence areas.

The General Plan EIR adequately addressed the Housing Element Update's potential impact related to airports and airport land use plans.

- f. Development facilitated by the General Plan would accommodate future population growth and would increase vehicle miles in the Town, which could lead to increased congestion during emergency evacuations. Section 4.9, Hazards and Hazardous Materials, of the General Plan EIR explains that the Town adopted an Emergency Operations Plan, which provides guidance on effective emergency response approaches, and the Santa Clara County Office of Emergency Services developed an Operational Area Hazard Mitigation Plan, which details target programs for improving emergency preparedness and response in cooperation with local jurisdictions, including the Town of Los Gatos. Additionally, the General Plan includes policies that address emergency response, all of which are designed to align with programs set forth in the Santa Clara County-wide Hazard Mitigation Plan.

Development under the General Plan would be required to implement all applicable General Plan policies and programs outlined in the local emergency plans associated with emergency planning and response. Implementation of which would result in less than significant impacts (Town of Los Gatos 2021, p. 4.9-23).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Individual development under the Housing Element Update would implement the programs of the local emergency response plans as well as applicable General Plan policies, as appropriate. Because development associated with the Housing Element Update would involve infill development and redevelopment of sites, it would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

The General Plan EIR adequately addressed the Housing Element Update's potential interference with an adopted emergency response plan or evacuation plan.

- g. Development associated with the Housing Element Update would result in the exposure of people or structures to risks involving wildfires. Refer to Section 20.0, Wildfire, for the analysis of risk of exposure involving wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a. According to the General Plan EIR (Section 4.10, Hydrology and Water Quality), construction activities facilitated by the General Plan could include road improvements and realignments, installation and realignment of utilities, demolition of existing structures for replacement, new development, and the potential replacement and/or improvements of drainage facilities. Construction activity could result in the alteration of existing drainage patterns and soil erosion due to earth-moving activities. Disturbed soils

would be susceptible to erosion from wind and rain, resulting in sediment transport via stormwater runoff from the construction sites, ultimately into collecting waterways contributing to the degradation of water quality.

Individual construction activities that disturb one or more acres would be subject to the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2012-0006-DWQ (general permit). Permit conditions require development of a stormwater pollution prevention plan, which, among others, describes the site's erosion and sediment control measures, runoff water quality monitoring. Compliance with the general permit is reinforced through the Town Municipal Code (Chapter 22), the Town's Storm Drain Master Plan, and adherence to the San Francisco Bay Regional Water Quality Control Board's Basin Plan; whose water quality objectives are incorporated into individual National Pollutant Discharge Elimination System permits (Town of Los Gatos 2021, p. 4.10-10). The Town is also required, as part of the general permit, to incorporate construction site storm water runoff control elements into a stormwater management program as a means to control polluted discharges.

Development associated with the General Plan would be required to implement appropriate best management practices as measures for post-construction stormwater and submit a maintenance plan or manufacturers maintenance guide for those measures as part of the Housing Element Update's submittal. Compliance with the regulations and policies abovementioned would reduce the risk of water degradation within the Town from construction activities to a less-than-significant level (p. 4.10-13).

Long-term alterations to drainage patterns during operation of development under the General Plan would also occur. If uncontrolled, this could result in the addition of contaminants into the Town's stormwater drainage system and ultimately untreated discharge into nearby waterways. To ensure compliance with the general permit's requirements and conditions, the Town's Municipal Code Chapter 22 outlines regulations related to stormwater management control that projects would be required to comply with. Compliance with the Town's applicable Municipal Code sections would minimize erosion and siltation that could adversely affect water quality within the Town. Development under the General Plan would also be required to comply with the applicable General Plan policies associated with Goal ENV-16 (protect and conserve watersheds and water quality) as well as General Plan Policy ENV-17.8, which encourages new development to implement low-impact development measures to limit the amount of impervious surfaces. Compliance with regional and local requirements listed previously, in addition to implementation of applicable General Plan goals and policies, would ensure that the impacts related to development under the General Plan and its effects to water quality during operation would remain less than significant.

Development associated with the Housing Element Update would result in the increase in impervious surfaces in the Town, which could result in sediment transport via stormwater runoff from the sites into collecting waterways contributing to the

degradation of water quality. However, the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, its potential to degrade water quality in the Town has been evaluated by the General Plan EIR. Development associated with the Housing Element Update would be required to comply with the regulations and policies mentioned above related to construction and operational activities such as the general permit, the San Francisco Bay Regional Water Quality Control Board, and the Town's Municipal Code sections related to water quality control. The Housing Element Update would also be required to comply with applicable General Plan policies such as Policy ENV-16.1, which requires that all applicants demonstrate that new development would not contaminate surface water and/or groundwater; Policy ENV-16.5, which requires that the approval of a development adjacent to a designated creek includes a condition that the creek be dedicated to the Town in fee with a maintenance easement granted to Santa Clara Valley Water District; Policy ENV-16.7, which encourages the implementation of bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground; and Policy ENV-17.8, which encourages low-impact development measures to limit the amount of impervious surface in new development and to increase the retention, treatment, and infiltration of urban stormwater runoff. The Housing Element Update would also comply with General Plan PFS-3.1, which requires that CEQA review analysis for all development projects consisting of 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.

Adherence to these regulations and standards, as well as the policies within the General Plan, would ensure that development associated with the Housing Element Update does not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction and operation.

The General Plan EIR adequately addressed the Housing Element Update's potential to violate water quality standards.

- b. Water demand and services is addressed in Section 19.0, Utilities and Service Systems.

Nearly half of the water used in Santa Clara County is pumped from the Santa Clara and Llagas Subbasins, with some communities relying solely on groundwater. Local sources include natural groundwater and surface water supplies. The Santa Clara Valley Subbasin is the groundwater basin for the Town of Los Gatos.

Groundwater Supply. Development associated with the General Plan would increase the demand for water from the Santa Clara Valley Subbasin. However, as stated in the General Plan EIR (Section 4.10, Hydrology and Water Quality), growth in the Town of Los Gatos that would be facilitated by the General Plan has been incorporated into the *2015 Urban Water Management Plan* and it was determined that the future water demand in Los Gatos is projected to be met by the current water supply. Therefore, projected growth under the General Plan would not result in a depletion of groundwater supplies in the Santa Clara Valley Subbasin (Town of Los Gatos 2021, p. 4.10-14).

The Housing Element Update would comply with General Plan Policy PFS-1.2, which requires that all new home construction and remodeled homes comply with the Bay-Friendly Landscaping Guidelines in addition to the landscaping standards in the GreenPoint Rated Building Guidelines and Policy PFS-1.4, which requires that all new development install water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls. Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, its impacts on the Santa Clara Valley Subbasin were evaluated in the General Plan EIR. Therefore, the Housing Element Update would not substantially decrease groundwater supplies such that the Housing Element Update may impede sustainable groundwater management of the basin.

Groundwater Recharge. Development associated with the General Plan could potentially interfere with groundwater recharge; however, the General Plan contains goals and policies that would encourage groundwater infiltration and promote the use of recycled water and other conservation efforts. Implementation of General Plan Policy ENV-17.6, which encourages the Town to participate in the regulation of groundwater use to protect it as a natural resource and conserve it for potential use during extended drought, and those applicable policies under General Plan Goal PFS-4, minimize the amount of stormwater runoff, as well as protect and improve the water quality of runoff, would maximize groundwater infiltration and increase water use efficiency within the Town to the maximum extent practicable. The General Plan EIR concludes that the amount of new impervious surfaces from new development and redevelopment under the General Plan would be reduced through low impact development-related General Plan goals and policies and would not substantially interfere with groundwater recharge. Therefore, the General Plan EIR determined that the development under the General Plan would result in less than significant impacts related to groundwater recharge (p. 4.10-14).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, its impacts on the Santa Clara Valley Subbasin were evaluated in the General Plan EIR. Consistent with the General Plan EIR conclusion, the amount of new impervious surfaces from new development and redevelopment under the Housing Element Update would be reduced through low impact development-related General Plan goals and policies. Therefore, the Housing Element Update would not interfere substantially with groundwater recharge such that the Housing Element Update may impede sustainable groundwater management of the basin.

2020 Urban Water Management Plan. Since certification of the General Plan EIR and adoption of the General Plan, the San Jose Water Company updated and adopted its *2020 Urban Water Management Plan*. The *2020 Urban Water Management Plan* concluded that San Jose Water Company anticipates adequate supplies to meet system demand, even during prolonged drought conditions, through 2045 (San Jose Water Company 2021, p. 7-11). The Santa Clara Subbasin has not been identified by the California Department of Water Resources as being critically overdraft. San Jose Water Company also plans to continue following all state and federal drinking water requirements and will work with Santa Clara

Valley Water District (Valley Water), the California Division of Drinking Water, other groundwater basin stakeholders, and the public to ensure that groundwater remains safe and a reliable source of supply (San Jose Water Company 2021, p. 6-5).

The General Plan EIR adequately addressed the Housing Element Update's potential to deplete or interfere with groundwater supply and recharge.

- c. According to the General Plan EIR (Section 4.10, Hydrology and Water Quality), most of the Town is within the 500-year flood zone with a few portions, such as those areas west of State Route 17 and adjacent to creeks, in the 100-year flood zone. Development in these areas could be subject to flood hazard and/or could impede or redirect flood flows to adjacent areas. Development within these areas, as facilitated by the General Plan, are required to comply with applicable provisions of the Town Municipal Code, which would minimize the risk and exposure to flood hazards. Chapter 29, Article IX includes requirements and provisions for reducing losses from flooding and for construction in flood-prone areas. Development in flood-prone areas would also be required to obtain a development permit before constriction or development begins per Municipal Code Section 29.90.070. Compliance with applicable sections of the Town Municipal Code would ensure that new structures proposed under the General Plan would not impede or redirect flows within a 100-year flood hazard area. Development under the General Plan is also required to implement those applicable General Plan policies associated with General Plan Goal HAZ-3. As concluded in the General Plan EIR, implementation of these goals and policies and compliance with applicable laws and regulations of the Town's Municipal Code, would reduce impacts such that risk of loss, injury or death involving flooding in the planning area is not exacerbated by the General Plan. Therefore, impacts related to flooding and flood hazards would be less than significant (Town of Los Gatos 2021, p. 4.10-17).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and could result in development within flood-prone zones adjacent to the Los Gatos Creek. Development associated with the Housing Element Update is required to implement General Plan Policy HAZ-3.3, requiring site planning and building design to mitigate identified flood and inundation hazards; Policy HAZ-3.4, requiring new development and substantial improvements to meet federal standards when within Federal Emergency Management Agency designated 100-year flood zones in the Los Gatos area; and Policy HAZ-3.6, which requires 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. The Housing Element Update's impacts associated with flood hazard has already been evaluated in the General Plan EIR, but would require implementation of General Plan policies and compliance with applicable laws and regulations in order to ensure that risks of loss, injury, or death involving flooding would not be exacerbated by implementation of the Housing Element Update and would result in less than significant impacts.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to flooding and flood hazards.

d. The Town of Los Gatos is not located in a tsunami or seiche zone. Therefore, development of the Housing Element Update would not risk release of pollutants due to tsunami or seiche inundation of the Town. As determined in the General Plan EIR (Section 4.10, Hydrology and Water Quality), there would be no impact related to flood flows or project inundation (Town of Los Gatos 2021, p. 4.10-18).

The General Plan EIR adequately addressed impacts related to the risk release of pollutants due to tsunami or seiche inundation as a result of the Housing Element Update.

e. Refer to the discussion under checklist question “a.” According to the General Plan EIR (Section 4.10, Hydrology and Water Quality), development under the General Plan would comply with the general permit, the Town’s Storm Drain Master Plan, applicable General Plan policies, and adhere to the San Francisco Bay Regional Water Quality Control Board’s Basin Plan, whose water quality objectives are incorporated into individual permits authorized by the San Francisco Bay Regional Water Quality Control Board. Therefore, development facilitated by the Housing Element Update would not conflict with or obstruct implementation of a water quality control plan.

The Sustainable Groundwater Management Act lists the Valley Water as the exclusive groundwater management agency for Santa Clara County. The Sustainable Groundwater Management Act requires that groundwater management agencies prepare a groundwater sustainability plan or an alternative to achieve sustainability. Pursuant to the Sustainable Groundwater Management Act, the Valley Water prepared its *2016 Groundwater Management Plan* for the Santa Clara and Llagas Subbasins as an alternative. Since the preparation of the General Plan EIR, the Valley Water has prepared an updated evaluation of its approved alternatives (i.e., the *2016 Groundwater Management Plan*) titled the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, which was adopted by its Board of Directors in November 2021. However, the General Plan EIR utilized the most recent documentation at that time, which was the *2016 Groundwater Management Plan*.

As discussed under checklist question “b” above, growth in the Town facilitated by the General Plan would implement applicable General Plan policies and goals encouraging groundwater infiltration, promoting the use of recycled water, and other water conservation efforts to reduce the potential for depletion of groundwater resources resulting in less than significant impacts on the Santa Clara Subbasin. According to the General Plan EIR, compliance with the Sustainable Groundwater Management Act requirements and adherence to the applicable General Plan goals and policies would ensure that impacts from development under the General Plan related to obstruction of a sustainable groundwater management plan would be less than significant (p. 4.10-15).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and its impacts on the Santa Clara Subbasin, and subsequently on the *2016 Groundwater Management Plan*, has already been evaluated in the General Plan EIR. The Housing Element Update would be required to

comply with the Sustainable Groundwater Management Act requirements and adhere to the applicable General Plan goals and policies to ensure that impacts from development associated with the Housing Element Update related to obstruction of a sustainable groundwater management plan would be less than significant.

Since the certification of the General Plan EIR and adoption of the General Plan, the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins* was adopted by the Valley Water. The projected demands in the Santa Clara and Llagas subbasins for the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins* are based on data used to develop the Valley Water's *2020 Urban Water Management Plan*. Valley Water maintains diverse water supply sources to meet countywide demands, including local surface water and groundwater, imported water, and recycled water. The Valley Water developed a Water Shortage Contingency Plan as part of its *2020 Urban Water Management Plan* to establish actions and procedures for managing water supplies and demands during water shortages due to droughts and other emergencies. As stated within the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, Valley Water will be able to meet countywide demands through 2045 under normal, a single dry, and five consecutive dry year conditions. If a five-year drought were to occur in the next five years, Valley Water would employ a range of response actions, including water conservation and calling for short-term water use reduction (Santa Clara Valley Water District 2021, p. 4-21).

The General Plan EIR adequately addressed the Housing Element Update's potential to conflict with a sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. As discussed in the General Plan EIR (Section 4.11, Land Use and Planning), the Town has limited land available for new development; therefore, due to the built-out nature of the Town, the General Plan encourages strategic growth. The Town would see a higher percentage of change through redevelopment of lands that have development potential rather than on vacant land. Many of the General Plan's Land Use Element goals are promoting growth through infill development, development variety, and a mix of uses within the Town (Town of Los Gatos 2021, p. 4.11-12). Compliance with the General Plan goals and policies would ensure that future development under the General Plan does not disrupt or divide established communities and impacts would be less than significant (Town of Los Gatos 2021, p. 4.11-14).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would be required to comply with General Plan's goals that promote growth through infill development and development variety. Each site associated with the Housing Element Update involves infill development or the redevelopment of property with existing uses; the Housing Element Update does not involve the development of any sites that would physically divide an established community.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on physically dividing an established community.

b. Section 4.11, Land Use and Planning, of the General Plan EIR identifies three regionally and locally adopted land use plans that apply to development under the General Plan: *Plan Bay Area 2040* (ABAG 2017), *Final 2017 Clean Air Plan* (Bay Area Air Quality Management District 2017), and *Los Gatos Sustainability Plan* (Town of Los Gatos 2012).

Plan Bay Area 2040 is a long-range land use and transportation plan for the San Francisco Bay Area region that promotes healthy and safe communities by reducing impacts from air pollution, protecting open space and agriculture, and increasing active transportation.

The General Plan EIR provides a breakdown of the General Plan's consistency against the Plan Bay Area 2040's goals in relation to climate protection, adequate housing, health and safe communities, open space and agricultural preservation, equitable access economic vitality, and transportation system effectiveness (refer to Table 4.11-4 of the General Plan EIR). As discussed in the General Plan EIR, the General Plan would be consistent with the goals contained in the *Plan Bay Area 2040* (Town of Los Gatos 2021, p. 4.11-18).

As discussed in Section 3.0, Air Quality, the General Plan (and, therefore, the Housing Element Update) would be consistent with the *Final 2017 Clean Air Plan* through implementation of the applicable goals and policies located within the Environmental and Sustainability Element and the Mobility Element.

The General Plan EIR provides a breakdown of the General Plan's consistency with the *Los Gatos Sustainability Plan*'s sustainability measures associated with transportation, land use, energy, water, solid waste, and open space (refer to Table 4.6-5 of the General Plan). The General Plan EIR also discusses consistency with the California Green Building Standards Code and Title 24 of the California Energy Code. As discussed in Section 6.0, Energy, the General Plan is consistent with the *Los Gatos Sustainability Plan* and the energy efficiency strategies contained therein as well as with Title 24 of the California Energy Code.

The Town also has two specific plans (Albright and North Forty) and four overlay zones (Affordable Housing, Landmark and Historic Preservation, Planned Development, and Public School), which are key implementation mechanisms for the General Plan and its provisions must be consistent with the General Plan. There are also eight community place districts throughout the Town that have been identified as having the capacity to accommodate additional mixed-use developments and have existing infrastructure necessary to support the land uses.

The two specific plans address existing and future development within the Town to ensure that any development would maintain the existing residential setting while continuing to meet the needs of its residents. The overlay zones ensure that development facilitated by the General Plan is consistent with the development goals of the Town and the goals found within the General Plan provide guidance on the use of overlay zones in the community.

Therefore, the General Plan does not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant (Town of Los Gatos 2021, p. 4.11-20).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and therefore, would also be consistent with all of the above-mentioned plans (i.e., *Plan Bay Area 2040*, *Final 2017 Clean Air Plan*, *Los Gatos Sustainability Plan*, the state's Title 24 of the Energy Code, and the Town's specific plans, overlay zones, and community place districts). Development associated

with the Housing Element Update would comply with the applicable goals, policies, measures, and regulations associated with these plans and districts that are adopted for the purpose of avoiding or mitigating an environmental impact. Therefore, the Housing Element Update would not result in conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental impact.

12. MINERAL RESOURCES

Would the project:

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

Comments:

a, b. As discussed in Section 4.18, Effects Found Not to be Significant, no mining occurs within the Town (Town of Los Gatos 2021, p. 4.18-1). The Lexington Quarry, however, is in operation and produces construction aggregate at its location at 18500 Limekiln Canyon Road, Los Gatos (located over 1.3 miles southeast of the nearest housing site associated with the Housing Element Update).

Development on areas containing mineral resources could result in the permanent loss of those minerals. However, the development associated with the Housing Element Update does not include land use designation changes in the area of the Lexington Quarry and development would not occur on this site. Therefore, the General Plan, inclusive of the Housing Element Update, would not facilitate new or additional development within the area of the mineral deposit and the Housing Element Update would not result in the loss of availability of mineral resources in the Town that are known or of local importance (Town of Los Gatos 2021, p. 4.18-2).

The General Plan EIR adequately addressed the Housing Element Update's potential impacts on mineral resources.

13. NOISE

Would the project result in:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground-borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. **Temporary Noise Levels.** As discussed in the General Plan EIR (Section 4.12, Noise), development under the General Plan would result in construction activities that would temporarily increase ambient noise levels. However, because there are no specific plans or time scales for individual development projects that would be carried out under the General Plan, it is not possible to determine exact noise levels, locations, or time periods for construction of such projects, or construction noise at adjacent properties (p. 4.12-9). Sensitive noise receptors in areas where more development and redevelopment under the General Plan is proposed would be exposed to the highest levels of construction noise for the longest duration; these areas include the downtown core and the corridors along Pollard Road, Winchester Boulevard, Lark Avenue, Los Gatos Boulevard, Union Avenue, Harwood Road, and North Santa Cruz Avenue. It is anticipated that construction noise as a result of development under the General Plan would exceed ambient noise levels and may temporarily disturb people at neighboring properties.

The General Plan would be required to comply with the Town's Municipal Code Section 16.20.035, which identifies timing requirements for when construction noise is permitted during the weekdays and weekends, and lists the noise level requirements for construction equipment. The General Plan would also be required to implement the applicable General Plan policies and goals contained in the Environmental and Sustainability Element in order to reduce construction noise and associated impacts. General Plan Policy ENV-21.1 requires that all Town-owned and operated construction and maintenance equipment, and equipment for these activities operated under contract with

the Town, shall contain state-of-the-art noise attenuation equipment. Development under the General Plan could include private development that is not required to use noise attenuation equipment, which may result in the generation of noise that exceeds existing ambient noise levels. Therefore, the following mitigation measure is required in order to ensure that impacts related to construction noise would be less than significant (Town of Los Gatos 2021, p. 4.12-12).

Mitigation Measure

N-1 For projects involving construction equipment that are located within 25 feet of noise-sensitive receptors the following mitigation would be required:

- Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
- Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- Additional Noise Attenuation Techniques. During the clearing, earth moving, grading, and foundation/conditioning phases of construction, temporary sound barriers shall be installed and maintained between the construction site and the sensitive receptors. Temporary sound barriers shall consist of sound blankets affixed to construction fencing or temporary solid walls along all sides of the construction site boundary facing potentially sensitive receptors.

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would result in temporary construction noise that could exceed existing ambient noise levels. The Housing Element Update would be required to comply with the Town's Municipal Code Section 16.20.035 as well as applicable General Plan policies, such as General Plan Policy 18.2, which requires that all interior residential noise levels be 45 dB or less; Policy ENV-18.3, which requires that all exterior noise levels be based on the compatibility criteria shown on the General Plan's Figure 8-6; and Policy ENV-18.4, which requires that appropriate site and building design, sound walls, minimum landscape buffers of five feet, and/or the use of noise attenuating construction techniques and materials be used in order to protect existing and proposed residential areas from noise.

However, as indicated above, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, may include private developers who are not required to comply with General Plan Policy ENV-21.1 and whose construction equipment could result in noise levels that exceed

existing ambient noise levels. Therefore, the Housing Element Update would be required to implement Mitigation Measures N-1 in order to reduce impacts to a less-than-significant level.

Permanent Noise Levels. Existing sensitive noise receptors could be affected by buildup and operational noise occurring onsite at properties developed or redeveloped under the General Plan.

Noise generated by onsite activities for new development would be subject to the Town's maximum allowable exterior noise levels contained in Chapter 16 of the Town's Municipal Code as well as the goals and policies within the General Plan that reduce excess noise generated by new development. Compliance with these regulations and policies would reduce potential onsite noise impacts to a less-than-significant level.

Development facilitated by the General Plan would also result in increased offsite operational noise levels such as additional vehicle trips on roadways within the Town. However, implementation of General Plan policies and goals encouraging the use of public transit and other active transportation modes would reduce vehicle trips and associated traffic noise to the extent feasible. Therefore, roadway noise would be less than significant (Town of Los Gatos 2021, p. 4.12-15).

Development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in the increase in permanent noise levels as a result of increased growth (and, therefore, vehicle trips) within the Town. However, the Housing Element Update's increase in vehicle trips and associated noise levels have already been evaluated in the General Plan EIR.

Development associated with the Housing Element Update would be required to comply with applicable General Plan policies such as Policy MOB-2.6, which requires that all development with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities, and Policy MOB-6.7, which requires that all new development to provide bus shelters and ongoing maintenance as part of their developments, when appropriate, to encourage public transit use. Implementation of the applicable General Plan policies would help reduce vehicle trips and, therefore, reduce impacts related to traffic noise levels as a result of development associated with the Housing Element Update to a less-than-significant level.

The General Plan EIR adequately addressed the Housing Element Update's potential to generate substantial temporary or permanent increases in ambient noise levels.

- b. Construction of individual projects facilitated by the General Plan could intermittently generate groundborne vibration on and adjacent to construction sites. Development under the General Plan, as discussed in Section 4.12, Noise, would be required to comply with the permitted construction timing identified in the Town's Municipal Code Section 16.20.035, which allows construction noise between the hours of 8:00AM and 6:00PM on weekdays and between 9:00AM and 4:00PM on Saturdays with a valid Town permit. However, the General Plan does not include any goals or policies that pertain specifically

to vibration. The Housing Element update is consistent with the growth projections evaluated in the General Plan EIR and would be required to implement Mitigation Measure N-2 in order to reduce vibration impacts to a less-than-significant level (Town of Los Gatos 2021, p. 4.12-17).

Mitigation Measure

N-2 The Town shall include the following measures as standard conditions of approval for applicable projects involving construction to minimize exposure to construction vibration:

1. Avoid the use of pile drivers and vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.
2. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).
3. Notify neighbors of scheduled construction activities that would generate vibration.

Development associated with the Housing Element Update would result in the generation of vibration during construction activities and require the compliance with the Town's Municipal Code Section 16.20.035 to restrict construction activities to the daytime when sensitive receptors are awake and less sensitive to vibrations. Because the General Plan does not include any goals or policies that pertain specifically to vibration, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would be required to implement Mitigation Measure N-2 in order to reduce vibration impacts to a less-than-significant level.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to vibration.

c. Refer to the discussion under checklist question "e" within Section 9.0, Hazards and Hazardous Materials. No impacts would occur as a result of development under the Housing Element Update, associated with airports and airstrips.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to noise levels and airports and airstrips.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a. The General Plan would result in the increase in population within the Town by 7,584 persons (General Plan page 3-5). However, Section 4.13, Population and Housing, of the General Plan EIR states that growth under the General Plan would also result in more balanced jobs-housing ratio by increasing housing availability. Therefore, such growth would not result in any adverse effects associated with an increased imbalance of jobs and housing in the Town. A fundamental purpose of the General Plan is to direct future development in such a way that preserves the character of the Town while minimizing pressure to development on the remaining open space in the Town and directing growth and redevelopment to infill areas. Therefore, impacts from development under the General Plan on unplanned population growth would be less than significant (Town of Los Gatos 2021, p. 4.13-7).

The Housing Element Update involves the potential construction of up to 2,312 housing units, which would result in the increase in the Town's population, which is within the General Plan population projection of 7,584. Development associated with the Housing Element Update has been evaluated in the General Plan EIR and anticipated by the General Plan; therefore, the population growth was planned. One of the primary purposes of the General Plan is to guide growth and development in the Town such that infill development would be prioritized and open space areas would be preserved and enhanced; therefore, by its nature, the General Plan is intended to reduce the potential for uncontrolled growth and associated environmental impacts (p. 5-1). Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would not result in substantial unplanned population growth in an area, either directly or indirectly.

The General Plan EIR adequately addressed the Housing Element Update's impacts associated with population growth.

- b. The General Plan facilitates development in the Town that promotes infill development and redevelopment of underutilized parcels. The new units facilitated by the General Plan would be in accordance with state and local housing requirements. The General Plan EIR explains in Section 4.13, Population and Housing, that the General Plan contains several goals and policies that provide guidance on maintaining neighborhood cohesiveness through the anticipated growth that would be required to be implemented. Because the number of new dwelling units would not displace existing residents, and because the policies of the General Plan promote infill development and preservation of existing neighborhoods, impacts would be less than significant (Town of Los Gatos 2021, p. 4.13-9).

Several of the sites associated with the Housing Element Update would require the demolition of existing residences and, therefore, the displacement of existing people (Town of Los Gatos October 2022c, Appendix H). However, the primary objective is to construct new housing to meet the Town's regional fair share of new housing. The loss of existing housing would be substantially mitigated by the number of new housing units constructed with implementation of the Housing Element Update. Therefore, the Housing Element Update would result in less than significant impacts associated with the necessary construction of replacement housing elsewhere.

The General Plan EIR adequately addressed the Housing Element Update's impacts associated with the displacement of people or housing.

15. PUBLIC SERVICES

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

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

Comments:

a. The Town is served by the Santa Clara County Fire Department. The Housing Element Update would result in the increase in population, which would increase the demand on fire services. Therefore, potential impacts to the Santa Clara County Fire Department may occur and require the need for new or physically altered facilities, the construction of which could cause significant environmental impacts.

The General Plan EIR (Section 4.14, Public Service and Recreation) states that new development under the General Plan would be required to comply with all applicable federal, state, and local regulations governing the provision of fire services, including adequate fire access, fire flows, and number of hydrants. In addition, consistency with the current California Fire Code is required. The Santa Clara County Fire Department would review building and facility plans through the Town's development review and building permit processes and the Department's personnel would also inspect new and remodeled buildings and facilities to ensure that the structures meet state and local fire codes and standards (p. 4.14-20). The General Plan EIR notes that given the demand for fire services in the Town, staffing needs are likely to increase, which could require the construction of new facilities. However, it is determined that the location and potential impacts of new or expanded facilities are unknown and separate environmental review would be required to determine the evaluation of the physical effects of such activities. New development would also be required to pay fees as determined by the Town pursuant to the Municipal Code Sections 9.30.745 and 9.30.750 for fire protection and contribute their fair share to the cost of funding Town fire services.

Development under the General Plan would be required to comply with General Plan Policy PFS-19.3, which requires that new development incorporate adequate emergency water flow, fire resistant design and materials, and evacuation routes; Policy PFS-19.4, which requires that new development provide accessibility to emergency vehicles and don't impede the ability of service providers to provide adequate emergency response; Policy PFS-20.3, which requires that new development 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; and Policy 20.4, which requires that new development and remodels comply with California Fire and Building Code requirements for the installation of interior emergency sprinkler systems, fire-resistant building materials, early warning systems and sufficient water supply systems for fire suppression. New fire services facilities that would be constructed in the Town would require project-specific environmental analysis and implementation of any necessary project-specific mitigation prior to being considered for approval. The General Plan EIR concludes that compliance with General Plan policies and applicable state regulations, as well as payment of Town-required public facilities fees, would ensure that impacts associated with fire services would be less than significant (p. 4.14-23).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Therefore, compliance with the above-mentioned General Plan policies and applicable state regulations would be required, as well as payment of its fair share for funding the Town's fire services. Further, as each site associated with the Housing Element Update is considered for development, project-specific environmental analysis would be required. The General Plan EIR adequately addressed the potential impacts of the Housing Element Update on the Town's fire services and, therefore, less than significant impacts would occur associated with the Housing Element Update.

- b. The Town is served by the Los Gatos-Monte Sereno Police Department. The Housing Element Update would result in the increase in population, which would increase the demand on police protection services. Therefore, potential impacts to the Los Gatos-Monte Sereno Police Department may occur and require the need for new or physically altered facilities, the construction of which could cause significant environmental impacts.

The General Plan EIR (Section 4.14, Public Service and Recreation) states that new development under the General Plan would be required to comply with all applicable federal, state, and local regulations governing the provision of police services. The General Plan EIR notes that given the demand for police services in the Town, staffing needs are likely to increase, which could require the construction of new facilities. However, it is determined that the location and potential impacts of new or expanded facilities are unknown and separate environmental review would be required to determine the evaluation of the physical effects of such activities.

New police services facilities that would be constructed in the Town would require project-specific environmental analysis and implementation of any necessary project-specific mitigation prior to being considered for approval. The General Plan EIR concluded that development under the General Plan would result in less than significant impacts associated with the potential impacts of construction of police protection facilities (p. 4.14-23).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. Therefore, it would be speculative to evaluate physical impacts of the Housing Element Update associated with police services because the location and timing for development is unknown. As each site associated with the Housing Element Update is considered for development, project-specific environmental analysis would be required. The Housing Element Update would also be required to comply with applicable federal, state and local regulations governing the provision of police services. The General Plan EIR adequately addressed the potential impacts of the Housing Element Update on the Town's police services and, therefore, the Housing Element Update would result in less than significant impacts associated with the environmental effects related to the potential construction of new police facilities.

- c. The Town of Los Gatos is served by six different school districts: Los Gatos Union School District, Los Gatos-Saratoga Joint Union High School District, Campbell Union School District, Campbell Union High School District, Cambrian Union Elementary School District, and Union Elementary School District. The Housing Element Update would be served by all but the Campbell Union School District and Union Elementary School (Los Gatos Union School District 2022) (Los Gatos-Saratoga Joint Union High School District 2022) (Campbell Union School District 2022) (Campbell Union High School District 2022) (Cambrian School District 2022) (Union Elementary School District 2022).

The General Plan EIR (Section 4.14, Public Service and Recreation) determined that buildup of the General Plan would result in the increase of enough students that all school districts serving the Town would need to add or expand facilities to meet the needs of the projected student population in 2040. However, the General Plan EIR concluded that all future development associated with the General Plan would be required to pay school impact fees which, pursuant to Section 65995(3)(h) of the California Government Code (Senate Bill 50), would reduce impacts to a less-than-significant level (p. 4.14-23).

The Housing Element Update would generate 1,619 students ($2,312 \times 0.70$) based upon the student generation rate in the General Plan EIR (page 1.14-22) and, therefore, increase the demand on the school districts serving the sites associated with the Housing Element Update. The increase in demand on these school districts could result in the need for new or expanded school facilities, the construction of which could cause adverse environmental effects. However, development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and,

therefore, would be required to pay its fair share of school impact fees, which would offset the increased demand of developments on the school facilities resulting in less than significant impacts.

The General Plan EIR adequately addressed the Housing Element Update's impacts on the Town's existing school facilities.

- d. According to the General Plan EIR (Section 4.14, Public Service and Recreation), the Town contains approximately 254 acres of parkland, nearly 7 miles of multi-use trails and over 65 acres of lawn area. The Town's parkland goal, pursuant to General Plan Policy 6.7, is 5 acres per 1,000 population. The Town, at preparation of the General Plan EIR, exceeded this goal by providing 6.2 acres per 1,000 residents (p. 4.14-24). The General Plan EIR also states that the Town would exceed the Quimby Act's parkland ratio of 3 acres per 1,000 residents with buildout of the General Plan (p. 4.14-26). Development consistent with the General Plan is required to comply with General Plan Policy OSP-4.5, which requires that all residential developments provide permanent common recreation space and Policy OSP-7.8, which encourages new multi-family residential developments of eight units or more to include tot lots or similar shared off-street recreation space for young children. According to the General Plan EIR, implementation of applicable General Plan policies would ensure that growth in the Town would not result in adverse environmental effects associated with parks and recreational facilities. Additionally, because buildout of the General Plan would exceed the Quimby Act's parkland ratio of 3 acres per 1,000 residents, it would not contribute to the need for new or expanded park or recreational facilities.
The Housing Element Update could result in the addition of approximately 5,780 people and therefore, to be consistent with the Town's parkland goal (General Plan Policy OSPR-6.7), would require approximately 29.6 acres of parkland. However, development associated with the Housing Element Update was evaluated in the General Plan EIR and anticipated by the General Plan. As stated previously, the General Plan EIR concluded that buildout of the General Plan would not require the construction of new or expanded park facilities. Therefore, development associated with the Housing Element Update would be required to comply with both General Plan Policies OSP-4.5 and OSP-7.8 and would not result in the need for new or expanded parks or recreational facilities.
The General Plan EIR adequately addressed the Housing Element Update's potential impacts on parks and recreational facilities.
- e. The General Plan EIR (Section 4.14, Public Service and Recreation) also evaluates the impacts of development under the General Plan on the Town's public library facilities. The Town of Los Gatos is the primary service provider for library services, with one public library located within the Town's Civic Center complex. The El Camino Hospital operates a Health Library and Resource Center at its Los Gatos campus on the main floor with the purpose of helping patients, families, and the community access resources and information to make informed choices about their health. Affiliation with El Camino Hospital is not required to use its library resources.

According to the General Plan EIR, the existing library is estimated to be able to meet the demand from an increase in population as a result of buildout of the General Plan and impacts would be less than significant (p. 4.14-23). Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, the increase in demand on the Town's library facilities as a result of the Housing Element Update would not result in the need for new or expanded facilities, the construction of which could cause environmental effects.

The General Plan EIR adequately addresses the Housing Element Update's potential to impact library facilities in the Town.

16. RECREATION

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

Comments:

a, b. Refer to the discussion in Section 15.0, Public Services, under checklist question “d.” The General Plan EIR (Section 4.14, Public Service and Recreation) concluded that implementation of the applicable General Plan policies would ensure that growth in the Town consistent with the General Plan would not result in adverse environmental effects associated with the physical deterioration of public parks and recreational facilities. Additionally, the General Plan EIR concluded that the Town would exceed the Quimby Act parkland ratio of 3 acres for every 1,000 residents at buildout of the General Plan (p. 4.14-26).

The Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would be required to comply with General Plan Policy OSP-4.5 (all residential developments provide permanent common recreation space) and Policy OSP-7.8 (new multi-family residential developments of eight units or more include tot lots or similar shared off-street recreation space for young children). Therefore, the Housing Element Update would not result in the physical deterioration of recreational facilities or require the construction or expansion of recreational facilities, the construction of which could cause significant environmental impacts.

The General Plan EIR adequately addressed the Housing Element Update’s potential impacts on recreational facilities.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. **Transit.** According to the General Plan EIR (Section 4.15, Transportation), buildout of the General Plan would increase the number of potential transit users on the various transit systems serving the Town, which would increase the demand for transit. Additionally, roadway traffic congestion caused from population and employment growth in the Town facilitated by the General Plan could affect several transit corridors by increasing travel times and decreasing headway reliability for transit vehicles (p 4.15-19).

Development under the General Plan would be required to comply with the objectives of the *Valley Transportation Plan 2040*, which is the long-range Santa Clara County-wide transportation plan adopted by the Valley Transportation Authority. The General Plan EIR states that although the General Plan would increase ridership and potentially cause more traffic delays, the existing transit circulation would be maintained, consistent with the *Valley Transportation Plan 2040*.

There are several General Plan policies and goals that would support reducing traffic congestion and improving transit connectivity such as Policy MOB-1.1, which requires that all development and redevelopment proposals with more than 10 housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable Transportation Demand Management program with accountability requirements to ensure that its measures are achieved; Policy MOB-1.3, which requires development near transit stops to provide Transportation Demand Management programs or facilities that encourage transit use for all types of trips; and Policy MOB-6.7, which requires all new developments to provide bus shelters and ongoing

maintenance as part of their developments, when appropriate, to encourage public transit use. Implementation of these General Plan policies would encourage an increase in transit ridership, decrease dependence on motor vehicles and reduce transit delays.

However, according to the *2040 General Plan Revised Sections of the General Plan EIR* (Section 4.15, Transportation Revised, p. 4.15-24), development under the General Plan does not include actions to increase the cost of using vehicles and does not include provisions for bus services to avoid congestion delays. As a result, transit service will experience reductions in quality of experience inconsistent with General Plan policies, which could contribute to lower transit demand in the future and higher demand for vehicle use contributing to higher VMT levels. Because the needed additional transit vehicles and supporting infrastructure may not be provided to accommodate additional transit demand, the General Plan would have a potentially significant impact on transit ridership. Development under the General Plan would also result in a significant and unavoidable effect on transit vehicle operations even with improvements such as signal coordination and transit vehicle preemption, which could potentially improve the overall reliability of transit in congested areas but not to the level that would fully address this impact.

The changes to the vehicle circulation system as part of the development under the General Plan would not interfere with existing transit facilities nor conflict with planned transit facilities and services or conflict with adopted transit plans, guidelines, policies or standards.

The Housing Element Update would result in the increase in population, which would increase the demand on the transit system. Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR. The Housing Element Update would be required to comply with the applicable General Plan policies identified above to reduce its potential to conflict with the existing transit facilities or adopted transportation plans, guidelines, policies, or standards associated with the Town's transit network. However, the Housing Element Update is part of the significant and unavoidable cumulative transit impacts associated with the General Plan. Therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in significant and unavoidable transit impacts.

The Town adopted its Statement of Overriding Conditions on June 30, 2022 and determined that specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the General Plan Final EIR related to transportation.

Roadways. The General Plan includes modifications to existing street facilities to create a more pedestrian- and bicycle-oriented street network. Although these modifications would cause existing and future local and regional traffic to circulate differently, its influence would be minimal because these roadway modifications would conform to state and local standards and generally be implemented to improve circulation (Town of Los

Gatos 2021, p. 4.15-21). Therefore, the General Plan would not be expected to interfere or conflict with existing roadways facilities or adopted transportation plans, guidelines, policies, or standards. Impacts would be less than significant (p. 4.15-21).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would conform to state and local standards to reduce any potential impacts that may occur on the roadway system by development under the Housing Element Update. However, potential impacts on the roadway system as a result of the Housing Element Update were evaluated in the General Plan EIR and would be minimal. Therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would not result in the conflict with existing roadways facilities or adopted transportation plans, guidelines, policies, or standards.

Bicycle Facilities. Development facilitated by the General Plan would increase the use of bicycles on the road as a result of increasing the Town's population. However, the General Plan contains policies and goals that are designed to accommodate increased bicycle demand such as Policy MOB-2.5, which requires that all new development be designed to enhance the safety or convenience of bicycle use through the Town and Policy MOB-2.6, discussed previously. Implementation of applicable General Plan policies would encourage bicycling by improving bicycle connectivity within the Town's street network, consistent with the *Town of Los Gatos Bicycle and Pedestrian Master Plan*, which provides guidance to improve the connectivity of the bicycle and pedestrian network in the Town. Therefore, the General Plan EIR concludes that development under the General Plan would have a beneficial effect on bicycle circulation and access and result in less than significant impacts related to the conflict with existing bicycle facilities or adopted plans, guidelines, policies, or standards associated with the Town's bicycle network (p. 4.15-22).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would not result in significant adverse impacts related to the existing bicycle facilities within the Town. The Housing Element Update would implement applicable General Plan policies, such as those listed above, and is required to be consistent with the goals and objectives of the *Town of Los Gatos Bicycle and Pedestrian Master Plan*. Therefore, development associated with the Housing Element Update would not result in the conflict with existing bicycle facilities or adopted plans, guidelines, policies, or standards associated with the Town's bicycle network.

Pedestrian Facilities. Implementation and buildup of the General Plan would increase residency in the Town, which could result in more use and demand on existing pedestrian facilities. According to the General Plan EIR, the General Plan encourages walking by improving pedestrian facilities and connectivity with a safe and continuous pedestrian network to shorten walking distances and improve pedestrian connections to popular local destinations. Development under the General Plan would create new pedestrian facilities and have a beneficial effect on pedestrian circulation and access consistent with

the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (p. 4.15-22). The General Plan EIR concludes that the General Plan would not interfere with existing or planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies or standards and impacts would be less than significant (p. 4.15-23).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would not result in significant adverse impacts related to the existing pedestrian facilities within the Town. The Housing Element Update would be consistent with the goals and objectives of the *Town of Los Gatos Bicycle and Pedestrian Master Plan* and, consistent with the growth projections evaluated in the General Plan EIR, would not result in the conflict with existing pedestrian facilities or adopted plans, guidelines, policies, or standards associated with the Town's pedestrian network.

The General Plan EIR adequately addressed the Housing Element Update's potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

- b. The population and employment growth facilitated from development envisioned in the General Plan would generate new vehicle trips. The land use pattern and policies identified within the General Plan are expected to result in reduced vehicle miles traveled (VMT) per service population compared to existing conditions. The General Plan EIR (Section 4.15, Transportation) determined that the General Plan-generated VMT per service population would be 38.4, which is approximately 19 percent greater than the applicable VMT threshold of 32.3 (as identified in Table 4.15-2 of the General Plan EIR). Therefore, the General Plan's VMT per service population would exceed the applicable threshold and the following mitigation measure is required.

Mitigation Measure

T-1 For projects that would generate vehicle miles traveled (VMT), one or more VMT reduction strategies included in the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) document shall be required to reduce VMT of the project. Examples of VMT reduction strategies that shall be implemented are provided below. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level).

Individual Site Level

- Encourage Telecommuting and Alternative Work Schedules: This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.

- Provide Ride-Sharing Programs: This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- Provide Local Shuttles: This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the “first/last mile” problems. Alternatively, a demand responsive service could be provided as subsidized trips by contracting to private transportation network companies or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- Provide Employer-Sponsored Vanpool/Shuttle: This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee’s commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer’s purview.

Town-wide Level

- Provide Bicycle and Pedestrian Network Improvements: This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the Bicycle and Pedestrian Master Plan and Connect Los Gatos.
- Provide Traffic Calming Measures: This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is that ebikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
- Implement Car-Sharing Program: This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.

- Limit Parking Supply: When combined with companion transportation demand management measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- Unbundle Parking Costs from Property Cost: Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- Implement Market Price Public Parking (On-Street): This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage “park once” behavior and may also result in area-wide mode shifts.

Regional Level

- Increase Density: This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- Increase Diversity of Urban and Suburban Developments: This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- Increase Transit Accessibility: This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- Integrate Affordable and Below Market Rate Housing: This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- Increase Transit Service Frequency/Speed: This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start

and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.

- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

As concluded in the General Plan EIR, the VMT reduction strategies at the regional level would be required in order to reduce VMT per service population by 19 percent.

However, this would require action on multiple agencies and municipalities in South San Francisco Bay. Because the Town cannot ensure that the other municipalities would participate in the regional VMT reduction strategies outlined in Mitigation Measure T-1, it is not certain that a 19 percent reduction in VMT would be achieved. Therefore, VMT impacts as a result of development under the General Plan would be significant and unavoidable even after implementation of mitigation (p. 4.15-26).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would generate new vehicle trips. However, development associated with the Housing Element Update is part of the significant and unavoidable cumulative VMT impacts associated with the General Plan. Therefore, development associated with the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would result in significant and unavoidable VMT impacts even after implementation of Mitigation Measure T-1. Development associated with the Housing Element Update would be required to implement applicable reduction strategies in Mitigation Measure T-1.

The Town adopted its Statement of Overriding Conditions on June 30, 2022 and determined that specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the General Plan Final EIR related to transportation.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to VMT impact.

- c. As discussed in the General Plan EIR (Section 4.15, Transportation), the General Plan is a program-level document that does not directly address project-level design features or building specifications. However, the Town maintains improvement standards that guide construction of new transportation facilities to minimize design hazards for all users of

the system. Developments that would add traffic to streets that are not designed to current standards would be evaluated in the environmental review process with mitigation measures, if necessary, requiring the development to construct, or provide funding for, an improvement that would minimize or eliminate the hazard. New and upgraded roadways needed to accommodate new development would be designed according to applicable federal, state, and local design standards. The General Plan EIR also states that development and infrastructure projects would be required to implement applicable General Plan policies intended to result in roadway designs that safely accommodate all users such as General Plan Policy MOB-2.6, which is described previously under checklist question “a” and Policy MOB-8.3, which requires that new development minimize the number of access points along arterial streets to minimize impacts on circulation flow and safety. Therefore, the General Plan EIR concludes impacts related to hazards due to a geometric design feature would be less than significant (p. 4.15-29).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, any new or upgraded roadways necessary to accommodate the new development would be designed according to applicable, federal, state, and local design guidelines. Further, development under the Housing Element Update would implement applicable General Plan policies, such as those listed above, minimizing its impact on circulation flow and safety. The Housing Element Update would not result in substantially increased hazards due to a geometric design feature nor would it result in incompatible uses.

The General Plan EIR adequately addressed the Housing Element Update’s potential impacts related to hazards due to a geometric design feature.

- d. The General Plan does not propose specific development projects and, therefore, does not propose developments that could result in inadequate emergency access. According to the General Plan EIR (Section 4.15, Transportation), the intent of the General Plan is to improve the overall performance of the transportation network for all modes of transportation; however, to further ensure that development under the General Plan would not result in inadequate emergency access, applicable General Plan policies are required to be implemented such as Policy MOB-12.2, which requires that secondary emergency access is provided for new discretionary housing approvals in locations that are identified as Very High Fire Hazard Areas on the Town’s Wildland Fire Severity Zone Map. With implementation of applicable General Plan policies, future development projects would be assessed to ensure they result in adequate emergency access. In addition, mandatory development processes also require project review by emergency services, including police and fire, to ensure projects maintain adequate emergency access. This impact would be less than significant (Town of Los Gatos 2021, p. 4.15-30).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, is not proposing specific development that could be evaluated as providing or not providing adequate emergency access. However, as future development under the Housing Element Update is proposed, they will be required to comply with applicable General Plan policies such as

Policy MOB-12.2 identified above. Implementation of applicable General Plan policies would ensure that future development associated with the Housing Element Update do not result in impacts related to inadequate emergency access.

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to inadequate emergency access.

18. TRIBAL CULTURAL RESOURCES

Would the project:

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

Comments:

a. Pursuant to SB18, tribal noticing and consultation in accordance with statutory timelines is required when a general plan is amended. The Town did not receive any requests from California Native American tribes requesting consultation under Assembly Bill 52 for the Housing Element Update or for the General Plan EIR. Further, according to the General Plan EIR (Section 4.5, Cultural and Tribal Cultural Resources), no tribal cultural resources have been identified within the planning area (which includes the Town limits where all sites associated with the Housing Element Update are located) by a California Native American tribe (p. 4.5-6).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and the General Plan EIR adequately addresses the Housing Element Update's impact on tribal cultural resources.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a. **Water.** According to the General Plan EIR (Section 4.16, Utilities and Service Systems), expansion to the existing water system may be needed to service new development under the General Plan, the construction of which could cause significant environmental effects. However, it would be speculative to determine the impacts of development that has not yet occurred about infrastructure improvements whose necessity, in addition to location and type, are unknown at this time.

The General Plan EIR states that impacts from any required expansion of existing infrastructure required by new development in the Town would be further analyzed under separate CEQA review when determinations are made on the type, scope, and location of the infrastructure improvements (p. 4.16-18). The General Plan EIR determined that impacts would be less than significant (p. 4.18-19).

Development associated with the Housing Element Update would result in the increase in population and, therefore, an increase in demand on the Town's existing water facilities. However, it would be speculative at this time to determine the impacts related to construction of new, or expansion of existing water facilities. Impacts from any required expansion of existing infrastructure required by new development associated with the Housing Element Update would be further analyzed under separate CEQA review when determinations are made on the type, scope, and location of the infrastructure improvements. The Housing Element Update's impacts related to the potential for expansion of existing or construction of new water facilities would be less than significant.

Wastewater. The Town's wastewater is collected and treated by the West Valley Sanitation District, which then transports wastewater to the San Jose-Santa Clara Regional Wastewater Facility (wastewater treatment plant). According to the General Plan EIR (Section 4.16, Utilities and Service Systems), the wastewater treatment plant treats an average of 110 million gallons per day (mgd), with a design capacity of up to 167 mgd.

The General Plan projects an increase of 8,971 residents, which the General Plan EIR calculates to be a 30 percent increase above the 2018 population. However, approximately 34 percent of the wastewater treatment plant capacity is available (67 mgd); therefore, the wastewater needs of the expected population growth under the General Plan would be met (Town of Los Gatos 2021, p. 4.16-19).

The sewer collection system within the Town has deficiencies that limit the amount of wastewater that can be conveyed through the Town. According to the General Plan EIR, the West Valley Sanitation District's Capital Improvement Plan has ongoing plans for replacement and upgrade of old sewer lines and lift equipment. The general maintenance and correction of deficiencies are funded by user fees; therefore, new development would be required to pay impact fees for system expansion that would accommodate the increased growth of the Town envisioned as part of the General Plan. Impact fees on new development would ensure that the wastewater collection system receives necessary upgrades to accommodate the additional population (p. 4.16-20). In addition, the implementation of the applicable General Plan policies under Goal PFS-2 would ensure proper management of wastewater systems and infrastructure for new development and redevelopment in the Town.

The ongoing upgrades to the sewer system under the capital improvement plan and the General Plan would occur in developed areas of the Town that are previously disturbed and ensure that adequate wastewater systems and infrastructure would be available to meet future demands. Therefore, the General Plan EIR determined that the environmental impacts of construction involved with upgrades to the Town's wastewater system would be less than significant (p. 4.16-20).

Development associated with the Housing Element Update would increase the population in Los Gatos, which would increase the demand on the wastewater treatment

plant. However, the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and its population growth is encompassed within the General Plan's anticipated population growth of 8,971. As indicated previously, the General Plan EIR has already evaluated the population growth projections associated with the Housing Element Update. Therefore, the Housing Element Update's increased demand on the Town's wastewater system would be adequately accommodated by the remaining capacity within the wastewater treatment plant.

Development associated with the Housing Element Update would also increase the amount of wastewater conveyed by the Town's existing sewer collection system. However, the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, each development associated with the Housing Element Update would be required to pay impact fees for system expansion necessary to accommodate the increased growth. Payment of these impacts fees would reduce potential impacts associated with the construction of new, or expansion of existing, sanitary sewer system to a less-than-significant level.

Stormwater Drainage. Development facilitated by the General Plan would create new impervious surfaces, which would result in increased stormwater runoff to the Town's municipal storm drain system. However, according to the General Plan EIR (Section 4.16, Utilities and Service Systems), the General Plan focuses on infill development, which would reduce the amount of open space and permeable surfaces converted into impervious surfaces. Further, the amount of new impervious surfaces would be reduced through implementation of best management practices, including low impact development approaches, aimed at reducing stormwater runoff to ensure downstream storm drain capacity is not exceeded (Town of Los Gatos 2021, p. 4.16-21).

Because development would occur within urbanized areas of the Town, and best management practices would be incorporated, the construction or expansion of existing storm drain facilities would not likely be required as a result of implementation of the General Plan. However, storm drain improvements or connections to existing storm drains required for each individual project developed under the General Plan would be further analyzed under separate CEQA review as part of each individual project. Impacts related to storm drain facilities would be less than significant (Town of Los Gatos 2021, p. 4.16-22).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would primarily involve infill development. Additionally, the Housing Element Update would be required to implement best management practices and low impact development approaches to reduce stormwater runoff and ensure that downstream storm drain capacities are not exceeded. Development associated with the Housing Element Update would be required to comply with General Plan Policy PFS-3.1, which requires that CEQA review analysis occurs for all development projects consisting of single and cumulative impacts on water drainage (runoff) and contamination (water quality) in all areas. Implementation of best management practices and compliance with General Plan Policy PFS-3.1 would ensure

that the Housing Element Update's impacts related to the potential for construction of new storm drainage facilities would be less than significant.

Electricity/Natural Gas/Telecommunications. The General Plan EIR concluded (page 4.16-22) that with implementation of the 2040 General Plan goals and policies, impacts related to electric power, natural gas, and telecommunication would be less than significant.

Development facilitated by the General Plan would be required to implement the applicable policies under General Plan Goal PFS-6 (encourage development that reduces the use of non-renewable energy resources and expands the use of renewable resources and alternative fuels) and Goal PFS-7 (promote green buildings that minimize consumption of energy and natural resources). Implementation of the applicable General Plan policies as well as required separate CEQA review for each individual project that requires new connection to existing services would ensure that impacts related to the construction of new, or expansion of existing, electricity, natural gas, or telecommunications facilities would be less than significant (Town of Los Gatos 2021, p. 4.16-22).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would facilitate infill development where existing electricity, natural gas, and telecommunications facilities currently exist. Individual development associated with the Housing Element Update would be required to connect into these existing facilities and the impacts of these new connections would be determined under separate CEQA analysis at the time such development is proposed (page 4.16-21). Therefore, development associated with the Housing Element Update would comply with existing energy efficiency regulations as well as implement applicable General Plan policies, and separate CEQA analysis would occur at the time individual projects are proposed to determine the potential for impacts associated with the new connections. For these reasons, the Housing Element Update would result in less than significant impacts related to the potential for construction of new, or expansion of existing, electricity, natural gas, and telecommunications facilities.

The General Plan EIR adequately addressed the Housing Element Update's potential to require the expansion of existing or the construction of new water, wastewater, stormwater drainage, electricity, natural gas, and/or telecommunications facilities, the construction of which could cause significant environmental impacts.

- b. San Jose Water Company is the water service provider for the Town and the Santa Clara Valley Water District (Valley Water) manages the Santa Clara Valley Groundwater sub-basin, which supplies approximately one-third of the Town's water supply. During preparation of the General Plan EIR, the San Jose Water Company was undergoing the preparation of the *2020 Urban Water Management Plan*. Therefore, the General Plan EIR relied on the analysis within the *2015 Urban Water Management Plan*.

According to the *2015 Urban Water Management Plan*, the San Jose Water Company had adequate water supply capacity to meet its demands through 2040, which included the growth in the Town anticipated by the General Plan. Development under the General Plan would result in the increase in residential and nonresidential uses, which would result in an incremental increase in the Town's water demand. As indicated in the *2015 Urban Water Management Plan*, the San Jose Water Company has sufficient supplies to support development under the General Plan during a normal year. However, it was determined that projected water demands would likely exceed supply totals in the event of a multiple dry year scenario. Therefore, the San Jose Water Company would not have sufficient water supply to accommodate the demand of development and the population increase facilitated by the General Plan through 2040.

As a result, Section 4.16, Utilities and Service Systems, of the General Plan EIR explains that the San Jose Water Company would enact its Water Shortage Contingency Plan, which includes four stages of action based on water supply conditions. The Town would also increase its reliance on recycled water supply and water conservation measures implemented by the San Jose Water Company and the Valley Water reducing demands. Additionally, the Town would impose water conservation tactics on new development to further reduce water demand. Development under the General Plan would be required to implement the policies associated with General Plan Goal PFS-1 (ensure an adequate water supply for the Town's human, wildlife, and plant populations), which are consistent with the purpose of the *2015 Urban Water Management Plan* to encourage the sustainable use and management of water supplies and infrastructure in the Town. With reliance on recycled water supply and water conservation measures, in addition to compliance with applicable General Plan policies, impacts related to water supply would be less than significant (p. 4.16-19).

Development associated with the Housing Element Update would result in the increase of the residential population of the Town, which would increase the demand on water supplies. Development associated with the Housing Element Update would be required to implement General Plan Policy PFS-1, which requires that landscaping and hardscaping for all development is designed to minimize water usage and enhance water conservation; Policy PFS-1.2, which requires that all new home construction and remodeled homes comply with the Bay-Friendly Landscaping Guidelines in addition to the landscaping standards in the GreenPoint Rated Building Guidelines; Policy PSF-1.3, which requires the use of water-saving devices in new developments and pumping-related remodels; and Policy PFS-1.4, which requires that all new development install water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls.

In addition to compliance with the above-mentioned General Plan policies, the Housing Element Update's population growth was already evaluated in the General Plan EIR and anticipated by the General Plan. Therefore, the Housing Element Update's impacts related to increased demand on the Town's water supplies would be less than significant.

As previously mentioned, since the certification of the General Plan EIR and adoption of the General Plan, the San Jose Water Company has adopted its *2020 Urban Water Management Plan*. The *2020 Urban Water Management Plan* concluded that San Jose Water Company anticipates adequate supplies to meet system demand under average year, single dry year, and multiple dry year conditions through 2045 (San Jose Water Company 2021, p. 7-11). However, there is the possibility for a call for a mandatory 20 percent conservation during multi-year droughts (p. 7-12).

The General Plan EIR adequately addressed the Housing Element Update's potential impacts related to the Town's water supplies.

- c. Refer to the discussion about wastewater under checklist question "a." The growth envisioned in the General Plan would require an increase in wastewater capacity to meet the treatment demand from new development; however, the wastewater treatment needs of the General Plan, in addition to existing needs, would be met due to excess capacity within the wastewater treatment plant. As for the wastewater collection system, ongoing upgrades under the West Valley Sanitation District's Capital Improvement Plan would continue to occur and new development under the General Plan would be required to pay impact fees for system expansion that would accommodate the increased growth in the Town.

Therefore, Section 4.16, Utilities and Service Systems, of the General Plan EIR determined that the growth envisioned by the General Plan would result in less than significant impacts related to the West Valley Sanitation District's ability to serve the projected demand in addition to its existing commitments.

The Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, the increased wastewater demands associated with development under the Housing Element Update have been evaluated by the General Plan EIR. Therefore, the wastewater treatment needs of the Housing Element Update, which is consistent with the growth projections evaluated in the General Plan EIR, would be met by the excess capacity remaining within the wastewater treatment plant.

Development associated with the Housing Element Update would be required to pay impact fees related to the expansion of the wastewater collection system that would accommodate the increased growth in the Town anticipated by the Housing Element Update. Therefore, the Housing Element Update would result in less than significant impacts related to the West Valley Sanitation District's ability to serve its increased wastewater demand in addition to its existing commitments.

The General Plan EIR adequately addressed the Housing Element Update's potential to impact the West Valley Sanitation District's ability to serve the projected demand of the Housing Element Update in addition to its existing commitments.

- d. Solid waste within the Town is disposed of at the Guadalupe Landfill, which is permitted to accept 3,650 tons of material daily and is projected to reach capacity in 2048. Using the residential disposal rates of the Santa Clara Integrated Waste Management Account,

residential buildout under the General Plan could result in the daily solid waste generation of approximately 294,158 pounds per day (or approximately 147 tons per day). Therefore, as discussed in Section 4.16, Utilities and Service Systems, of the General Plan EIR, the residential demand in solid waste anticipated by the General Plan would increase disposal at the Guadalupe Landfill by approximately one percent. Because the landfill has a remaining capacity of 11,055,000 cubic yards, it would have sufficient capacity to accommodate the General Plan's residential increase in solid waste generation (Town of Los Gatos, p. 4.16-23). Although there would be sufficient capacity, the General Plan EIR also discusses the reduction in trash production and promotes recycling and potentially introducing Townwide composting to reduce the amount of solid waste sent to the Guadalupe Landfill. Implementation of the General Plan policies associated with Goals PFS-4 and PFS-5 would help conserve space at the landfill and impacts would be less than significant (Town of Los Gatos 2021, p. 4.16-24).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and its residential solid waste generation has already been evaluated in the General Plan EIR. The General Plan's residential solid waste generation encompasses the total of residential solid waste generation that would be created by the Housing Element Update. Therefore, because the General Plan EIR concludes that the General Plan's residential solid waste generation could be accommodated by the Guadalupe Landfill, the solid waste generation as a result of the Housing Element Update would also be accommodated. Development associated with the Housing Element Update would also be required to implement the policies identified under General Plan Goals PFS-4 and PFS-5 to help conserve space at the landfill. For these reasons, the Housing Element Update would not generate solid waste in excess of the capacity of local infrastructure.

The General Plan EIR adequately addresses the Housing Element Update's potential impacts related to solid waste generation.

- e. The General Plan EIR (Section 4.16, Utilities and Service Systems) concludes that implementation of the General Plan's goals and policies would support the reduction and diversion of waste consistent with state goals for solid waste reduction. Implementation of applicable General Plan goals and policies would ensure that development under the General Plan would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant (Town of Los Gatos 2021, p. 4.16-24).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would be required to comply with applicable General Plan policies such as Policy PFS-4.1, which requires the recycling of reusable materials from residential and construction/renovation activities. Implementation of applicable General Plan policies would ensure that the Housing Element Update complies with federal, state, and local management and reduction statutes and regulations related to solid waste and no impacts would occur.

The General Plan EIR adequately addresses the Housing Element Update's potential impacts related to compliance with federal, state, and local regulations associated with solid waste.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The sites associated with the Housing Element Update that make up the “Downtown Area” are located within lands classified as very high fire hazard severity zones in local responsibility areas (CalFire 2022). [Figure 3, Downtown Area Sites’ Fire Hazards](#), illustrates those sites associated with the Housing Element Update that are within a very high fire hazard area.

a. The Santa Clara County Operational Area Hazard Mitigation Plan and the Santa Clara County Community Wildfire Protection Plan include techniques for reducing wildfire risk in the Town through land use decisions, inter-agency coordination, community programs, and emergency response improvements. The General Plan Safety Element also directs the Town to accommodate safety needs when planning and designing, while increasing the resiliency of residents and businesses to respond to and be prepared for potential emergencies and disasters.

The General Plan EIR (Section 4.17, Wildfire) states that all development consistent with the General Plan shall comply with the applicable General Plan policies and the Santa Clara County Fire Department shall review and approve all development projects to ensure that emergency access meets standards. Compliance with such actions would ensure that potential impacts from implementation of the General Plan on emergency response and evacuation would be less than significant (p. 4.17-7).



0 500 ft

Los Gatos
Town Limits

Very High Fire Hazard Severity
(Local Responsibility Area)

Downtown Area
Parcels

Source: Santa Clara County GIS 2022,
Google Earth 2022, CalFire FHSZ 2022

Figure 3

Downtown Area Sites' Fire Hazards

Los Gatos 6th Cycle Housing Element Environmental Analysis

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Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, each individual site to be developed would require careful consideration of the adequacy of water storage for fire protection during its development review process in compliance with General Plan Policy HAZ-4.3. Additionally, the Santa Clara County Fire Department would be required to review and approve each development project's plans. Such actions would ensure that the Housing Element Update's potential impacts related to emergency evacuation and emergency response plans are less than significant.

The General Plan EIR adequately addresses the Housing Element Update's impacts related to emergency response or emergency evacuation plans.

- b. Prevailing winds in the Town generally blow southeast; therefore, a wildfire could potentially be carried, as well as smoke and air pollutants, across or down the nearby east- and north-facing slopes of the Santa Cruz Mountains into thick vegetation towards the more urbanized areas of the Town (Town of Los Gatos 2021, p. 4.17-7 and -8).

The risk of wildfire in the Town is most prevalent for those areas of the Town within and surrounding the Santa Cruz Mountains. However, the General Plan EIR (Section 4.17, Wildfire) states that development under the General Plan would not introduce new people or structures to these areas beyond what was already permitted by the previous general plan. Therefore, compliance with applicable General Plan policies reducing wildfire risks in the Town, in addition to the fact that the General Plan would not allow for new development in areas that were not already permitted for development, the General Plan would not exacerbate existing wildfire risks or expose project occupants to pollutant concentrations from a wildfire and impacts would be less than significant (Town of Los Gatos 2021, p. 4.17-8).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and, therefore, would be required to comply with General Plan Policy HAZ-4.1, which requires that fire preventative site design, access, fire-safe landscaping, and building materials, as well as the incorporation of fire suppression techniques, occur in new development located in or adjacent to fire hazard areas. Because development associated with the Housing Element Update was evaluated in the General Plan EIR and anticipated by the General Plan, the Housing Element Update would not exacerbate wildfire risks thereby exposing its occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.

The General Plan EIR adequately addressed the Housing Element Update's impact related to exacerbating wildfire risks and exposing occupants to pollutant concentrations from a wildfire.

- c. The General Plan EIR (Section 4.17, Wildfire) states that the General Plan would facilitate strategic growth in the Town and would occur primarily as infill and redevelopment within the urbanized areas of the Town. Therefore, the majority of roads and utility infrastructure required for growth facilitated by the General Plan would be

existing or would occur in currently developed areas, resulting in negligible temporary or ongoing environmental impacts. Because this development would occur in urbanized areas of the Town, where large tracts of vegetation cover are not present, the risk of wildfire would not be exacerbated (Town of Los Gatos 2021, p. 4.17-9). However, portions of the Town's southern incorporated areas lie within very high fire hazard severity zones; therefore, potential development facilitated by the General Plan in these areas would be subject to the latest California Fire Code, which includes safety measures to minimize the threat from wildfire. In addition, compliance with applicable General Plan policies that require the maintenance of fire roads throughout the Town and adequate emergency response along the wildfire fuel monitoring would be required.

Maintenance and monitoring of wildfire fuel could generate temporary or ongoing impacts related to noise and vegetation removal, but would occur infrequently and is limited to the areas immediately next to fire access roads. Maintenance of these areas would reduce the potential for severe or catastrophic wildfires, rather than exacerbate them (p. 4.17-9). Therefore, the General Plan EIR concluded that impacts related to fire protection-related infrastructure that may exacerbate fire risk would be less than significant (p. 4.17-10).

Development associated with the Housing Element Update is consistent with the growth projections evaluated in the General Plan EIR and would occur as infill and redevelopment within the urbanized areas of the Town. The Housing Element Update would be required to comply with the applicable regulations of the California Fire Code as well as Title 14 of the California Code of Regulations, which sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. Because the maintenance and monitoring of wildfire fuel and the creation of fuel breaks would be infrequent and occur in limited areas, the temporary or ongoing impacts related to noise and vegetation removal would be considered less than significant. Therefore, development associated with the Housing Element Update would result in less than significant impacts related to the installation or maintenance of associated fire protection infrastructure.

The General Plan EIR adequately addressed the Housing Element Update's impacts related to fire protection infrastructure and its potential to exacerbate fire risk.

- d. As discussed in the General Plan EIR (Section 4.17, Wildfire), severe wildfires damage the forest or shrub canopy, the plants below, and the soil, which can result in increased runoff after intense rainfall putting homes and other structures below a burned area at risk of localized floods and landslides. Slopes at risk of wildfire in Los Gatos are primarily limited to the areas along the Santa Cruz Mountains and its foothills (p. 4.17-8). As previously discussed, development consistent with the General Plan would not result in more or increased development in the Santa Cruz Mountains or surrounding areas than what has already been allowed by the previous general plan. Therefore, impacts related to exposing people or structures to risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire instability, or drainage changes are determined by the General Plan EIR to be less than significant (Town of Los Gatos 2021, p. 4.17-8).

Development associated with the Housing Element Update would not be located outside of the Town's incorporated limits, where the slopes at the highest risk of wildfire are located. In addition, because development associated with the Housing Element Update was evaluated in the General Plan EIR and anticipated by the General Plan, the Housing Element Update would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The General Plan EIR adequately addressed the Housing Element Update's impact related to exposure of significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes to people or structures.

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comments:

a. As discussed in Section 4.0, Biological Resources, special-status plant and wildlife species are recorded as occurring in the riparian areas of the Town, but are not likely to occur in the developed portions due to lack of suitable habitat. However, both the General Plan and the Housing Element Update facilitates the increase in allowable density that could occur on some of the infill and redevelopment sites within the Town, which could require the upgrading of infrastructure facilities within riparian vegetation along creeks and waterways. Additionally, development within proximity to vegetation cover could result in new sources of light that affect nesting patterns or wildlife behavior. Therefore, implementation of the General Plan’s applicable goals and policies, as well as compliance with state and federal regulations related to special-status species and their habitats, would ensure that impacts to special-status species and their habitats by development associated with the General Plan and the Housing Element Update would be less than significant.

As discussed in Section 5.0, Cultural Resources, effects on cultural resources are only knowable once a specific project has been proposed because the effects are dependent on the individual project site conditions (page 4.5-10), project activities that may alter the character of a built environment resources, and/or the characteristics of the proposed ground-disturbing activity. Development associated with the Housing Element Update is not anticipated to disturb known historic resources; however, ground-disturbing activities have the potential to damage or destroy previously unknown historic or prehistoric

archaeological resources that may be present on or below the ground surface. Implementation of Mitigation Measure CR-1 would reduce impacts to a less-than-significant level.

- b. As described in Section 3.0, Air Quality, the Housing Element Update's criteria air pollutant emissions and their effects to air quality during construction would be reduced to a less-than-significant level with implementation of Mitigation Measure AQ-1 and the General Plan EIR concludes that the General Plan, which includes development associated with the Housing Element Update, would not have a cumulatively considerable contribution to regional air quality impacts.

The proposed development would result in temporary biological resource impacts during construction associated with special-status species. However, as described in Section 4.0, Biological Resources, construction impacts would be reduced to a less-than-significant level with implementation of applicable General Plan policies. Therefore, development associated with the Housing Element Update would not have a cumulatively considerable impact on biological resources.

Section 5.0, Cultural Resources, concludes that earthmoving activities may result in the loss of unknown prehistoric or historic subsurface archaeological resources onsite. Because the development associated with the Housing Element Update would implement Mitigation Measure CR-1, they would not have a cumulatively considerable impact on cultural resources.

As discussed in Section 8.0, Greenhouse Gas Emissions, development associated with the Housing Element Update will generate GHG emissions that will contribute to the cumulative accumulation of GHG emissions in the atmosphere as its effects are not localized to areas where they are produced. Climate change is a global phenomenon resulting from the combined effects of GHG emissions produced worldwide. Consequently, the analysis of climate change impacts from production of GHGs is inherently cumulative in nature. (See *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219). However, even with mitigation measures, the impacts would not be capable of being reduced to a less than cumulatively considerable level and, therefore, impacts related to GHG are significant and unavoidable.

Section 13.0, Noise, concludes that development associated with the Housing Element Update would result in temporary construction noise impacts. However, Mitigation Measure N-1 would reduce impacts to a less-than-cumulatively considerable level.

- c. Development associated with the Housing Element Update would have the potential to expose sensitive receptors to construction toxic air contaminant emissions that can lead to increased cancer risks that exceed the air district cancer risk thresholds. Implementation of Mitigation Measure AQ-1 would reduce this impact to less than significant. Construction noise and vibrations would also occur at buildup of the General Plan and Housing Element Update; therefore, implementation of Mitigation Measures N-1 and N-2 would be required to reduce impacts to a less-than-significant level.

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