**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 05/10/2017

ITEM NO: 2

DATE: MAY 5, 2017

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ARCHITECTURE AND SITE APPLICATION S-15-056, CONDITIONAL USE PERMIT APPLICATION U-15-009, AND ENVIRONMENTAL IMPACT REPORT EIR-16-001. PROJECT LOCATION: **401-409 ALBERTO WAY**. PROPERTY OWNER: CWA REALTY. CONTACT PERSON: SHANE ARTERS, LP ACQUISITIONS, LLC.
REQUESTING APPROVAL TO DEMOLISH THREE EXISTING OFFICE BUILDINGS AND CONSTRUCT A NEW, TWO-STORY OFFICE BUILDING WITH UNDERGROUND PARKING ON PROPERTY ZONED CH. APN 529-23-018.

REMARKS:

The applicant has provided a supplemental response letter (Exhibit 39) which includes a matrix summarizing public comments received, and letters from their geotechnical consultant (ENGEO Inc.) and transportation consultant (Hexagon Transportation Consultants, Inc.). The transportation consultant's letter has been peer reviewed by the Town's consultant (Exhibit 40) and the geotechnical consultant report peer review is in progress, and will be provided in an addendum report early next week.

Staff in the Parks and Public Works Department also prepared a Project Information Sheet with responses to a number of the common questions asked about this project (Attachment 41).

The attached public comments (Exhibit 44) were received after distribution of the staff report addendum for the April 12, 2017, meeting.

EXHIBITS:

Previously received under separate cover:
1. Draft Environmental Impact Report

PREPARED BY: JENNIFER ARMER
Associate Planner

Reviewed by: Planning Manager and Community Development Director

Previously received with August 10, 2016 Staff Report:

2. Location Map
3. Required Findings and Considerations (two pages)
4. Required CEQA Findings of Fact (24 pages)
5. Recommended Conditions of Approval (15 pages)
6. Letter of Justification/Project Description (15 pages), received July 15, 2016
7. Project Construction Details (three pages), received August 3, 2016
8. Letter of Outreach Conducted (40 pages), received February 10, 2016
9. Second Letter of Neighborhood Outreach (26 pages), received August 3, 2016
10. Consulting Arborist's Report (41 pages), dated September 26, 2015
11. Architectural Consultant's First Report (five pages), received September 10, 2015
12. Architectural Consultant's Final Report (five pages), received March 18, 2016
13. Conceptual Development Advisory Committee Meeting minutes, June 10, 2015 meeting (four pages)
14. Public Comments
15. Final EIR and Mitigation Monitoring and Reporting Program, dated June 29, 2016
16. Development Plans (37 pages), received July 15, 2016

Previously received with August 10, 2016 Desk Item:

17. Comments received from 11:01 a.m. on Thursday, August 4, 2016 to 11:00 a.m. on Wednesday, August 10, 2016

Previously received with August 24, 2016 Staff Report:

18. Comments received from 11:01 a.m. on Wednesday, August 10, 2016 to 11:00 a.m. on Thursday, August 18, 2016
19. Applicant's Response Letter, received August 19, 2016

Previously received with August 24, 2016 Desk Item:

20. Comments received from 11:01 a.m. on Thursday, August 18, 2016 to 11:00 a.m. on Wednesday, August 24, 2016
21. Applicant's Response Letter, received August 24, 2016

Previously received with October 26, 2016 Staff Report:

22. Communication from the applicant, received October 10, 2016 and October 19, 2016
23. Public comments received from 11:01 a.m., Wednesday, August 24, 2016 to 11:00 a.m., Thursday, October 20, 2016

Previously received with January 11, 2017 Staff Report:

24. Communication from the applicant, received November 11, 2016
25. Public comments received from 11:01 a.m., Thursday, October 20, 2016 to 11:00 a.m., Thursday, January 5, 2017

Previously received with March 22, 2017 Staff Report:

26. Communication from the applicant, received February 28, 2017
27. Comments received from 11:01 a.m. on Thursday, January 5, 2017 to 11:00 a.m. on Thursday, March 16, 2017

Previously received with April 12, 2017 Staff Report:

28. Revised Required Findings and Considerations
29. Revised Conditions of Approval (21 pages)
30. Comments received from 11:01 a.m. on Thursday, March 16, 2017 to 11:00 a.m. on Thursday, April 6, 2017
31. Applicant's Response Letter (23 pages), received March 17, 2017
32. Architectural Consultant's Report on Revised Plans (six pages), received February 22, 2017
33. Applicant's Response letter to Architectural Consultant's Report (three pages), received March 16, 2017
34. Architectural Consultant's Second Report on Revised Plans (eight pages), received March 17, 2017
35. Traffic Consultant Letter (eight pages), received April 6, 2017
36. Revised Development Plans (35 pages), received March 17, 2017

Previously received with April 12, 2017 Addendum Report:

37. Communication from the applicant, received April 10, 2017
38. Public Comment received between 11:01 a.m. Thursday, April 6, 2017 and 11:00 a.m. Tuesday, April 11, 2017

Received with this Staff Report:

39. Applicant's Supplemental Response Letter, received April 24, 2017
40. Town Consultant Peer Review of Transportation Report, received April 28, 2017
41. Project Information Sheet, prepared by the Parks and Public Works Department
42. Public Comment received between 11:01 a.m. Tuesday, April 11, 2017 and 11:00 a.m. Friday, May 5, 2017

Distribution:

Shane Arters, LP Acquisitions, LLC, 535 Middlefield Road, Ste. 190, Menlo Park, CA 94025

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LP ACQUISITIONS
REAL ESTATE DEVELOPMENT

April 24, 2017

Ms. Jennifer Armer, Associate Planner
**Town of Los Gatos**
Community Development Department
110 E. Main Street
Los Gatos, CA 95031
Phone: (408) 354-6872
Email: jarmer@losgatosca.gov

RE: Planning Commission Public Hearing of May 10, 2017 – Supplemental Responses
401-409 Alberto Way
Architecture and Site Application S-15-056
Conditional Use Permit Application U-15-009
APN 529-23-018

We have reviewed the April 6, 2017 Staff Report for the upcoming Planning Commission meeting on May 10, 2017 for the 401-409 Alberto Way Project. Based on our review of the comment letters included in the April 6, 2017 Staff Report, many of the comment letters continue to restate the comments offered at the August 24, 2016 Planning Commission public hearing. None of the comments raise new issues or new environmental impacts.

We prepared the attached matrix containing the supplemental responses to the comments contained in Exhibit 30 to the April 6th Staff Report on the Final Environmental Impact Report ("EIR") for the 401-409 Alberto Way Project ("Project EIR") or new comments on the 401-409 Alberto Way Project applications referenced above that were not previously addressed in our comments at the August 10th or August 24th Planning Commission meetings because these comment letters were received after we submitted our responses to the Town for inclusion in the Staff Report. Our supplemental responses are set forth in the attached matrix found in ***Attachment A*** to this letter. Again, none of the restated comments or new comments raise new issues regarding the Project.

Please feel free to contact me if you have any questions. Thank you for your assistance.

Sincerely,
Randy Lamb

EXHIBIT 39

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# ATTACHMENT A

## 405 Alberto Way (Formerly 401-409) Alberto Way Project
## Comment and Response Matrix

### April 24, 2017

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| **Aesthetics** | | | | | |
| Revised project description (PD) fails to address size & mass of buildings (PLG, 8); revised building is nearly 2 ½ times sf of existing office buildings and should be reduced by 1/3 to ½. size and scale not suitable for surrounding neighborhood of mostly senior residents. | PLG<br>Basham<br>Fowler<br>Kemp<br>LGC<br>BVV, 1 | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and pages 1-7 of the Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes). Also see Draft EIR Section 3.1 which concluded the project's aesthetic impacts were less than significant. | DEIR Section 3.1, page 3-11 addressed potential impacts of the larger project footprint. The Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes) explains how the impacts were further reduced with project changes and smaller footprint. |
| Revised PD Allows Tenants to look into Las Casitas windows (PLG, 8) | PLG | New comment included in April 6, 2017 Staff Report | Not applicable (N/A) | The revised project has relocated the building an additional 10 feet away from the north property line, thus affording the Las Casitas residents more privacy than did the previous design and further minimizing impacts as planned on page 2 of the Applicant Response Letter dated March 17, 2017. In addition, the revised project eliminates the second-floor exterior balcony on the north side of the Building. Generous landscape screening (trees and shrubs) has been added into this new setback area, further increasing the visible buffer between the two adjacent properties. | Applicant Response Letter dated March 17, 2017 (response to comment 1. ii. by Charles Erekson). DEIR page 3-11 addressed potential impacts of the larger project footprint and concluded the impacts were less than significant. The revised project further reduces the less-than-significant impacts. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| Blocks views of Santa Cruz Mountains (PLG, 8-9) | PLG<br>LGC | August 10, 2016 and August 24, 2016 Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24, 2016 Applicant Response Letters | Please refer to Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes). | DEIR page 3-10 addressed less-than-significant visual impacts of the original project. The Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes) described the further reduction in visual impacts associated with the reduced project footprint. |
| Negative aesthetic impacts (contrary to EIR); concerned about glare and shadows and people being able to see into tenants' windows (PLG, 33) | PLG | August 10, 2016 and August 24, 2016 Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | The revised project description relocated the building an additional 10 feet away from the north property line, and has eliminated the second story balcony on the north-side of the building, thus affording the Las Casitas residents more privacy than did the previous design. The redesign eliminates shadows on the property to the north, except during the extreme winter months when shadows would still be cast by the existing buildings and trees on the current property. Generous landscape screening (trees and shrubs) has been added into this new setback area, further increasing the visible buffer between the two adjacent properties. Glare off the north-facing windows of the new building is not possible as the sun does not strike the north side of the building. | DEIR pages 3-10 through 3-13 addressed less-than-significant light and glare impacts of the original project. See also Applicant Response Letter dated March 17, 2017 (response to comment 1. ii. by Charles Erekson). |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| Architecture should be in keeping with existing residential neighborhood, and lower building height, etc. | BVV, 2 | August 10, 2016; August 24, 2016 Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19th and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and pages 1-3 of the Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes).<br><br>Additional recommendations from the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission as explained on pages 1 and 2 of the March 17, 2017 Applicant's Response Letter including:<br>• Providing additional visual variety and break up in scale on the front façade, including varying the heights of the mansard roofs, adding additional recesses and projections at the front façade, and providing more of a wall plane offset where the two-story front wall transitions to a one-story wall.<br>• Reducing the mass of the central link of the setback portion of the building by lowering the height of the central parapet, adding a canopy element with supporting brackets to the center façade, varying the wall colors at the center façade and providing additional detail/architectural enhancement at the main entry feature.<br>• Adding additional trellis features at the windows at the front façade. | Page 3-10 through 3-13 of the DEIR addressed less-than-significant visual impacts of the original project. Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
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| Ensure that new development reinforces and supports the special qualities of the Town of Los Gatos (PLG, 47) | PLG | August 24, 2016 | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and pages 1-3 of the Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). The Project has incorporated recommendations from the Town's consulting architect, Cannon Design Group, including eliminating tower elements, eliminating the second-floor exterior balcony on the north-side of the Building. The design retains its Mission-Style architecture which maintains the small town feel and resembles other nearby commercial developments in Los Gatos. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |
| **Air Quality** | | | | | |
| Impacts are understated and mitigations inadequate (PLG, 33-34)<br>• Furnace upgrade does not reduce vehicle emissions<br>• Electric vehicle charging systems will not reduce emissions<br>• Restriping Alberto Way will not reduce congestion<br>• Trip reduction program is voluntary<br>• Inconsistent with 2010 Clean Air Plan<br>• Pollutant concentrations will affect sensitive receptors | PLG | General air quality impact comments submitted for August 10, 2016 Planning Commission. | Applicant Response Letter dated August 24, 2016 | Please refer to the Hexagon Transportation Consultants, Inc. April 21, 2017 Response to Traffic Comments on 401-409 Alberto Way Traffic Study ("Hexagon Supplemental Responses"), including the Hexagon April 5, 2017 Response to Traffic Comments on 401-409 Alberto Way Traffic Study ("Hexagon April 5th Responses"). As indicated in the "Overall Traffic Conditions" section of the Hexagon April 5th Responses, the re-striping of southbound Alberto Way at the intersection would improve vehicular flow and reduce queuing on Alberto Way. With respect to TDM measures, please see response to Comment 2 in the Hexagon Supplemental Responses. The TIA analyzed project impacts without taking into account further reductions due to TDM measures. Nonetheless, TDM is a standard program for reducing vehicular trip generation. | Draft pages 3-31 to 3-38 and Conditions of Approval 18-20 address the transportation control measures and air quality mitigation measures that would eliminate potential conflicts with the Clean Air Plan. The Transportation Management Plan (which includes measures to reduce vehicular trips) is not voluntary; it is mandatory per Condition 99. All air quality impacts will be mitigated to a less than significant level; Hexagon Response Letter. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
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| **Hydrology and Water Quality** | | | | | |
| Water table issues (PLG, 27)<br>• Water Table is too shallow<br>• Liquefaction issues<br>• Risk of Existing Fill<br>• Boring completed during drought<br>• Possible shifting of foundations due to dewatering coffer dam and soil subsidence<br>• Underground water diversion for underground parking<br>• Bottom of foundation of garage would be 10-12 feet below water table | PLG<br>Geissler | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comments 1-10 to the Geissler Letter and Response to Comment 14, including the Response to Comment 2 to the Geissler Engineering Letter and Alberto Way Citizens, Bob Burke and Pueblo de Los Gatos Letters in the ENGEO April 19th Supplemental Responses. Also see response to Comment 1f regarding the borings. | DEIR Section 3.5, Geology and Soils and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015. ENGEO Supplemental Response to Public Comments dated April 19, 2017 in **Exhibit 1** ("ENGEO April 19th Supplemental Responses"). |
| Water table has risen significantly since June, 2015 borings (PLG, 28). No groundwater levels reported in Boring B1 or B3. | PLG<br>Geissler, p. 5 | New comment included in April 6, 2017 Staff Report | N/A | See Response to 2C to the Las Casitas Letter in the ENGEO April 19th Supplemental Responses. Also see response to Alberto Way Citizens Comments 11, 2C, 3C, 3D and the response to Geissler Engineering Comment 3. | Section 3.5, Geology and Soils in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015. ENGEO April 19th Supplemental Responses. |

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| Hydrology impacts not revealed in EIR (PLG, 29)<br>• Adverse impacts on surrounding properties caused by underground parking<br>• Water table was measured at lowest possible time<br>• Water depth issues<br>• Drought recovery issue<br>• Storm drainage system is overcapacity<br>• Address impacts to sump pumps (also see, BVV 4) | PLG<br>Geissler<br>Kemp<br>LGC<br>BVV | New comment included in April 6, 2017 Staff Report | N/A | • Section 3.8 of the Draft EIR evaluated hydrology and water quality impacts. See Response to 16 to the AWLC Letter in the ENGEO April 19th Response to Public Comments. Construction of the parking garage would not result in any new significant geologic/geotechnical, hydrology or health and safety impacts.<br>• The Project will not burden the existing storm drainage system, because the Project's stormwater will be collected and conveyed through a storm drain that runs along the western property line, near the Caltrans right of way, along the back of the neighboring parcel. Please see the attached civil drawings prepared by Kier + Wright **(Exhibit 2)**, which specifically reference the upsize from an 8" to 18" storm drain pipe in the adjacent property. The larger pipe is sized to accommodate the flow from a 10-year rain event, which is the largest design rain event that the Town's City standards require pipe infrastructure to be designed to.<br>• The two sump pumps that will convey the storm water on this Project are designed to convey the water of a 10-year storm. If the pumps fail, the water will rise in the pump's manhole and will spill into an overflow pipe which ties into the 18' storm drain pipe that drains offsite. | Section 3.8, Hydrology and Water Quality in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses. |
| Likelihood of flooding due to upstream dam failures. | Geissler, pp. 2-3, 8-9 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 1 in the ENGEO April 19th Supplemental Responses. The project site, the neighboring properties, and the majority of the Town of Los Gatos are all located in an inundation zone in the event of dam overflow or failure. | Section 3.8, Hydrology and Water Quality in Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses |

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| **Geology and Soils** | | | | | |
| Soil subsidence caused by temporary dewatering during construction | Geissler, p.2 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 2 in the ENGEO April 19th Supplemental Responses. The risk of settlement (subsidence) due to temporary dewatering is low for the reasons stated in ENGEO's Response to Comment 2. | Section 3.5, Geology and Soils in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses. |
| 2 story underground garage in an Earthquake Fault Hazard Zone | Geissler, pp. 2-3 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 8 in the ENGEO April 19th Supplemental Responses. The project site is **not** located within a State of California Fault Rupture Hazard Zone for the reasons stated in ENGEO's Response to Comment 8. | Section 3.5, Geology and Soils in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015. ENGEO April 19th Supplemental Responses. |
| 2 story garage identified as an Earthquake Induced Liquefaction Hazard Zone and combined effect of seismic activity, liquefaction potential make site unsuitable for underground garage (and underwater). | Geissler, pp. 2-4 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 9 in the ENGEO April 19th Supplemental Responses. The effects of liquefaction-induced settlement should be mitigated by designing the foundation in accordance with ENGEO's geotechnical recommendations set forth in its Geotechnical Exploration report. Also see letter from LARGO Concrete, Inc. in **Exhibit 3**. | Section 3.5, Geology and Soils in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015. ENGEO April 19th Supplemental Responses. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
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| In the event of an earthquake, soils under garage are likely to result in differential foundation settlement with cracking that would allow influx of groundwater ranging from 50 gallons per minute to 500 gallons per minute. Settlement of 1 inch or more. Settlement near cofferdam. Reduced capacity of other drainage facilities. | Geissler, pp. 2-4, 8 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comments 1I and 1E and Responses to Geissler Engineering Comments 4, 5, and 9 in the ENGEO April 19th Supplemental Responses. The Geotechnical Report recommends criteria for the design of the structural mat foundation to ensure that it is rigid enough to span localized irregularities without suffering from structural damage.<br><br>The project site has been designed in accordance with Town requirements, including to the overland release generated by a 100-year flood, which will prevent water from entering the building and the underground parking garage. In addition, the Project will drain storm water along the western property line through an 18" storm drain pipe, which accommodates a 10-year rain event. Please see the attached civil drawings prepared by Kier + Wright.<br><br>Pursuant to Public Resources Code section 2693(c), the EIR indicates that the Project design has incorporated the ENGEO Geotechnical Report geotechnical recommendations in order to avoid and mitigate potential seismic hazards including measures that are consistent with established practice and that will reduce seismic risk to acceptable levels. | Section 3.5, Geology and Soils in the Draft EIR and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses. |
| Long-term dewatering required to discharge groundwater seepage into garage and cracked slabs at houses in Los Gatos Commons, Bella Vista Village, Pueblo de Los Gatos and Las Casitas in vicinity of the garage. | Geissler, p. 2, 7-8<br>LGC, p. 2-3 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Geissler Comments 2 and 15 in the ENGEO April 19th Supplemental Responses. | DEIR Section 3.5, Geology and Soils and ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015. ENGEO April 19th Supplemental Responses. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| Likelihood of flooding due to a 125-year storm. Certain death for everyone in the garage. Chance of flooding during a 100-year period is 55%. Public safety at risk. | Geissler, p. 2-4, 6, 8 | New comment included in April 6, 2017 Staff Report | N/A | Pursuant to Town requirements, the site has been designed to handle the overland release generated by a 100-year flood, which will prevent water from entering the building and the underground parking garage. As shown in Exhibit 2, a ridge at the top of the ramp that descends into the parking garage will prevent any site water, including severe storm water and 100-year flood waters, from entering the underground parking garage as the ridge directs the water toward Alberto Way and away from the garage entrance. | Kier + Wright civil plans on file with the Town of Los Gatos |
| Likelihood of flooding of garage due to storm water runoff during heavy rains due to inadequate property drainage. Increase percentage of pervious landscape surface and conduct hydrology study of effect on neighboring properties. EIR fails to address possible damage to neighboring properties. | Geissler, pp. 2-4, 9<br>LGC p. 2 | New comment included in April 6, 2017 Staff Report | N/A | Per the Town's Requirements, the storm drain infrastructure on the site has been designed to accommodate a 10-year storm and will release to Los Gatos Creek without affecting the neighboring property. Per the Town's requirements, the site also has been designed to the overland release a 100-year flood into the Town's right of way to prevent any site water from entering the neighboring property, and the 100-year flood waters will overland toward Alberto Way.<br><br>See also, Responses to Geissler Engineering Comments 1-6 and Response to Comment 16 in the ENGEO April 19th Supplemental Responses. The proposed office building will be supported on a structural mat foundation designed in accordance with the Geotechnical Report, which is rigid enough to span localized irregularities without suffering from structural damage. The Geotechnical Report recommends that waterproofing be conducted by a waterproofing consultant. The construction of the parking garage will not result in any new significant geologic/geotechnical, hydrology or health and safety impacts. | ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses; |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
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| Construction of 22-foot-deep underground garage may cause diversion of subsurface seepage patterns which would cause a rise in groundwater levels in neighboring property and increased seepage flow rates leading to piping failures. | Geissler, pp. 6 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Geissler Engineering Comment 4 in the ENGEO April 19th Supplemental Responses. | ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses |
| Proposed dewatering and waterproofing mitigation measures are insufficient to protect adjacent properties. | Geissler, pp. 10 | New comment included in April 6, 2017 Staff Report | N/A | See Responses to Geissler Engineering Comments 4-6 and Response to Comment 16 in the ENGEO April 19th Supplemental Responses. The risk of cracking within the foundation mat due to earthquakes or expansive soils and the risk of associated groundwater intrusion are low; therefore, the Project does not require long-term dewatering from a geotechnical standpoint. The proper type of waterproofing will be determined and specified by a waterproofing consultant per the Geotechnical Report. | ENGEO, Inc., 401 Alberto Way, Los Gatos, California, Geotechnical Exploration Report dated July 17, 2015, Rev. August 13, 2015; ENGEO April 19th Supplemental Responses |
| Require that all parking remain above grade and be designed as pervious paving to mitigate risks. | Geissler, pp. 10 | New comment included in April 6, 2017 Staff Report | N/A | As with other parking structures constructed in Los Gatos, any risks associated with the underground parking garage will be addressed by providing proper architectural, structural and civil design that meets all codes and Town requirements. | N/A |
| **Public Services** | | | | | |
| There is no construction plan and no plan can avoid blocking residents and emergency vehicles for extended periods of time (PLG, 27) | PLG | August 10, 2016 | August 10, 2016 and 24, 2016 Staff Report; August 19th and 24th Applicant Response Letters | Conditions 106 through 111 require that the developer submit a construction management plan prior to issuance of any permits to commence work. All construction traffic routes and controls are subject to Town review. | Applicant Response Letter dated August 18, 2016 and Planning Commission testimony. |
| Negative impacts not identified (PLG, 35) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Draft EIR evaluated potential impacts to public services and determined the impacts would be less than significant. | DEIR, Section 3.10, Public Services. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| Impact to area schools is not insignificant (PLG, 35) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Page 3-140 in Section 3.10 of the Draft EIR explains why the impacts to area schools would be less-than-significant. | Draft EIR. |
| Impact to fire and emergency medical services not insignificant (PLG, 36) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | March 17, 2017 | Page 3-179 in Section 3.11 of the Draft EIR explains why the impacts to fire and emergency services would not be significant. | Applicant Response Letter; Response #2 to Matthew Hudes |
| **Transportation and Traffic** | | | | | |
| Traffic has increased in past 6 months; need new traffic analysis. | Basham | New comment included in April 6, 2017 Staff Report | N/A | See response to Comment 3 in Hexagon Supplemental Responses. The minimal fluctuation in traffic counts reported in the Hexagon Supplemental Responses did not alter any of the conclusions. | Hexagon Supplemental Responses set forth in **Exhibit 4.** |
| Revised project fails to address VTA funding Hwy 9 & 17 Interchange before Measure B (PLG, 8) | PLG<br>LGC p. 8 (C)<br>Fowler | New comment included in April 6, 2017 Staff Report | N/A | See response to Comment 4 in Hexagon Supplemental Responses. The TIA assumes worst case conditions without interchange improvements. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Revised project fails to address traffic on Hwy 9 and Alberto Way which will become congested (PLG, 16). Per Caltrans, project will add trips greater than 1% capacity; mitigation is required. EIR is inadequate. | PLG<br>LGC, p. 4 | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | See response to Comments 5 and 6 in Hexagon Supplemental Responses. The observed traffic conditions support the assumptions used for the TIA in accordance with Town policy and VTA TIA guidelines. The TIA acknowledges that the project would add trips equal to 1.18% of capacity to SB SR 17 between Lark Avenue and Los Gatos-Saratoga Road. The Project traffic improvements would improve operations compared to existing conditions. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Project will increase traffic on Hwy 9, NB traffic on Hwy 17 exiting East Los Gatos will add to traffic delays. | Sprandel<br>Kemp<br>LGC, p. 4 | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | See response to Comment 5 in Hexagon Supplemental Responses. | Hexagon Supplemental Responses set forth in Exhibit 4 |
| The curve in front of the project is a sight problem for vehicles. (PLG, 42) | PLG | August 10 | | See response to Comment 8 in Hexagon Supplemental Responses. Hexagon recommends eliminating on-street parking along project frontage. | Hexagon Supplemental Responses set forth in Exhibit 4 |

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| Traffic congestion will impact Alberto Way and LG in a ¾-mile radius (PLG, 16); need reasonable ingress/egress on Alberto Way (BVV, 3). | PLG; Orvell McGowan Kemp BVV | August 10, 2016 Staff Report; Letter #7, June 13, 2016; August 24, 2016 | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Section 3.11 Transportation and Traffic address traffic and circulation impacts of the proposed project. Analysis indicates impacts will be less than significant. The Traffic Report considered the vehicle trips of surrounding uses in its analysis. In the "Overall Traffic Conditions" section of the Hexagon Response Letter indicates that office traffic to the project would mainly flow in the counter-commute direction on eastbound Los Gatos- Saratoga Road, and would turn left into Alberto Way, avoiding adding traffic to the eastbound queue on Los Gatos-Saratoga Rd at Los Gatos Blvd. | Final EIR, Response to Comment Letter 7; Hexagon Response Letter dated April 5, 2017 |
| Revised PD fails to straighten Alberto for safety & on-street parking (PLG, 15). | PLG | August 24, 2016 Planning Commission Meeting | March 17, 2017 | See Applicant Response #2 to Matthew Hudes in the Applicant Response Letter dated March 17, 2017. The revised PD will implement the Town's Complete Street Program. The developer has proposed a land dedication along the Alberto Way frontage to facilitate the widening and straightening of Alberto Way by over 5 feet. The revised design moves a majority of the existing curb and gutter into the proposed land dedications as well as the excess right of way in order to have a wider and straighter roadway. The street widening will allow for a bike lane and a longer right turn lane onto Los Gatos-Saratoga Road. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Response #2 to Matthew Hudes and Response #1. v. to Charles Erekson) |
| Fire department facilities will be affected by traffic (PLG, 35-37). | PLG | August 10, 2016; New comment included in April 6, 2017 Staff Report | March 17, 2017 | See response to Comment 11 in Hexagon Supplemental Responses. One or two fire hydrants would be relocated from back of curb. Emergency response times would not be impacted by the project. | Hexagon Supplemental Responses set forth in Exhibit 4 |
| False Traffic Report data (PLG, 38, 40). | PLG LGC, p. 3 | August 10, 2016; New comment included in April 6, 2017 Staff Report | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters; N/A | See Trip Generation discussion in Hexagon Response Letter dated April 5, 2017. | Hexagon Response Letter dated April 5, 2017. |

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| Did not consider traffic from 475-485 Alberto Way project | LGC, p. 4 | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 13 in Hexagon Supplemental Responses. The 475-485 Alberto Way project had not submitted a planning application at the time the 401 Alberto Way Project TIA was prepared. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Trip Generation Sensitivity Study (PLG, 39) | PLG | August 10, 2016 August 24, 2016 | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | See Trip Generation discussion in Hexagon Response Letter dated April 5, 2017. See Response to Comment 14 in Hexagon Supplemental Responses. The trip generation is based on net building size, not employment. The proposed building size has decreased compared to the original project. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Traffic fee calculation uses 700 additional trips ($615,800 /$879/ additional trip) which under states the fee that would be paid by tenants employing 735 people. (PLG, 39) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 14 in Hexagon Supplemental Responses. The final traffic impact fees will be calculated per the Town's requirements and Project conditions of approval. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| The project could potentially increase hazards due to design features for bikes, pedestrians, and transit (PLG, 40) | PLG | New comment included in April 6, 2017 Staff Report | June 13, 2016 | See Response to Comment 15 in Hexagon Supplemental Responses. The Project voluntarily proposed to rebuild the sidewalk fronting the Project site along westbound Los Gatos-Saratoga Rd to create a detached sidewalk for additional separation between the vehicles and pedestrians per the Town's Complete Streets Program. The Project also widens westbound Los Gatos-Saratoga Road to accommodate a bike lane. Currently, Alberto Way does not have bike lanes, but the Project proposes to install bike lanes and a bike box at the intersection of Alberto and Los Gatos-Saratoga to allow bicyclists to turn left safely. | Final EIR; Comments 1-3 of Santa Clara VTA Comment Letter #9; Hexagon Response Letter dated April 5, 2017. |
| MM T1 and T2 cannot be implemented as proposed. Widen Alberto to 12-foot lane width. (PLG, 41) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 16 in Hexagon Supplemental Responses. The restriping was designed based on input from the Town. | Hexagon Supplemental Responses set forth in Exhibit 4. |

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| MM T3 creates a new and unacceptable impact on 420 & 435 Alberto Way and fails to widen Alberto Way in front of project site. (PLG, 41) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 17 in Hexagon Supplemental Responses.<br><br>See Response 2 to Matthew Hudes and Response 1 to Charles Erekson in the Applicant Response Letter dated March 17, 2017. The revised project widens and straightens Alberto Way by over 5 feet through a proposed land dedication that will allow for greater visibility on Alberto Way, and bike lanes and a longer right turn lane. | Applicant Response Letter dated March 17, 2017 (Response 2 to Matthew Hudes); Hexagon Supplemental Responses set forth in Exhibit 4. |
| The Revised Project driveway and parking areas are insufficient (PLG, 42) | PLG<br>BVV | August 24, 2016 Planning Commission Meeting | March 17, 2017 | See Response to Comment 18 in Hexagon Supplemental Responses. The revised site plan is adequate for bus and truck access and circulation. Buses and trucks would not need to enter the garage. | Applicant Response Letter; Response #1. iv. to Charles Erekson; Hexagon Supplemental Responses set forth in Exhibit 4. |
| Project parking should not overflow to street parking on Alberto Way. (BVV, 5) | Kemp | August 24, 2016 Planning Commission Meeting | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | See Response to Comment 19 in Hexagon Supplemental Responses. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Revised Project appears to have no turn-around large enough for buses (PLG, 42). | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 18 in Hexagon Supplemental Responses. See response above. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| Revised PD Garage is blocked while trash and recycling is picked up, backing up traffic on Alberto & Hwy-9 or in the PDs garage while they are present (PLG, 42) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 20 in Hexagon Supplemental Responses. Garbage trucks would not block access to the garage. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| More jobs will create demand for more housing and secondary development. EIR must address all impacts including schools and project should contribute $50K to 70K per tenant employee to mitigate school impacts. | LGC, p. 7 | New comment included in April 6, 2017 Staff Report | N/A | The project involves the redevelopment of a commercially zoned property and not a residential project. The project is subject to the commercial developer impact fees imposed by Los Gatos Union School District of $.54/square foot. | Draft EIR |

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| No construction plan can prevent complete shutdown of Alberto Way for extended periods (PLG, 42) | PLG | Final EIR, Letter #5, June 11, 2016 | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). Analysis in Draft EIR indicates impacts are less than significant. See Response to Comment 15 in Hexagon Supplemental Responses. | Final EIR, Response to Comment Letter #5; Hexagon Supplemental Responses set forth in Exhibit 4. |
| During construction, work crews of 50-100 will be present on the site at all times, each arriving in a separate vehicle: it is not possible for them to all park on the Project property (PLG, 42) | PLG | August 10, 2016 | August 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | See Response to Comment 22 in Hexagon Supplemental Responses. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| As a Mixed-Use development, the PD would, generate high levels of continuous traffic that are not disclosed in the DEIR or FEIR (PLG, 43) | PLG | Final EIR, Letter #2, June 8, 2016 | Final EIR. | Section 2 Project Description describes the proposed use of the site as commercial use and not residential use. See Response to Comment 23 in Hexagon Supplemental Responses | Final EIR, Response #7 to Letter #2. Hexagon Supplemental Responses set forth in Exhibit 4. |
| FEIR MISSING Mitigation T-4: Widen Hwy-9 by one lane along the entire length of the Proposed Development on Hwy-9 to allow safe right turns from Alberto Way (PLG, 43) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comment 24 in Hexagon Supplemental Responses. Highway 9 has 2 lanes along the project frontage. The project does not cause the need for further widening of the highway. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| FEIR MISSING Mitigation T-5: Widen Hwy-9 by one lane each direction between the Hwy-17 Overpass and the 2 lane sections on both sides to enable the EB left turn pocket into Alberto to be extended enough to prevent AM gridlock (PLG, 44) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comments 24 and 25 in Hexagon Supplemental Responses. Highway 9 has 2 lanes along the project frontage. The project does not cause the need for further widening of the highway. | Hexagon Supplemental Responses set forth in Exhibit 4. |

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| FEIR MISSING Mitigation T-6: Reduce PD Footprint by enough to enable the widening of Hwy-9 by one lane each direction between the Hwy-17 Overpass and the 2 lane sections on both sides (PLG, 45) | PLG | New comment included in April 6, 2017 Staff Report | N/A | See Response to Comments 24 and 25 in Hexagon Supplemental Responses. Highway 9 has 2 lanes along the project frontage. The project does not cause the need for further widening of the highway. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| No trip generating project should be approved before Los Gatos Blvd. is widened.(PLG, 26) | PLG | New comment in April 6, 2017 Staff Report | N/A | See Response to Comment 27 in Hexagon Supplemental Responses. The Project would not cause significant impacts along Los Gatos Blvd. | Hexagon Supplemental Responses set forth in Exhibit 4. |
| **Utilities and Service Systems** | | | | | |
| Project sewer crosses neighboring properties. | | New comment included in April 6, 2017 Staff Report | N/A | The existing buildings drain the site sewage to a 6' VCP which traverses through the neighboring property. The proposed building for the Project has capped the traversing 6' VCP onsite, and instead is draining the sewage of the proposed building directly into Alberto Way's 6' VCP sewer main, without traversing through a neighboring property. Please see Exhibit 2. | Exhibit 2 to this matrix. |

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| **Alternatives** | | | | | |
| Existing square footage alternative is consistent with project objectives. (PLG 46) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes). | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell and Matthew Hudes). |
| 1-story garage has negative impacts (PLG 46). | PLG | New comment included in April 6, 2017 Staff Report | N/A | The underground parking garage is two floors below grade, not one. The revised design reduces the footprint of the underground parking garage, which decreases the required excavation and also allows for on-site staging of all construction vehicles, thus eliminating congestion on the street during construction. Furthermore, locating most parking below grade significantly reduces the visual impact of the surface parking lot and allows for additional surface landscaping and amenity areas. Any additional risks associated with the underground parking garage will be 100% mitigated thorough proper architectural, structural and civil design that meets all codes and Town requirements. | N/A |
| **Growth-Inducing Impacts** | | | | | |
| CEQA Section 21100(b)(5) specifies that growth inducing impacts must be addressed in EIR and they were not. (PLG, 36-37) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Section 5.1 of the Draft EIR contains a discussion of growth inducing impacts. As explained in the Draft EIR, the proposed project would not be population-inducing and would be consistent with the General Plan and zoning designations for the site; therefore the Project would not have growth inducing effects. | Draft EIR. |
| **No Significant Impacts** | | | | | |
| EIR fails to describe why the possible significant effects were determined not to be significant. (PLG, 37) | PLG | New comment included in April 6, 2017 Staff Report | N/A | The EIR describes the reasons that all of the impacts that were evaluated in this EIR were determined not to be significant. | N/A |

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| **Project Description** | | | | | |
| Revised PD Fails to Address Reviewability (PLG, 7) | PLG | New comment included in April 6, 2017 Staff Report | N/A | The project is reviewable in accordance with the Town of Los Gatos Municipal Code and application review procedures just like any other development project is reviewable. | N/A |
| Revised PD Design Features in conflict with General Plan Policies (PLG, 46-49) | PLG<br>LGC, p. 2 | August 24, 2016 Planning Commission Meeting | March 17, 2017 | Refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). Additional recommendations were made by the Town's consulting architect, Cannon Design Group, and have been incorporated into the most recent design submission as discussed above. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |
| Questions validity of Cannon report. References reduction of only 700 sf | LGC, p. 2 | New comment included in April 6, 2017 Staff Report | N/A | The 700 sf reduction noted in the Cannon Design Group document is incorrect. The actual reduction in area between the original design (91,965 sf) and the current proposed design (83,000 sf) is 8,965 sf. Cannon Design Group is the Town's peer review consultant retained by the Town to provide an independent assessment of the Project. | N/A |
| Ensure that new development reinforces and supports the special qualities of the Town of Los Gatos (PLG, 47) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). Recommendations from Cannon Design Group have been incorporated into the redesign. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

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| Northern portion of buildings should be reduced to 1 story.<br><br>Buildings block views of mountains. | LGC, p. 8 (D) | New comment included in April 6, 2017 Staff Report | March 17, 2017 | The revised PD has relocated the building an additional 10 feet away from the north property line, for a total of 25 feet of setback, including the Town-mandated 15-foot setback.<br><br>For responses on blocking views, please refer to Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). |
| Revised PD Features in conflict with LG Commercial Design Guidelines (PLG, 47) | PLG | August 24, 2016 Planning Commission Meeting | March 17, 2017 | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission as discussed above. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). |
| Provide more project review and approval predictability (PLG, 47) | PLG | New comment included in April 6, 2017 Staff Report | N/A | The project is reviewable in accordance with the Town of Los Gatos Municipal Code and application review procedures just as any development project is reviewable in such a manner. Numerous public meetings, hearings and community workshops have been conducted by the Town and the applicant as summarized in the April 6, 2017 Planning Commission staff report. | N/A |

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| Plan Deficiency (PLG, 47) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). Also, the Staff analysis contained in the various staff reports prepared for the Project demonstrates that the Project complies with Town plans and policies. | N/A |
| Maintain a building scale that is consistent with the Town's small scale image (PLG, 48) | PLG | August 10, 2016; | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). There is no prevalent commercial architecture style in the immediate surrounding area, so the revised project has been redesigned to complement the existing commercial centers, using mission-style architecture. The Town's Architectural Consultant has approved the proposed architectural style as in accordance with the Town's Commercial Design Guidelines. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |
| Reinforce the special qualities of the Town's visual character (PLG, 48) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission as discussed above. The design incorporates various design elements from the Hotel Los Gatos and Palo Alto Medical Foundation office building located on Los Gatos Blvd. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

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| Protect property owner investments by discouraging inappropriate adjacent development (PLG, 48) | PLG | August 10; 2016 and August 24, 2016, Planning Commission Meeting | August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission as discussed above. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |
| To encourage signs which are in scale and harmony with the architecture and the character of the Town (PLG, 48) | PLG | | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Once a tenant and/or tenants have been identified, the Owner will submit a Master Signage Program (MSP) that is consistent and complies with Town requirements for exterior building and site signage. | N/A |
| Maintenance of the existing small town feel (PLG, 48) | PLG Wagner | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes), which indicates that recommendations from Cannon Design Group, have been incorporated into the most recent design submission as discussed above. The Town's Architectural Consultant has approved the proposed style as in accordance with the Town's Commercial Design Guidelines. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

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| Careful attention to architectural and landscape details similar to the Town's residential structures (PLG, 48) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | The architectural details and landscape design have been designed in strict compliance with the Town's zoning requirements for the site. The revised design offers a generous landscape amenity area in front of the building, facing onto Alberto Way.<br><br>Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission which further address the request for similar architectural and landscape details by providing additional visual variety and breaking up the scale on the front façade, including varying the heights of the mansard roofs, adding additional recesses and projections at the front façade, and providing more of a wall plane offset where the two-story front wall transitions to a one-story wall. | Applicant Response Letters dated August 18, 2016 and March 17, 2017. |
| Small scale buildings with a strong pedestrian orientation (PLG, 48) | PLG<br>Kemp | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). The additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission as described above. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

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| The sensitive interface of commercial development with adjacent residential neighborhoods (PLG, 48) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). The revised Project combines the two former buildings, and repositions it to the rear setback. The new building is over 60 feet further away from Alberto Way than the former 401 building. In addition, the tower elements and balcony on the north side of the building have been eliminated, which allow for better views and more privacy to surrounding residential neighborhoods. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |
| Strong encouragement of a unique Los Gatos scale and character (PLG, 48) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission. The Project has been designed so that it preserves and promotes existing commercial centers consistent with the maintenance and design of a small-town Class A office center. | Applicant Response Letter dated August 18, 2016;.Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, D. Michael Kane and Matthew Hudes). |

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| Design to maintain and reinforce the unique scale and character of Los Gatos (PLG, 48) | PLG | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). Additional recommendations made by the Town's consulting architect, Cannon Design Group, have been incorporated into the most recent design submission to maintain and reinforce the scale and character of Los Gatos by providing visual variety reducing the mass of the central link of the setback portion of the building and adding additional trellis features at the windows on the front façade. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). |
| Break overall building masses into segments similar to those of nearby structures and parcels (PLG, 48) | PLG<br>Kemp | August 10, 2016; August 24, 2016, Planning Commission Meeting | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). See the discussion above regarding the applicant's efforts to break up the massing and scale in the revised project. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes); Response 1 in Arc-Tec Response Letter dated March 16, 2017. |
| Avoid design which consists largely of boxes with applied design elements (PLG, 48) | PLG; Cannon Design Group | February 22, 2017 | March 16, 2017 | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). The revised design incorporates visual variety and break up in scale on the front façade, including increasing the mansard roof height on the left side of the building to create differential in the massing, while preventing adverse impacts to the views of the trees and hills in the distance. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes); Response 1 in Arc-Tec Response Letter dated March 16, 2017. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
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| Break facade segments into modules (PLG, 49) | PLG; Cannon Design Group | February 22, 2017 | March 16, 2017 | Please refer to Applicant Response Letter dated August 18, 2016 and Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes). The design includes additional visual variety and break up in scale on the front façade, including varying the heights of the mansard roofs, adding additional recesses and projections at the front façade, and providing more of a wall plane offset where the two-story front wall transitions to a one-story wall. | Applicant Response Letter dated August 18, 2016; Applicant Response Letter dated March 17, 2017 (Summary of Architectural Changes and responses to comments by Thomas O'Donnell, Michael Kane and Matthew Hudes); Response 1 in Arc-Tec Response Letter dated March 16, 2017. |
| Provide a unified design around all sides of buildings (PLG, 49) | PLG; Cannon Design Group | February 22, 2017 | March 16, 2017 | The project's design is consistent around all four sides of the building. Additional design enhancements and detailing are provided at the front façade of the building facing Alberto Way. | Response 1 in Arc-Tec Response Letter dated March 16, 2017 |
| Where continuity of design is difficult to achieve, provide substantial landscaping (PLG, 49) | PLG | New comment included in April 6, 2017 Staff Report | N/A | The architectural details and landscape design are in strict compliance with the Town's zoning requirements for the site. The revised design offers a generous landscape amenity area in front of the building, facing onto Alberto Way. | N/A |
| Integrate the screening for all trash and service areas into the design of the buildings (PLG, 49) | PLG | New comment included in April 6, 2017 Staff Report | N/A | All trash and service areas on the site will be properly screened from view as is required by Town of Los Gatos zoning requirements. | See e.g., Conditions 132-133 of Project Conditions of Approval. |
| Operable windows (PLG, 49) Provide visual buffering of on-site utility elements (PLG, 49) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Operable windows are not practical due to code and Title 24 requirements which mandate an energy efficient HVAC system; the efficiency of which is compromised by the use of operable windows. | See e.g., Condition 39 of the Project Conditions of Approval. |
| Locate transformers, valves and similar elements where they will be least visible (PLG, 49) | PLG | New comment included in April 6, 2017 Staff Report | N/A | All service areas and on-site utility equipment (transformers, etc.) on the site will be properly screened from view per Town of Los Gatos zoning requirements. | See e.g., Conditions 132-133 of Project Conditions of Approval. |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| Subordinate parking to the buildings. Avoid parking lots in locations that interrupt retail and/or structural continuity near front property lines. (PLG, 49) | PLG | New comment included in April 6, 2017 Staff Report | N/A | Parking is "subordinated" to the buildings with the provision of an underground parking garage. No surface parking lots are proposed that would interrupt retail or structural continuity near the frontage. | N/A. Also see revised project submittal dated March 2017. |
| Projects with multiple tenants will be required to prepare a Master Signage Program (PLG, 49) | PLG | N/A | N/A | Once a tenant and/or tenants have been identified, the Owner will submit a Master Signage Program (MSP) that is consistent and complies with Town requirements for exterior building and site signage. | N/A |
| Additional disclosures describing work to be performed. (BVV 6) | BVV | N/A | N/A | This comment does not raise a CEQA issue; no further response is required. | N/A |
| The Project will depress Alberto Way Property Values both during and after construction (PLG, 42) | PLG | Letter #2, June 6, 2016 | August 10, 2016 and 24, 2016 Staff Report; August 19 and 24th Applicant Response Letters | This comment does not raise an environmental issue; no further response is required. | Final EIR, Response to Comment Letter #2, Response #6 |
| **Construction Traffic/Air Quality Impacts** | | | | | |
| If water is used to control particulates during construction, trucks exiting the site will leave with mud on their tires, which will be deposited in Alberto Way and Hwy-9 (PLG, 43) | PLG | New comment included in April 6, 2017 Staff Report | N/A | DEIR Section 3.2 evaluates construction-related air quality impacts. Mitigation Measure AQ-3 and Conditions 120 and 131 address measures to minimize potential for deposition of dust and mud at off-site locations. | DEIR |
| During construction, the road beds of Alberto Way and Hwy-9 will be destroyed or seriously damaged by the fully loaded concrete trucks (PLG, 43). | PLG | New comment included in April 6, 2017 Staff Report | N/A | Conditions 106 through 111 require that the developer submit a construction management plan prior to issuance of any permits to commence work. | DEIR |
| MM T-2 calls for a construction contract with Los Gatos but, there is no mitigation for the construction contract with Caltrans (PLG, 43). | PLG | New comment included in April 6, 2017 Staff Report | N/A | Per condition 105, the developer shall be responsible for obtaining Caltrans approval of a traffic control plan for work within the Caltrans right-of-way. | N/A |

| Comments | Commenter | Original Date Comment Submitted | Original Date Comment Addressed | Response to New Comment included in April 6, 2017 Staff Report | Project Document in which Comment Addressed (in addition to this matrix) |
|---|---|---|---|---|---|
| 200 diesel truck trips per day for 1 to 2 years; some days more with 6-7 trucks at a time. 174 round trips per day. address truck traffic impacts due to beach traffic. Construction traffic impacts to pedestrians. | Basham McDonald Fowler | New comment included in April 6, 2017 Staff Report | N/A | No construction would occur on weekends. The Project construction activities are designated for Monday through Friday from 9-4 in order to mitigate peak traffic concerns. | N/A |
| **Other/Miscellaneous** | | | | | |
| CEQA document needs to be revised and recirculated. | BVV | New comment included in April 6, 2017 Staff Report | N/A | The modifications described above are feasible and represent minor revisions and clarifications to the overall project that will not add significant new information to the Town of Los Gatos 401-409 Alberto Way Draft and Final Environmental Impact Report (EIR). Recirculation of the EIR is not required because the proposed modifications will further lessen impacts that the Town previously found to be less than-significant. Further the changes incorporated into the Project would not involve a new significant environmental impact, a substantial increase in the severity of a prior environmental impact, or a feasible mitigation measure or alternative that we declined to adopt and that will clearly lessen any project impacts. No information provided in this submittal indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the EIR. | March 17, 2017 letter and Final EIR. |
| Project negatively impacts senior citizens who reside in the neighborhood (LGC, p. 5). Fails to compensate damaged sellers due to lower property values. (PLG, p. 42) | LGC PLG | Letter #2, June 6, 2016 | N/A | This comment does not raise a CEQA issue; no further response is required. | Final EIR, response to Comment Letter #2, Response #6 |

**Legend:**

PD = Proposed Development
PLG = Pueblo de Los Gatos Submitted to Los Gatos for 405 Alberto Way (aka 401-409 Alberto Way) included in April 7, 2017 Staff Report
BVV = Bella Vista Villages Submitted to Los Gatos for 405 Alberto Way (aka 401-409 Alberto Way) included in April 7, 2017 Staff Report
LGC = Los Gatos Commons Submitted to Los Gatos for 405 Alberto Way (aka 401-409 Alberto Way) included in April 7, 2017 Staff Report

# EXHIBIT 1

Project No.
**12175.000.000**

April 19, 2017

Ms. Alicia Guerra
Buchalter Nemer
55 Second Street, Suite 1700
San Francisco, CA 94105

Subject: 401-409 Alberto Way
Los Gatos, California

**SUPPLEMENTAL RESPONSE TO PUBLIC COMMENTS**

Dear Ms. Guerra:

At your request, we prepared this supplemental response letter to public comments for your project at 401-409 Alberto Way in Los Gatos, California. Specifically, we are responding to comments presented in a letter prepared by Geissler Engineering (Reference 4) as well as comments from representatives of the Alberto Way Liaison Committee, Alberto Way Citizens, Pueblo De Los Gatos, Bob Burke, Las Casitas, Bella Vista Village, and Neighbors of Alberto Way included in the Town of Los Gatos April 7, 2017 Staff Report on the above-referenced project.

We previously prepared a design-level geotechnical report for the project (Reference 2), which was peer reviewed by AMEC Foster Wheeler (AMEC). Our response letter to the AMEC peer review comments (Reference 3) was accepted by the Town of Los Gatos. Both our design-level geotechnical report and response to peer review letter were signed and stamped by a California registered Geotechnical Engineer.

## GEISSLER ENGINEERING COMMENTS

Geissler Engineering provided the following comments in their Hydrology Report dated March 31, 2017 (Reference 4). Our responses to each of Geissler Engineering's comments are as follows:

*Geissler Engineering Comment 1*
*The likelihood of life-threatening flooding due to upstream dam failures.*

> *Page 8, Upstream Dam Failure Section, "A catastrophic failure of the Lenihan Dam would cause flooding at the project location within minutes. Underground parking amplifies the risk of drowning in the event of a dam failure."*

ENGEO Response to Comment 1
As shown on Plate 1 of the Inundation Map of Lexington Dam prepared by Santa Clara Valley Water District (Figure 1), the project site, the neighboring properties, as well as the majority of the Town of Los Gatos, are located within the inundation zone in the event of dam overflow or failure.



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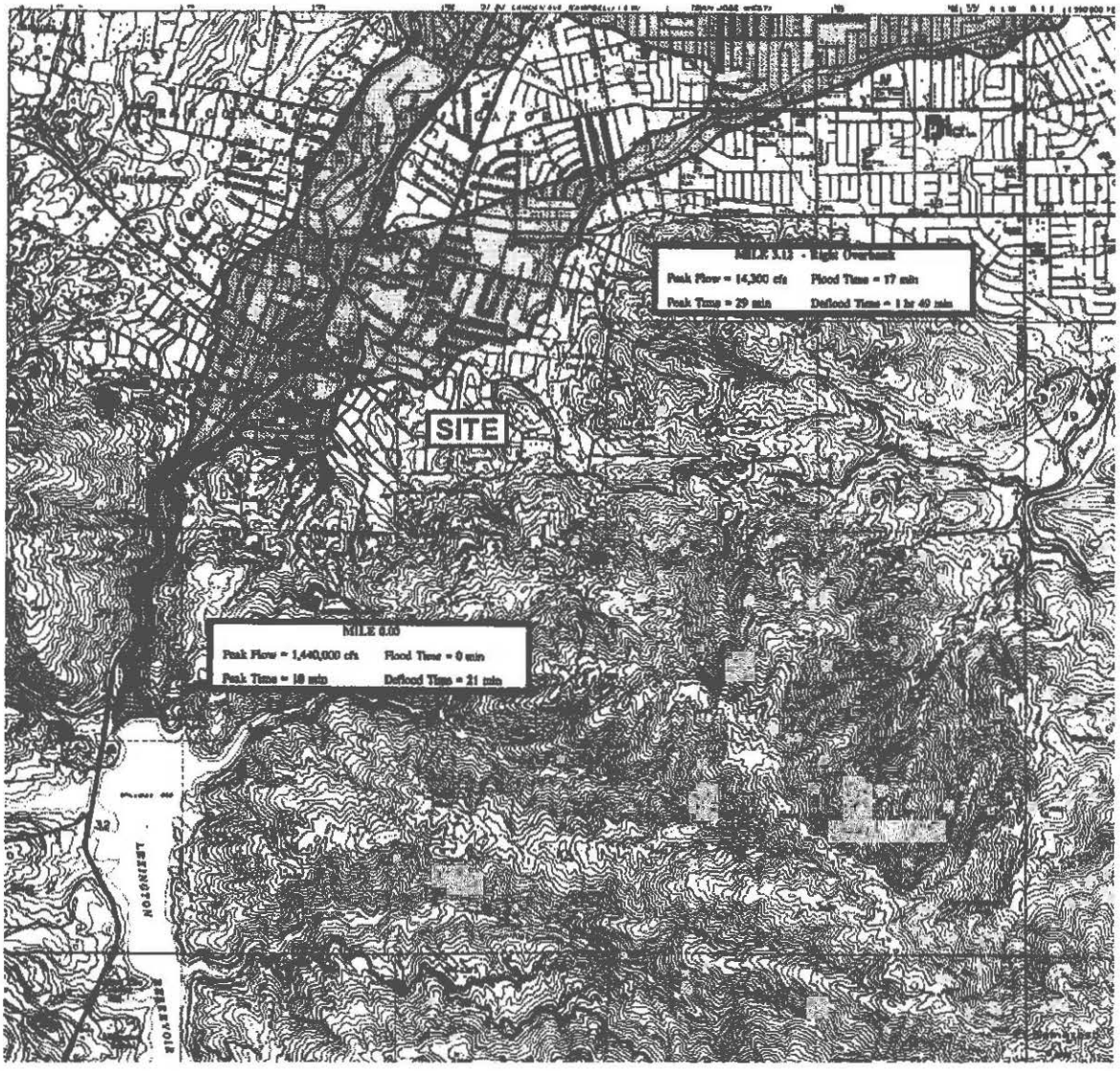
www.engeo.com

It is the responsibility of the Santa Clara Water District (SCVWD) to perform surveillance, inspections and maintenance to reduce the risk of dam failure and overtopping. Moreover, SCVWD collaborates with local public agencies such as the Town of Los Gatos to provide warnings and emergency response.

**Figure 1: Plate 1 of the Inundation Map of Lexington Dam prepared by Santa Clara Valley Water District**




In December 2012, Terra/GeoPentech prepared a Seismic Stability Evaluation on Lenihan Dam for the Santa Clara Valley Water District. According to the report, the likelihood of significant cracks forming in the crest and other areas during the Maximum Considered Earthquake (MCE) is considered very low, and no seismic remedial measures are deemed necessary at the Lenihan Dam. Additionally, the report indicates that the Division of Safety of Dams (DSOD) performed their own independent analyses and concurred that no seismic remedial measures were necessary.

Based on the information ENGEO reviewed, the risk of inundation as well as the likelihood of life-threatening flood at the project site is low and the hazard to the project is no greater than that of any other parcel within the mapped inundation zone in the Town of Los Gatos.

*Comment 2:*
*Soil subsidence caused by temporary dewatering during construction.*

> *Page 6, Dewatering Section: "First, there is likely to be slight soil subsidence in the near vicinity of the coffer dam due to dewatering. Second, the effluent from diesel-powered pumps must be discharged onto the street or other receiving drainage facility such as a storm drain…At a minimum, this water is added to existing drainage facilities and, in effect, reduces the capacity of other drainage facilities (e.g. storm drains) that serve the neighborhood… Geissler Engineering calculations suggest that all of the Las Casitas development and Pueblo de Los Gatos developments are likely to exhibit cracked slabs as a result of soil subsidence as a result of construction."*

ENGEO Response to Comment 2
Geissler Engineering did not provide its calculations to support its letter. Temporary dewatering during construction will drawdown groundwater in the vicinity of the excavation and result in an increase of vertical stresses in surrounding soils. When vertical stresses increase in soil, settlement may occur in soft compressible clayey deposits and loose sandy or gravelly deposits.

Contrary to Dr. Geissler's comments, the soils encountered below the design groundwater level of 12 feet at the project site are medium dense to very dense clayey gravels. The risk of settlement (subsidence) in dense soil deposits as a result of temporary dewatering is low. Please see Chapter 3.5 of the Draft EIR for a description of the existing Project site soil characteristics.

Additionally, groundwater was encountered at a depth of roughly 21 feet in June 2015, which is below the historic high groundwater level of 12 feet bgs. Based on this data, the project site and vicinity has already experienced the effects of a lowered groundwater level. We are not aware of signs of subsidence reported in the area as the groundwater level fluctuates. This also indicates that the soils in the project area are not prone to subsidence as a result of lowered groundwater levels.

*Comment 3:*
*Long-term hydrologic effects caused by diversion of subsurface flow of groundwater following construction of the proposed 2-story underground garage.*

> *Page 5, Groundwater Hydrology Section: "Geissler Engineering is concerned that the construction of a 22-foot deep underground garage may cause diversion of subsurface seepage patterns. The long-term, effects of such diversion of subsurface seepage include a rise in groundwater levels in the neighboring properties and increased seepage flow rates which in turn may cause piping failures in adjacent soil strata. Geissler Engineering estimates that … the diversion of subsurface seepage is approximately 250 feet from the underground garage … The permeability of the surficial clayey soils estimated to be on the order of $10^{-8}$ cm/sec (very low) whereas the permeability of the gravel strata $10^{-5}$ cm/sec (very high)."*

ENGEO Response to Comment 3

Diversion of subsurface groundwater flow occurs when an impermeable structure, such as a slurry cut-off wall, is constructed across high groundwater flow gradients, such as along the center of a dam or levee, to increase flow paths and reduce the risk of piping. The groundwater level encountered at the project site is similar to nearby areas, indicating that the hydraulic gradient in the area is relatively flat. In the absence of steep hydraulic gradient in subsurface flow, diversion of groundwater is unlikely. The groundwater level surrounding the basement is expected to stabilize to a level similar to the surrounding area after dewatering wells are decommissioned.

The dense to very dense sand and gravel deposits encountered at the project site are confined in a clay matrix. The clay matrix will reduce the permeability of site soils. Considering the density of the soil deposits, the low permeability as a result of the clay matrix and lack of hydraulic flow gradient, the risk of piping is very low.

It is our expert opinion that the construction of a subsurface garage will not dramatically impede groundwater flow, and the risk of piping as described by Geissler Engineering is extremely unlikely.

*Comment 4:*

*The likelihood of structural cracking (post-construction) of the proposed 2-story underground garage and subsequent seepage of groundwater into the garage.*

> *Page 3, Executive Summary Section: "In the event of an earthquake, the soils below the 2-story underground garage are likely to exhibit significant loss of bearing capacity. Loss of bearing capacity is likely to result in differential foundation settlement with resultant structural cracking of the reinforced concrete structure. Cracking of the reinforced concrete structure allows significant influx of groundwater. Geissler Engineering estimates that the rate of flow into the (cracked) underground (and underwater) garage structure could range from 50 gallons per minute (gpm) to 500 gpm."*
>
> *Page 4, Soil Conditions Section: "Appreciate that differential foundation settlement on the order of an inch or more shall cause significant cracking in the reinforced concrete structure. In an underground (and underwater) garage, this is likely to allow the influx of substantial flow of groundwater.*
>
> *Page 8, Dewatering Section: "It is significant that ENGEO recommended that concrete slabs be 8 inches thick at the proposed development. That shows that ENGEO appreciates the potential for cracked slabs due to seasonal groundwater variation in expansive subgrade soils."*

ENGEO Response to Comment 4

The proposed office structure should be supported on a structural mat foundation designed in accordance with recommendations provided in the Geotechnical Report, summarized as follow:

- Tolerate up to 1 inch of total liquefaction settlements
- Tolerate up to ½ inch of differential liquefaction induced settlement
- Withstand an edge cantilever distance of 6 feet
- Withstand an interior span distance of 15 feet

When designed based on the above criteria, the foundation mat is rigid enough to span localized irregularities without suffering from structural damage. We do not anticipate severe cracking of the structure and associated water intrusion as described by Geissler Engineering on a foundation mat designed in accordance with the above criteria. We also note that the above mentioned foundation design criteria are not exceptional to projects constructed in the San Francisco Bay Area.

Seasonal moisture fluctuation on expansive soil may impact surficial secondary slabs such as walkways, patio and driveway slabs. Since the foundation is below the water table, moisture variations which would cause shrink and swell of expansive clay cannot occur at the foundation subgrade level so expansive soil will have no long-term effect on the below-grade foundation. Additionally, the 8-inch-thick slab recommendation noted by Geissler Engineering is for concrete pavement design and is intended to provide support to traffic loads. Geissler Engineering has misunderstood the purpose of the 8-inch-thick concrete pavement section referenced in the last quoted statement in Comment 4 above.

*Comment 5:*
*Long-term dewatering required to discharge the seepage of groundwater into the garage.*

> *Page 8, Dewatering Section: "Put simply, there is no waterproofing on the market that will prevent the influx of groundwater into a reinforced concrete structure when differential foundation settlement due to seasonal groundwater variation cause differential foundation settlement of ½" or more."*

ENGEO Response to Comment 5
As stated in our response to Comment 4 above, the risk of cracking within the foundation mat due to earthquakes or presence of expansive soils and the risk of associated groundwater intrusion are low. Thus, this project will not require long-term dewatering from a geotechnical standpoint.

The proper type of waterproofing will be determined and specified by a waterproofing consultant as recommended in our project geotechnical report. Examples of similar construction where ENGEO was the project geotechnical consultant include the Epic Apartment Homes in San Jose and the 201 Marshall Apartments in Redwood City.

*Comment 6:*
*Problems associated with long-term dewatering in the vicinity of the proposed 2-story underground garage.*

> *Page 8, Dewatering Section: "Put simply, there is no waterproofing on the market that will prevent the influx of groundwater into a reinforced concrete structure when differential foundation settlement due to seasonal groundwater variation cause differential foundation settlement of ½" or more."*

ENGEO Response to Comment 6
Please see our response to Comments 4 and 5.

*Comment 7:*
*The likelihood of flooding due to a 125-year storm.*

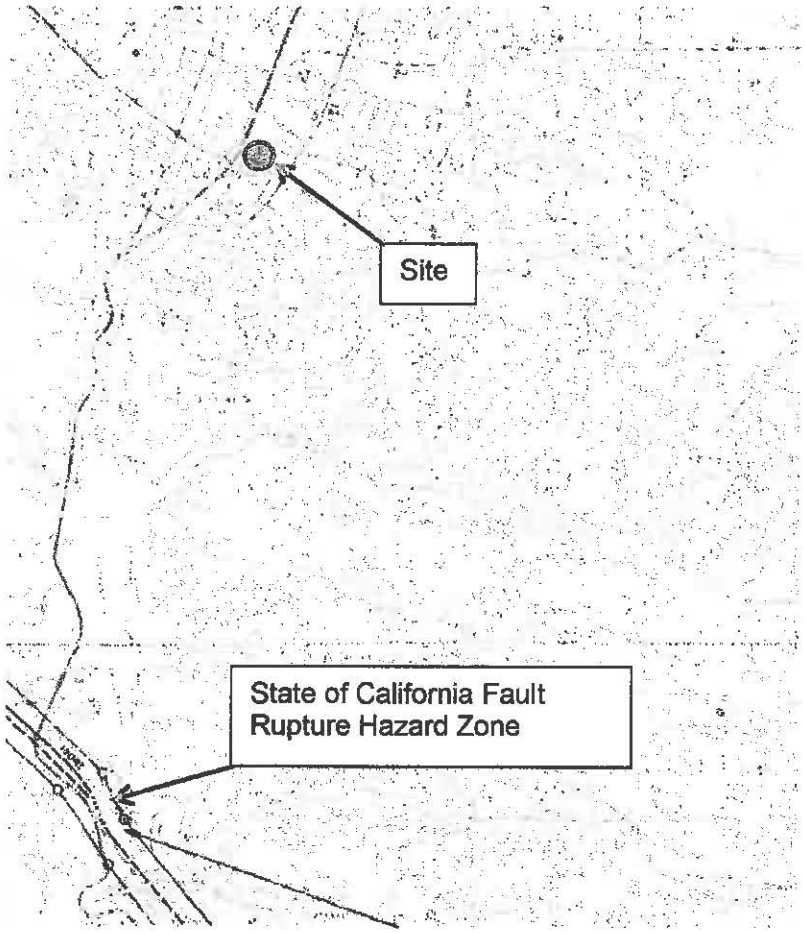
ENGEO Response to Comment 7
Comments regarding the likelihood of flooding due to a 125-year storm will be addressed by Kier & Wright.

*Comment 8:*
*The hazards associated with the location of the proposed garage located within a previously mapped Earthquake Fault Hazard Zone.*

> *Page 5, Earthquake Risk Section: The project location is located within an earthquake fault rupture hazard zone [Ref: California Geologic Survey, State of California Department of Conservation]"*

ENGEO Response to Comment 8
We disagree with Geissler Engineering on the statement quoted under Comment 8. The project site is not located within State of California Fault Rupture Hazard Zone (Los Gatos Quadrangle, 1991) as shown on Figure 2.

**Figure 2: State of California Special Studies Zone Map, Los Gatos Quadrangle, 1991**



A further description of local faults in the project vicinity and the associated ground rupture hazards can be found in our project geotechnical report. We conclude the potential for surface fault rupture at the site is unlikely.

*Comment 9:*
*The hazards associated with the location of the proposed garage located within a previously mapped Earthquake Induced Liquefaction Hazard Zone.*

> *Page 5, Earthquake Risk Section: The project is located within an Earthquake Induced Liquefaction Hazard Zone. The risk of earthquake induced liquefaction hazard has been determined to be high by the Santa Clara Planning Department. [Ref: Santa Clara County Hazard Mitigation Plan dated February 21, 2012]. Plate 1.2 of the Seismic Hazard Zone Report for the Los Gatos Quadrangle (2002) indicated a likelihood of liquefaction that requires mitigation measures are required as per Public Resources Code Section 2693 (c). The ENGEO Report admits that the strata of clayey gravels soils at the subject property... 26th Annual ASCE Los Angeles Geotechnical Spring Seminar]*

ENGEO Response to Comment 9
Publically available liquefaction hazard maps published by ABAG, Santa Clara County, CGS and others are intended for screening purposes. Site-specific liquefaction exploration and analysis is always required to properly evaluate the site risk of liquefaction and resulting ground deformation.

ENGEO performed a thorough liquefaction evaluation, which was peer reviewed by AMEC Foster Wheeler and accepted by the Town of Los Gatos. Based on our engineering analyses, conservative estimates of liquefaction-induced settlement are presented. The effects of liquefaction should be mitigated by designing the building foundation as described in our report.

**ALBERTO WAY LIAISON COMMITTEE (AWLC)**

Representatives of the AWLC submitted comments regarding the impact of the proposed development on surrounding developments. Our responses to the geologic/geotechnical comments from the AWLC are as follow:

*Comment 14:*
*The Revised Project would result in hydrology impacts. Geissler Engineering considered the impact of the proposed construction of a 2-story underground garage included in the reduced Project on the existing residences on Alberto Way due to:*

- *(i) The likelihood of life-threatening flooding due to upstream dam failures;*
- *(ii) Soil subsidence caused by temporary dewatering during construction*
- *(iii) Long-term hydrological effects caused by diversion of subsurface flow of groundwater following construction of the proposed 2-story underground garage;*
- *(iv) The likelihood of structural cracking (post construction) of the proposed 2-story underground garage and subsequent seepage of groundwater into the garage.*
- *(v) Long-term dewatering required to discharge the seepage of groundwater into the underground garage;*
- *(vi) Problems associated with long-term dewatering in the vicinity of the proposed 2-story underground garage;*

*(vii) The likelihood of flooding due to a 125-year storm;*
*(viii) The hazards associated with the location of the proposed garage located within a previously mapped Earthquake Fault Hazard Zone;*
*(ix) The hazards associated with the location of the proposed garage located within a previously mapped Earthquake Induced Liquefaction Zone;*
*(x) The likelihood of flooding of the proposed 2-story underground garage due to storm water runoff.*

ENGEO Response to Comment 14
Please see our responses to Geissler Engineering Comments 1 to 10 above concerning geotechnical and seismic-related comments.

*Comment 16:*
*Replace the underground parking with surface parking.*

*ENGEO identifies the risks of proposed mitigation measures but the proposed mitigations (e.g., dewatering and waterproofing) are not sufficient to protect the neighboring properties according to Geissler Engineering. Geissler Engineering has identified a number of risks associated with the current design. Geissler recommends that all of the parking remain above grade and be designed as pervious paving.*

*The Los Gatos Commons Committee concurred with the comments. As a result of soil subsidence, Las Casitas and Pueblo de Los Gatos will likely experience cracked slabs, and would experience huge expense and disruption from the necessary repair work, if not cracks in their foundations. Construction of the underground garage will cause piping failures in the neighboring properties, very expensive and disruptive to repair. Reduced capacity of drainage facilities in the neighborhood will create many problems, including impediment to pedestrians. The EIR did not divulge geologic/geotechnical, hydrology or health and safety impacts caused by parking garage. The EIR should be revised and recirculated.*

ENGEO Response to Comment 16
Please see our responses to Geissler Engineering Comments 1 to 6. Construction of the parking garage in accordance with our recommendations as forth in the ENGEO, Geotechnical Exploration for 401 Alberto Way, Los Gatos, California dated July 17, 2015 and revised August 13, 2015 would not result in any new significant *geologic/geotechnical, hydrology or health and safety impacts* as explained above.

*Comment 22*
*The proposed building will impact Bella Vista Village.*

ENGEO Response to Comment 22
Please see our responses to Geissler Engineering Comments 1 to 6. It is our opinion that the proposed building will not impose impact to Bella Vista Village from a geologic and geotechnical standpoint. Our report recommends standard construction techniques and foundation design criteria that are commonly used in the San Francisco Bay Area.

**ALBERTO WAY CITIZENS, MR. BOB BURKE AND PUEBLO DE LOS GATOS**

Representatives of Alberto Way Citizens and Pueblo de Los Gatos, as well as Mr. Bob Burke, submitted comments regarding the impact of the proposed development on surrounding properties. Our responses to the geologic/geotechnical comments from Alberto Way Citizens and Pueblo de Los Gatos are as follow:

*Comment 2*:
*Contains geotechnical and underground hydrologic assessments that bar the site from any buildings of the size of the Project based on liquefaction and settling as well as the revised project description's underground parking, the lower level of which would be underwater.*

ENGEO Response to Comment 2
Please see our responses to Geissler Engineering Comments 1 to 6.

*Comment 11*
*Water table too shallow for a 2-level underground garage and requires boring at this time to confirm current wet period water table. Safeway underground garage has had flooding problems. Project technical report doesn't address potential impact to underground garage. Impacts are insurmountable. Los Gatos Creek rerouted.*

ENGEO Response to Comment 11
The design groundwater level recommended in the Geotechnical Report represent the **historic high groundwater level** depicted on maps published by the State of California. Peer reviewer AMEC Foster Wheeler and the neighbor's engineering representative, Geissler Engineering, concur with the recommended design groundwater level of 12 feet below existing grade.

We are unable to comment on the performance of nearby structures, such as the Safeway grocery store noted in the comment, without understanding their design criteria and waterproofing system. ENGEO has worked on many projects in the San Francisco Bay Area with subsurface basements or garages located below the groundwater table. The risk of moisture intrusion and flooding generally is very low when the structural components are designed for the anticipated hydrostatic and earth pressures, and waterproofing products are applied properly. Numerous buildings with basements below the groundwater that do not flood, indicating that those that do flood have this problem due to either design or construction and not because the basement or garage is located below the groundwater table.

We reviewed aerial photographs of the subject site dating back to 1937 as part of our geotechnical study. Additionally, we recently reviewed historic topographic maps provided by www.historicaerials.com for the project area dating back to 1928. Based on our review of the aerial photographs and topographic maps, we observed that Los Gatos Creek has been rerouted in the past. However, we did not observe Los Gatos Creek to be formerly located within the limits of the site during our historic aerial photograph review. Therefore, the potential for undocumented fill within the site due to the past rerouting of Los Gatos Creek does not pose a geotechnical hazard to the project.

*Comment 1B*
*The ENGEO Geo-Tec report finds in section 4.1.4 that the PD's foundation is subject to settlement from liquefaction during shaking or construction induced earth defect after*

*construction. Should the foundation crack below the waterline, no waterproofing can guarantee that leaks won't occur. No underground garage can remain dry with cracks. Safeway's single level underground garage, for example, has suffered rising water flooding since the winter of 2014-2015 as an example of this phenomenon. The Revised PD does not address this risk to the PD itself. Our hydrology expert Dr. Peter Geissler, PE, asserts that settling after construction or liquefaction are, at some point it its life, likely to crack the foundation of the underground parking structure, leading it to flood and need to continuous de-watering. The Revised PD does not address this risk.*

ENGEO Response to Comment 1B
Please see our responses to Alberto Way Citizens etc. Comment 11 and Geissler Engineering Comments 4, 5, and 9.

*Comment 1C*
*ENGEO's report finds in section 4.2 that existing fill is a settlement risk. It does not address the existing fill on the site from the 1950's era construction of Lenihan Dam and the accompanying Hwy 17 re-construction that filled in the former Los Gatos Creek area that was at the time beneath the PD's property, installed the concrete swale on the other side of 17, eliminating the LG creek channel that used to flow beneath the PD. The Revised PD does not address this risk.*

ENGEO Response to Comment 1C
Please see our response to Alberto Way Citizens etc. Comment 11. Additionally, our review of aerial photographs does not depict fill being placed within the development area as a result of the construction of Highway 17. Should existing fills be encountered during grading, they will be removed and replaced as engineered fill as described in our geotechnical report. We also note that existing fills are not anticipated to be encountered at the foundation level, which is approximately 20 feet below existing grade.

*Comment 1D*
*ENGEO's report shows water level at 21 feet below elevation, 340 feet above mean sea level (AMSL). The boring was done while the site was still in the drought.*

ENGEO Response to Comment 1D
Please see our response to Alberto Way Citizens etc. Comment 11. The groundwater level considered in design was the historic high, not the level encountered during our exploration.

*Comment 1E*
*ENGEO's report in section 5.9 recommended no de-watering beneath or around the parking structure. De-watering will be required once the foundation cracks from either liquefaction or fill-induced settlement.*

ENGEO Response to Comment 1E
Please see our response to Alberto Way Citizens etc. Comments 11 and 1C as well as Geissler Engineering Comments 4, 5, and 9.

*Comment 1F*
*The Revised PD places the ground level of the building at 336.5 ft. AMSL, 5 feet lower elevation than the site's 2015 Boring Logs show water at 21 feet below ground level. This means water*

*was, at that time, 17.5 feet below the currently proposed ground level. This means that water was at a level that is 2.5 feet above the currently proposed P-2 (lower parking level) floor.*

ENGEO Response to Comment 1F
Please see our response to Alberto Way Citizens etc. Comment 11 as well as Geissler Engineering Comments 4, 5, and 9.

*Comment 1G*
*Our hydrology expert, Dr. Geissler finds that the local dewatering in the coffer dam needed around the underground parking structure is likely to cause ground subsidence during construction that is large enough to shift foundations of existing buildings within an area of influence 250 feet around the PD. This includes Las Casitas, Pueblo De Los Gatos, Grill 57, Satellite Health Care & the Inn at Los Gatos. This can cause foundation shifts leading to cracks or pipe breaks to our properties, Las Casitas, Pueblo De Los Gatos, and also to Grill 57, Satellite Health Care & the Best Western Inn at Los Gatos.*

ENGEO Response to Comment 1G
Please see our response to Geissler Engineering Comment 2.

*Comment 1H*
*Our hydrology expert, Dr. Geissler finds that the underground water diversion around the PDs underground parking structure may interfere with current underground water flow in the area. This is covered in more detail below in Section 3.*

ENGEO Response to Comment 1H
Please see our response to Geissler Engineering Comment 3.

*Comment 2B*
*ENGEO found water at 21 feet below the elevation of B2, which is 340 feet AMSL) above Mean Sea Level). This means that the Revised PDs lowest parking level (P-2) was partially underwater per the EIR's ENGEO report.*

ENGEO Response to Comment 2B
Please see our response to Alberto Way Citizens etc. Comment 11 as well as Geissler Engineering Comments 4, 5, and 9.

*Comment 2C*
*At the community outreach meeting, Applicant described...We computed the weight of the building and of the water it displaces and should the depth to water at the North end be in the 0-10 feet range, as illustrated in SCVWD map below, the North end of the building would be subjected to significantly larger "Lift Forces" than the South end of the building since the weight of the water displaced by the building is greater in that region.* ***This Lift differential is much more likely to cause cracks in the North end of the underground parking structure than if the "depth to water" is uniform. PD represents no Civil Engineering representation that the UG Parking Structure is immune to lift differential-induced cracks. Cracks would lead to leaks and constant water removal, which would cause the same land subsidence detailed in Dr. Geisler's report for construction de-watering.***

ENGEO Response to Comment 2C
Please see our response to Alberto Way Citizens etc. Comment 11 as well as Geissler Engineering Comments 2, 4, 5, 6 and 9. Although the comment above references a different groundwater map than the State map used in design, we note that the State map incorporates data provided by the SCVWD as well as additional sources.

We also note that the structural engineer will design the structure to resist hydrostatic uplift, which is common practice for buildings constructed below the design groundwater table.

*Comment 2D*
*The revised PD places the above ground floor's slab at 336.5 ft. AMSL, 3.5 feet below the top of B3's elevation at 340 ft. AMSL. Revised PD sheet 15 reveals that it lowers the foundation of the first floor to 4.5 feet below the location of B3 and then excavates to place the below ground P-2 floor at 20.5 feet lower. The excavation will be 2-3 feet lower than the foundation and will hit deep water during construction.*

ENGEO Response to Comment 2D
Please see our response to Alberto Way Citizens etc. Comment 11 as well as Geissler Engineering Comments 4, 5, and 9.

*Comment 2E*
*The DEIR made no mention of the fact that, at the time of its publication, the water table was higher than the floor of lower parking level P-2. It does, however, state that the PD is likely to suffer settling & cracking. This will lead to flooding in the parking structure and constant pumping the water out of the parking structure as well as from around and beneath the foundation, thereby causing foundation shifts to Las Casitas, Pueblo De Los Gatos, Grill 57and likely pipe breaks in water & sewer serving all communities and businesses along Alberto Way.*

ENGEO Response to Comment 2E
Please see our response to Geissler Engineering Comments 2, 4, 5, 6 and 9.

*Comment 2E*
*There is no hydrology mitigation plan that can relieve the conditions mentioned in a) through e), nor are they acknowledged or addressed in the DEIR.*

ENGEO Response to Comment 2E
Please see our response to Geissler Engineering Comments 2, 4, 5, 6 and 9.

*Comment 3A*
*Our expert Dr. Geissler reports that adverse impact on surrounding properties will likely be caused by dewatering the Revised PDs underground parking structure excavation during construction to our foundations from soil subsidence in Las Casitas and Pueblo De Los Gatos. Both will be caused by the Revised PD's de-watering (pumping from beneath its foundation required to drain P-1 & P-2 and ground movement caused by interruption of the present water flow by blockage of water flow from the area beneath the PD to around the underground parking structure and the water flow backup to our properties caused by the underground parking structure.*

ENGEO Response to Comment 3A
Please see our response to Geissler Engineering Comments 2, 3, 5 and 6.

*Comment 3B*
*Water Table level was measured by Applicant during the period of the lowest possible water table level at the end of the 5 year drought.*

ENGEO Response to Comment 3B
Please see our response to Alberto Way Citizens etc. Comment 11 and 1D.

*Comment 3C*
*Next is a screen shot of the water depth map kept by the Santa Clara Valley Water District for Los Gatos showing the Revised PD site and the neighbors properties to lie principally in the red 0-10 feet depth to water zone with the corner near Hwy 9 & Alberto in the orange 10-20 feet zone…The water depth map illustrates why the PD's underground parking structure, in both the Original and Revised designs, would move water into the surrounding properties in which underground water is already so close to the surface. This would further elevate the surface water in surrounding properties.*

ENGEO Response to Comment 3C
Please see our response to Alberto Way Citizens etc. Comment 2C as well as Geissler Engineering Comment 3.

*Comment 3D*
*Water depth beneath Bella Vista Village (middle of the red 0-10 ft. depth to water zone) is a low lying area so close to the water table that ten townhome, 110-132 Cuesta de Los Gatos have sump pumps installed under their ground level concrete slabs which are on a 1.5 foot high perimeter foundation. This area experiences water levels at inches below ground level in wet periods when their pumps operate. Bella Vista Village is at a high risk to elevated ground water levels as portions of Bella Vista Village lie in a 0-10 feet below ground to water zone as does a portion of the PD's property, all of which is represented in the EIR as being in the 10-20 below ground to water zone.*

ENGEO Response to Comment 3D
Please see our response to Alberto Way Citizens etc. Comment 2C as well as Geissler Engineering Comment 3.

*Comment 3E*
*We note that the location of Boring B-3, shown below from the EIR, lies on the 0-10 feet depth to water zone on the map above. ENGEO did not indicate the water depth, nothing that the boring collapsed when removing the hollow auger. We find this curious since the purpose of the hollow auger was to extract the core intact from the auger itself: a collapse of the boring walls would have had no impact on the core and therefore, the water depth would have been found. When we contacted ENGEO with questions, they refused to confirm anything.*

ENGEO Response to Comment 3E
Please see our response to Alberto Way Citizens etc. Comment 2E.

Water levels were measured at the site at the completion of drilling, after the augers were extracted and before the boring was backfilled. Caving of the borehole at depth during this time would have made obtaining a depth to groundwater measurement extremely unreliable. We also note that continuous, intact cores are not obtained when utilizing the hollow stem drilling method. Rather, 18-inch-long samples are obtained at discrete intervals that are specified in the field by the engineer during drilling.

*Comment 3F*
*The PD is likely to cause foundation movement or over-run these Bella Vista sump pumps' capacities.*

ENGEO Response to Comment 3F
Please see our response to Alberto Way Citizens etc. Comments 1E, 1G, 1H, 2E, and 3A as well as Geissler Engineering Comments 2, and 3.

*Comment 3G*
*As further evidence of the drought recovery: the Santa Clara Plain water well depth has risen from 45 to 85 feet since the Summer of 2015…*

ENGEO Response to Comment 3G
Please see our response to Alberto Way Citizens etc. Comment 11 and 2C.

*Comment 3H*
*The storm drainage system in front of the PD is already at capacity…*

ENGEO Response to Comment 3H
Please see our response to Geissler Engineering Comment 2.

**LAS CASITAS**

Representatives of Las Casitas submitted comments regarding the impact of the proposed development on surrounding developments. Our responses to the geologic/geotechnical comments from Las Casitas are as follow:

*Comment 2A*
*As indicated by an independent expert (see Geissler hydrology report in attachment) Las Casitas HOA should expect:*

- *Foundation/slab cracking and settling to Las Casita foundations due to proposed 2 story underground garage.*
  - *The estimated settlement is ½ to ⅝ inch.*
- *Geissler expects this will result in cracked foundations/slabs at Las Casitas.*
- *Geissler expects this will cause pipes to burst at Las Casitas.*

*Cracked foundations/slabs and/or burst pipes will cause un-estimated and unmitigated financial impact to Las Casitas. We ask you to REJECT the EIR based on the findings in the Geissler hydrology report.*

*References to Geissler report:*

- *Page 3 quote: "the combined effect of… (ii) subgrade soils subject to liquefaction…makes this site unsuitable for the proposed underground (and underwater) garage."*
- *Page 3 quote: "Geissler holds the opinion that construction of the 2 story underground parking…shall cause…foundation settlement and cracked slabs at nearby houses in…Las Casitas."*
- *Page 7 quote: "50 feet from excavation…3/8 inch of soil subsidence."*

ENGEO Response to Comment 2A
Please see our responses to Geissler Engineering Comments 2, 3, 4, 5, 6, and 9.

*Comment 2C*
*Additional reasons why EIR is flawed:*

- *Water table for EIR was measured during 5-year drought in November 2014.*
- *Since November 2014, the Santa Clara Water tests show that the underground water table has risen by 55 feet above MSL...*
- *Water runoffs through Bella Vista are so strong that sump pumps had to be installed during project construction in several houses.*

ENGEO Response to Comment 2C
While we did perform our exploration during a drought period, the groundwater used for design is the mapped historic high groundwater table, and not the significantly deeper groundwater observed in 2015. Please see our responses to Alberto Way Citizens etc. Comments 11, 2C, 3C, 3D as well as Geissler Engineering Comment 3.

**BELLA VISTA VILLAGE**

Representatives of Bella Vista Village submitted comments regarding the impact of the proposed development on surrounding developments. Our responses to the geologic/geotechnical comments from Bella Vista are as follow:

*Comment A*
*The existing plan:*

- *Requires an extended period of time for underground and above ground construction which ultimately could cause structural damage to adjacent properties.*

ENGEO Response to Comment A
Please see our response to Geissler Engineering Comments 2.

**NEIGHBORS OF ALBERTO WAY**

Representatives of Neighbors of Alberto Way submitted comments regarding the impact of the proposed development on surrounding developments. Our responses to the geologic/geotechnical comments from Neighbors of Alberto Way are as follow:

*Comment 2:*
*The draft EIR section on Geology and Soils (with Appendix C) fails to address the impact of the below-grade water table garage on neighboring properties, as required in the General Plan policy (SAF 1.11). Moreover, since measurements were taken during the ENGEO study, the water table has risen significantly due to the recent drought recovery. Any excavation would require wholesale dewatering, making the construction phase extremely disruptive for us. We are concerned about negative effects of the underground garage on our properties during and post construction and, therefore, we want all the 401-409 Alberto Way Project parking to remain above ground.*

ENGEO Response to Comment 2
Please see our responses to Geissler Engineering Comments 2, 3, and 6.

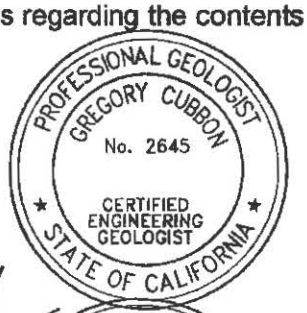
**CLOSING**

We strived to perform our professional services in accordance with generally accepted geotechnical engineering principles and practices currently employed in the area.

If you have any questions regarding the contents of this letter, please do not hesitate to contact us.

Sincerely

ENGEO Incorporated





Greg Cubbon, CEG, PE



Janet Kan, GE, CEG


Robert H. Boeche, CEG
gc/jk/rhb/bvv

Attachments: List of Selected References

## LIST OF SELECTED REFERENCES

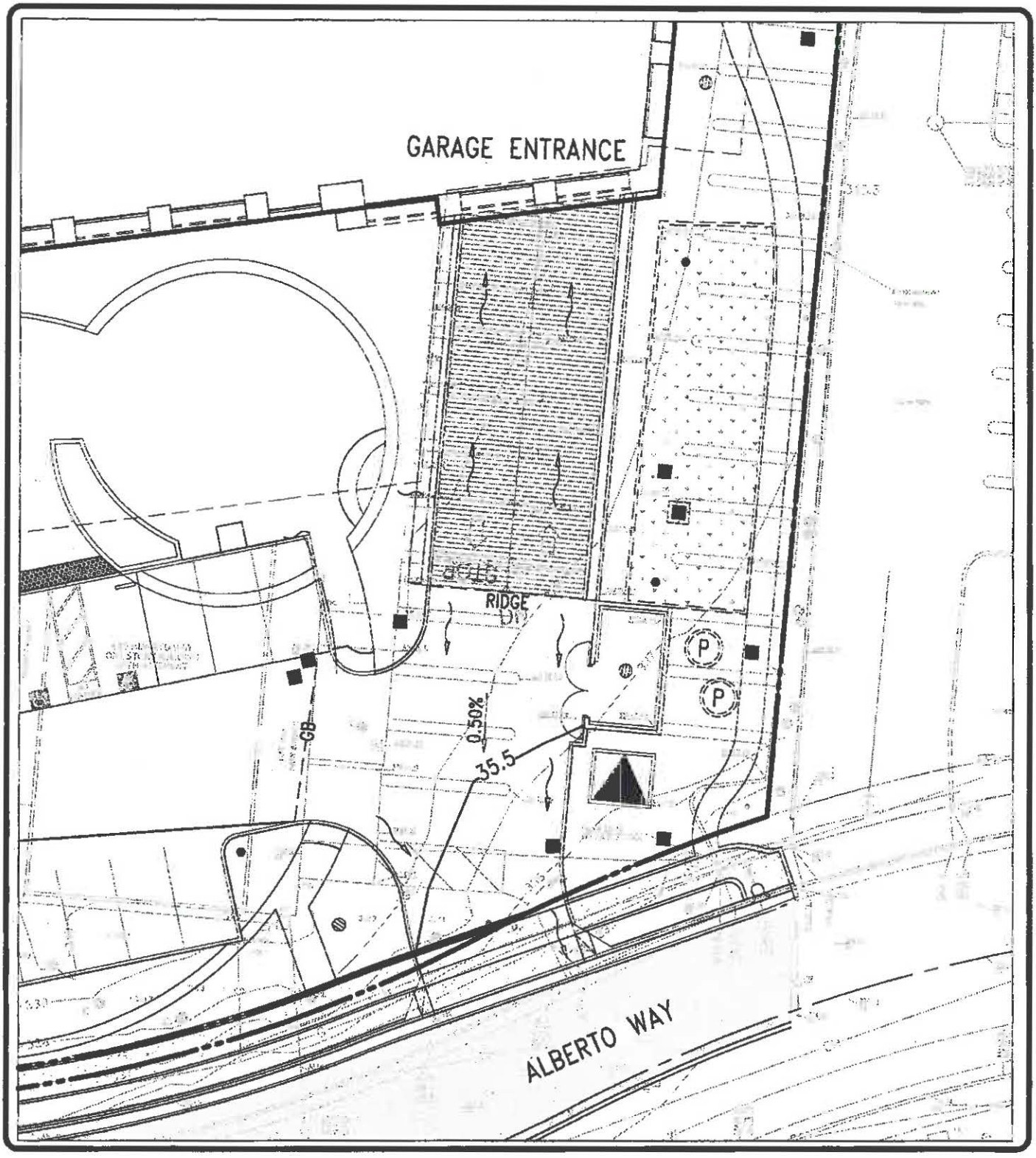
1. AMEC; Peer Review – Geotechnical Exploration Report; 401 Alberto Way, Los Gatos, California; November 4, 2015. AMEC Project No. 0084491960.

2. ENGEO; Geotechnical Exploration; 401 Alberto Way, Los Gatos, California; July 17, 2015 (Revised August 13, 2015). ENGEO Project No. 12175.000.000.

3. ENGEO; Response to AMEC Foster Wheeler Peer Review Comments; 401 Alberto Way, Los Gatos, California; January 11, 2016. ENGEO Project No. 12175.000.000.

4. Geissler Engineering; Hydrology Report; 401-409 Alberto Way, Los Gatos, California, 95032; dated March 31, 2017.

# EXHIBIT 2



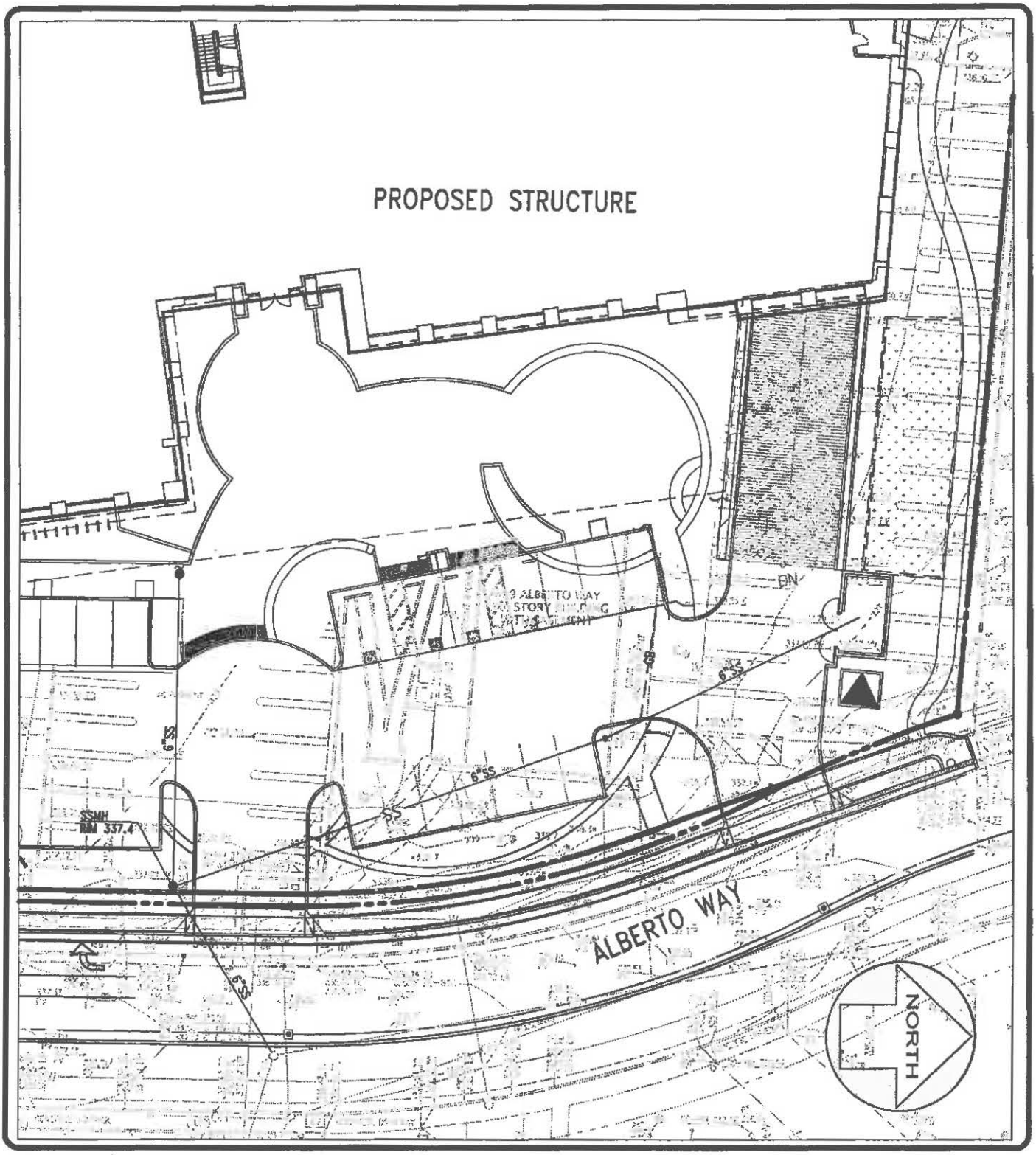

# SURFACE FLOW EXHIBIT

**401 ALBERTO WAY**

LOS GATOS CA

| | |
|---|---|
| DATE | APRIL 2017 |
| SCALE | NTS |
| DR. BY | DSM |
| JOB | A15062-3 |
| SHEET NO. | 1 OF 1 |

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22 (408) 727 6665
Santa Clara, California 95054 fax (408) 727 5641




# SEWER CONNECTION EXHIBIT

401 ALBERTO WAY

LOS GATOS CA

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22 (408) 727 6665
Santa Clara, California 95054 fax (408) 727 5641

| | |
|---|---|
| DATE | APRIL 2017 |
| SCALE | NTS |
| DR. BY | DSM |
| JOB | A15062-3 |
| SHEET NO. | 1 OF 1 |

# EXHIBIT 3

HEXAGON TRANSPORTATION CONSULTANTS, INC.

May 2, 2017

Mr. Randy Lamb
Lamb Partners
535 Middlefield Road, Suite 190
Menlo Park, CA 94025

***Subject: Response to Traffic Comments on 401-409 Alberto Way Traffic Study***

Dear Mr. Lamb,

Hexagon Transportation Consultants, Inc. completed a Traffic Impact Analysis (TIA) for the proposed office development project located at 401-409 Alberto Way in Los Gatos, California. The original TIA did not identify any significant impacts. The project analyzed in the TIA was 93,000 s.f. of office development. The project size has since been reduced to 83,000 s.f. Because the project size is less than originally analyzed, the TIA is considered to be conservative. Since no significant impacts were identified in the TIA, the currently proposed project would also not generate significant impacts. The public has provided comments on the Draft EIR, Final EIR, as well as the revised site plan. This letter provides Hexagon's responses to the most recent public comments. Hexagon previously prepared a response-to-comments letter, dated April 5, 2017, that responded to a previous set of public comments. Many of the comments in the most recent letters are repeats and are denoted as such.

**Comment #1:**

**Comment:** Restriping Alberto Way will not reduce congestion. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 33-34)

**Hexagon Response:** Currently, vehicles leaving Alberto Way and turning right onto westbound Los Gatos-Saratoga Road can often by-pass the vehicles waiting to go through or turn left. However, when a vehicle stops in the middle of the travel lane, right-turn vehicles do not have the space to by-pass the stopped vehicles. The proposed restriping would dedicate a right-turn lane to ensure right-turning vehicles can always by-pass the through and left-turning vehicles and turn. The TIA, as analyzed per Town requirements and VTA guidelines, did not identify significant intersection impacts. However, the striped right turn lane would reduce queuing and delay on Alberto Way.

**Comment #2:**

**Comment:** Trip reduction program is voluntary and probably unrealistic. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 33-34)

**Hexagon Response:** The Town of Los Gatos does not have any adopted and active policies regarding Transportation Demand Management (TDM) plans. We understand that the project applicant has voluntarily offered to provide employees with commute options. The TIA analyzed project impacts without accounting for the potential trip reduction that could occur due to TDM measures. The TIA, per Town requirements and VTA guidelines, did not identify significant intersection impacts. The Town has required that TDM be implemented as a condition of project approval.

**Comment #3:**

**Comment:** Traffic has increased in the past 6 months. Need new traffic analysis (Repeat comment)

**Commenter**: Basham

**Hexagon Response:** Hexagon conducted new traffic counts at all five study intersections in October 2016, while schools were in session. As shown on Table 1, there were minimal fluctuations in traffic volumes between the 2015 counts used for the study and the 2016 counts. The only intersection that had relatively larger fluctuations was the Santa Cruz Avenue and Los Gatos-Saratoga Road intersection, but the 2016 volumes were lower than the 2015 volumes used in the TIA and the EIR and so this fluctuation does not change any of the conclusions regarding the project's traffic impacts as reported in the TIA and the EIR.

**Table 1**
**Intersection Volume Comparison**

| Intersection | Peak Hour | Intersection Volume | | Difference | |
|---|---|---|---|---|---|
| | | 2015 Count | 2016 Count | Volume | % of 2015 Count |
| Santa Cruz Ave & Los Gatos-Saratoga Rd | AM | 3154 | 2862 | -292 | -9% |
| | PM | 3291 | 2939 | -352 | -11% |
| University Ave & Los Gatos-Saratoga Rd | AM | 3021 | 2920 | -101 | -3% |
| | PM | 3102 | 3176 | 74 | 2% |
| Alberto Way & Los Gatos-Saratoga Rd | AM | 1976 | 1910 | -66 | -3% |
| | PM | 1863 | 1862 | -1 | 0% |
| Los Gatos Blvd & Los Gatos-Saratoga Rd | AM | 2454 | 2380 | -74 | -3% |
| | PM | 2351 | 2468 | 117 | 5% |
| Los Gatos Blvd & Kennedy Rd/Caldwell Ave | AM | 1771 | 1669 | -102 | -6% |
| | PM | 1860 | 1913 | 53 | 3% |

**Comment #4:**

**Comment:** Revised project fails to address VTA funding of interchange improvement. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 8), Los Gatos Commons (Pg 8), Fowler

**Hexagon Response:** VTA has not released its design plans for the identified interchange improvement. The project TIA assumes worst case conditions without the interchange improvements in place. To the extent VTA proceeds with future improvements to the interchange, VTA would take into consideration the acquisition of any additional right-of-way needed to complete its interchange project.

**Comment #5:**

**Comment:** Revised project fails to address traffic on Hwy 9 and Alberto Way will become severely congested. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Los Gatos Commons (Pg 6)

**Hexagon Response:** Hexagon conducted additional field observations during the AM (7:30 – 8:30) and PM (5:00 – 6:00) peak hours at the intersection of Alberto Way and Los Gatos-Saratoga Road. During the AM peak hour, Hexagon observed congestion along eastbound Los Gatos-Saratoga Road between 7:50 AM and 8:20 AM, during the peak school drop-off period. Due to downstream congestion in the eastbound direction at Los Gatos Boulevard and Los Gatos-Saratoga Road, the eastbound queue at the Alberto Way intersection frequently extended to the location of the SR 17 overpass. Vehicles sometimes required two to three signal cycles to clear the Alberto Way intersection. This congestion is caused by feedback queues created at the Los Gatos Boulevard and Kennedy Road intersection and at the Los Gatos Boulevard and Los Gatos-Saratoga Road intersection. There were no observed traffic operational issues before 7:50 AM and after 8:20 AM. As required by Town policy and VTA TIA guidelines, intersection delay and LOS represents an average traffic condition during the peak hour. No congestion was observed during the PM peak hour. The field observations therefore support the assumptions used for the TIA in accordance with Town policy and VTA TIA guidelines.

In addition, it should be noted that the observed congestion during the AM peak hour is in the eastbound through movement on Los Gatos-Saratoga Road at Alberto Way. Project traffic would add only to the eastbound left-turn movement turning into Alberto Way. The project would lengthen the eastbound left-turn pocket to 250 feet and would allow vehicles to turn out of the eastbound queue earlier, thereby improving operations compared to existing conditions.

**Comment #6:**

**Comment:** Per Caltrans, project will add trips greater than 1% capacity and mitigation is required. EIR is inadequate. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Los Gatos Commons (Pg 4)

**Hexagon Response:** According to VTA TIA freeway impact criteria, which is required to be followed per Town policy, "*a project is said to impact a freeway segment determined to have been at LOS F under the without project analysis scenario if the number of new trips added by the project is more than one percent of the freeway capacity*".

The TIA acknowledges that the project would add trips equal to 1.18% of capacity to southbound SR 17 between Lark Avenue and Los Gatos-Saratoga Road during the AM peak hour. However, as discussed in the TIA, this freeway segment currently operates at LOS D during the AM peak hour. The addition of 52 project trips would not change the level of service on this freeway segment. According to VTA impact criteria, project trips added to a freeway segment operating at LOS D would not create a significant freeway impact.

**Comment #7:**

**Comment:** Project will increase traffic on Hwy 9, NB traffic on Hwy 17 exiting East Los Gatos will add to traffic delays. (Repeat comment)

**Commenter**: Sprandel, Kemp, Los Gatos Commons (Pg 4)

**Hexagon Response:** Please see above response to comment #5.

**Comment #8:**

**Comment:** The curve in front of the project is a sight problem for vehicles. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 42)

**Hexagon Response:** Hexagon does not believe that the curve on Alberto Way creates a sight distance problem for vehicles traveling on Alberto Way, but it does limit sight distance at the existing and proposed site driveways. Therefore, Hexagon recommends that on-street parking be eliminated along the project frontage. With the implementation of the recommendation, the sight distance at the project driveways would be adequate with the existing roadway curve.

**Comment #9:**

**Comment:** Traffic congestion will impact Alberto Way and LG in a ¾-mile radius. Need reasonable ingress/egress on Alberto Way. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Orvell, McGowan, Kemp, Bella Vista Village (Pg 3)

**Hexagon Response:** Traffic impacts were analyzed per Town policy and VTA TIA guidelines. The TIA found that the project would not generate significant traffic impacts.

**Comment #10:**

**Comment:** Revised project fails to straighten Alberto for safety and on-street parking. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 15)

**Hexagon Response:** The project proposes to eliminate on-street parking along the building frontage on southbound Alberto Way to address the sight distance issue. There is no need to straighten Alberto Way.

**Comment #11:**

**Comment:** Fire department facilities will be affected by traffic. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 35-37)

**Hexagon Response:** Traffic impacts were analyzed per Town policy and VTA TIA guidelines. The TIA found that the project would not generate significant traffic impacts. Thus, emergency response times would not be affected. The project proposes minor widening of Alberto Way to provide a bike lane. One or two fire hydrants would need to be relocated back from the curb.

**Comment #12:**

**Comment:** The TIA under-estimated trip generation and trip generation sensitivity was not analyzed. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 38, 40), Los Gatos Commons (Pg 3)

**Hexagon Response:** This is a repeated comment. Hexagon previously responded to this comment in our response letter dated April 5, 2017 (see attachment).

**Comment #13:**

**Comment:** The TIA did not consider traffic from 475-485 Alberto Way project. (New comment)

**Commenter**: Los Gatos Commons (Pg 4)

**Hexagon Response:** The 475-485 Alberto Way project had not submitted a planning application at the time the traffic study was conducted and was thus not listed on the Pending Project list provided by Town staff. The 475-485 Alberto Way project will need to prepare its own environmental analysis, including a traffic study, and will need to include the 405 Alberto Way office as a pending project.

**Comment #14:**

**Comment:** Traffic fee calculation uses 700 additional trips which understates the fee that would be paid by tenants employing 735 people. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 39)

**Hexagon Response:** The traffic impact fee calculation is based on the estimated net increase in daily trips. The calculation of daily trips is explained in the TIA. It is based on net building size, not employment. The impact fee calculation is presented in the TIA for informational purposes only. The building size has since decreased. The final traffic impact fee will be calculated by Town staff as part of the Conditions of Approval.

**Comment #15:**

**Comment:** The project could potentially increase hazards due to design features for bikes, pedestrians, and transit during construction and demolition. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 40)

**Hexagon Response:** Construction details are not known at this time. Prior to construction, the contractor will prepare and submit a detailed construction plan for Town approval. The construction plan will indicate the days and times of construction, where workers will park, the number and types of trucks that will access the site, whether the street or sidewalk will be affected, and other details. The Town will require that adequate access for all transportation modes be maintained during construction.

**Comment #16:**

**Comment:** MM T1 and T2 cannot be implemented as proposed. Widen Alberto to 12-foot lane width. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 41)

**Hexagon Response:** The restriping of Alberto Way was designed with inputs from Town staff. 10-foot lanes are adequate for low volume streets and are prevalent in the Bay Area. The American Association of State Highway and Transportation Officials (AASHTO)'s *A Policy on Geometric Design of Highways and Streets, 6th Edition* indicates that local streets may be designed with lane widths between 9 and 12 feet.

**Comment #17:**

**Comment:** Eliminating eight parking spaces causes a new and unacceptable environmental impact on 420 and 435 Alberto Way residents and visitors. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 41)

**Hexagon Response:** The elimination of the on-street parking along southbound Alberto Way fronting the project site (5 spaces) is recommended to increase sight distance and to create room for a right turn lane. The elimination of the on-street parking along northbound Alberto Way fronting the Los Gatos Inn (3 spaces) is recommended also to create space for the right turn lane. No on-street parking fronting the residential neighborhood is proposed to be eliminated. It should be noted that elimination of on-street parking is not an impact under CEQA.

**Comment #18:**

**Comment:** The revised project driveway and parking areas are insufficient for buses and delivery trucks. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 41, 42), Bella Vista Village

**Hexagon Response:** The revised site plan is adequate for bus and truck access and circulation. Buses and trucks would not need to enter the garage.

**Comment #19:**

**Comment:** Project parking should not overflow to street parking on Alberto Way. (Repeat comment)

**Commenter**: Bella Vista Village (5)

**Hexagon Response:** The project proposes parking in accordance with Town requirements.

**Comment #20:**

**Comment:** Revised project garage is blocked while trash and recycling is picked up, backing up traffic on Alberto & Hwy-9 or in the project's garage while they are present. (New comment)

**Commenter**: Pueblo de Los Gatos (42)

**Hexagon Response:** Garbage trucks are expected to temporarily park just south of the driveway while the trash bins are pushed over to the trucks for trash pick up. Garbage trucks would not block access to the garage, and are not expected to be on-site for more than a minute.

**Comment #21:**

**Comment:** No construction plan can prevent complete shutdown of Alberto Way for extended periods (New comment)

**Commenter**: Pueblo de Los Gatos (42)

**Hexagon Response:** Please see response to Comment 15.

**Comment #22:**

**Comment:** During construction, work crews of 50-100 will be present on the site at all times, each arriving in a separate vehicle. It is not possible for them to all park on the PD property. (New comment)

**Commenter**: Pueblo de Los Gatos (42)

**Hexagon Response:** Please see response to Comment 15.

**Comment #23:**

**Comment:** As a Mixed-Use development, the project would generate high levels of continuous traffic that are not disclosed in the DEIR or FEIR. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** The project proposes only office land use and is not a mixed-use development. Peak-hour trip generation is estimated in accordance with Town policy and VTA guidelines and verified with local (Los Gatos) data (see attachment).

**Comment #24:**

**Comment:** FEIR missing Mitigation T-4: Widen Hwy-9 by one lane along the entire length of the proposed development on Hwy-9 to allow safe right turns from Alberto Way. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** Highway 9 already has two lanes along the project frontage. There is no need for further widening.

**Comment #25:**

**Comment:** FEIR missing Mitigation T-5: Widen Hwy-9 by one lane each direction between the Hwy-17 overpass and the 2 lane sections on both sides to enable the EB left turn pocket into Alberto to be extended enough to prevent AM gridlock. (New comment)

**Commenter**: Pueblo de Los Gatos (44)

**Hexagon Response:** There is no demonstrated need to widen Highway 9 over Highway 17. The project would be required to lengthen the eastbound left-turn pocket on Los Gatos-Saratoga Road turning into Alberto Way to 250 feet long. The lengthened left-turn pocket would contain the expected 95$^{th}$ percentile queue length under project conditions.

**Comment #26:**

**Comment:** FEIR missing Mitigation T-6: Reduce project footprint by enough to enable the widening of Hwy-9 by one lane each direction between the Hwy-17 overpass and the 2 lane sections on both sides. (New comment)

**Commenter**: Pueblo de Los Gatos (45)

**Hexagon Response:** Please see response to Comments 24 & 25.

**Comment #27:**

**Comment:** No trip generating project should be approved before Los Gatos Boulevard is widened. (New comment)

**Commenter**: Pueblo de Los Gatos (26)

**Hexagon Response:** The TIA analyzed intersections on Los Gatos Boulevard. No significant project impacts were identified along Los Gatos Boulevard.

**Comment #28:**

**Comment:** If water is used to control particulates during construction, the trucks exiting the site will leave with caked-on mud on their tires, which will be deposited in Alberto Way and Hwy-9. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** Please see response to Comment 15.

**Comment #29:**

**Comment:** During construction, the road beds of Alberto Way and Hwy-9 will be destroyed or seriously damaged by the fully loaded concrete trucks which weigh up to 80 tons. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** The Town will require the project to repair/overlay the pavement following construction.

**Comment #30:**

**Comment:** MM T-2 calls for a construction contract with Los Gatos, however, there is no mitigation for the construction contract with Caltrans. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** The project will be required to obtain an encroachment permit from Caltrans for any work in the State right-of-way. Caltrans will set the terms of the construction.

**Comment #31:**

**Comment:** Need to address truck traffic impacts due to beach traffic. Construction traffic impacts to pedestrians. (New comment)

**Commenter**: Basham, McDonald, Fowler

**Hexagon Response:** Please see response to Comment 15.

If you have any questions, please do not hesitate to call.

Sincerely,
**HEXAGON TRANSPORTATION CONSULTANTS, INC.**

Gary K. Black
President

Attachment: *Response to Traffic Comments on 401-409 Alberto Way Traffic Study*, prepared by Hexagon Transportation Consultants, dated April 5, 2017.

Attachment A

**Hexagon Response to Comment Letter, April 5, 2017**

HEXAGON TRANSPORTATION CONSULTANTS, INC.

April 5, 2017

Mr. Randy Lamb
Lamb Partners
535 Middlefield Road, Suite 190
Menlo Park, CA 94025

***Subject: Response to Traffic Comments on 401-409 Alberto Way Traffic Study***

Dear Mr. Lamb,

Hexagon Transportation Consultants, Inc. completed a Traffic Impact Analysis (TIA) for the proposed office development project located at 401-409 Alberto Way in Los Gatos, California. During the August 10th and 24th Planning Commission hearings, the Planning Commissioners and the public provided comments on the final TIA dated August 2, 2016. This letter provides Hexagon's responses to the Commissioners and public comments.

## Response to Planning Commissioner Comments

### Trip Generation

The Planning Commission asked about the source of trip generation estimates and was interested to hear whether trends in office employee density might render the nationwide ITE estimates inaccurate for Los Gatos and/or Silicon Valley. Commissioners stated hearing anecdotal stories about Silicon Valley employers filling buildings with more people than in the past. Hexagon has heard such stories, but we are not aware of any published studies of employee densities in office buildings or any other technical data prepared by traffic engineers that lend support to such anecdotal information.

Traffic engineers complete trip generation studies by counting vehicles in and out of driveways at peak times and comparing the counts to the office building size in square feet. Scores of such studies are aggregated to develop a mathematical relationship between the building size and the trip generation. It has been Hexagon's observation that the number of employees in a building is rarely known so this information is not used as a measurement. Also, while an employee census might be determined (the number of employees assigned to work in the building), the actual number of employees working on any given day is typically difficult to determine. Moreover, the mode of transportation in and out of the site (e.g., number of vehicles versus pedestrians) may be unknown for any given day.

The ITE data reveal that there is a very strong correlation between the size of an office building, in square feet, and the number of trips generated. Trip generation research is published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual. Per the Town and VTA guidelines (VTA guidelines: http://www.vta.org/cmp/tia-guidelines, Town of Los Gatos guidelines: http://www.losgatosca.gov/DocumentCenter/View/857), project trip generation estimates should use either trip rates published by the Institute of Transportation Engineers (ITE) or rates developed from local data. The project TIA used ITE rates in accordance with the Town of Los Gatos guidelines.

For an office project of 92,000 s.f., ITE's fitted curve equation calculates trip generation rates of 1.94 and 1.96 trips per 1,000 s.f. during the AM and PM peak hours, respectively. Hexagon also conducted trip generation counts at three existing office buildings in Los Gatos in 2016. The resulting rates were found to be 1.32 and 1.63 trips per 1,000 s.f. during the AM and PM peak hours, respectively (see Table 1). This indicates that office buildings in Los Gatos generate trips about at the same rate as, or less than, other office buildings included in the ITE Trip Generation manual.

**Table 1**
**Los Gatos Office Trip Generation Counts**

| | | | AM Peak Hour | | | | PM Peak Hour | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Surveyed Sites [1] | Size | Unit | Trips In | Trips Out | Total Trips | Peak Rate | Trips In | Trips Out | Total Trips | Peak Rate |
| 475 Alberto Way | 30.22 | ksf | 37 | 3 | 40 | | 4 | 37 | 41 | |
| 16795 Lark Avenue | 22.40 | ksf | 19 | 12 | 31 | | 4 | 33 | 37 | |
| 975 University Avenue | 15.00 | ksf | 16 | 2 | 18 | | 0 | 32 | 32 | |
| Total | 67.62 | ksf | 72 | 17 | 89 | | 8 | 102 | 110 | |
| **Average Surveyed Rates** | | | | | | **1.32** | | | | **1.63** |
| **Average ITE Rates [2]** | | | | | | **1.56** | | | | **1.49** |

Notes:
1. Trip generation surveys were conducted in March 2016.
2. Average ITE trip rates for general office building based on ITE's *Trip Generation, 9th Edition* for land use code 710.

The Planning Commission also asked about trip generation comparisons to the Netflix campus. At the time of this letter, the new Netflix campus at Albright Way is not fully constructed or fully occupied, and it would be difficult to determine the trip generation rates until the project is completed and occupied. The original Netflix campus at 100 Winchester Circle is still fully occupied. Hexagon conducted trip generation counts at 100-150 Winchester Circle (Netflix and Roku buildings) in February 2017. The resulting rates were found to be 1.9 and 1.83 trips per 1,000 s.f. during the AM and PM peak hours, respectively (see Table 2). The trip rates counted at the Netflix offices are almost identical to the ITE rates, which were used in the Alberto Way traffic study.

Thus, the counted rates in Los Gatos were lower than the ITE rates used in the traffic study. The rates used to estimate the project trip generation for 401-409 Alberto Way are the trip rates calculated using ITE's fitted curve equation.

Another question was how ITE office trip generation rates have changed over the years. The current version of the manual is dated 2012. Hexagon consults the ITE manuals dating to 1997. During that 15-year time span, the office trip generation rates have not changed.

**Table 2**
**100-150 Winchester Cir Trip Generation Counts**

| Location [1] | Size | Unit | AM Peak Hour Trips In | AM Peak Hour Trips Out | AM Peak Hour Total Trips | AM Peak Hour Peak Rate | PM Peak Hour Trips In | PM Peak Hour Trips Out | PM Peak Hour Total Trips | PM Peak Hour Peak Rate |
|---|---|---|---|---|---|---|---|---|---|---|
| 100-150 Winchester Cir | 163.03 | ksf | 223 | 87 | 310 | | 114 | 185 | 299 | |
| **Surveyed Rates** | | | | | | **1.90** | | | | **1.83** |
| **Rates Used in TIA** | | | | | | **1.94** | | | | **1.96** |

Notes:
1. Trip generation counts were conducted in February 2017.

## Overall Traffic Conditions

The TIA studied five signalized intersections, two of which are Congestion Management Program (CMP) intersections. The traffic analysis at the two CMP intersections used the CMP database per VTA guidelines. Results show that all intersections operate at LOS D or better under all scenarios, which is considered "acceptable" by Town and VTA standards. The analysis showed that the project would not cause a degradation of LOS from base conditions and would generate an insignificant intersection impact per Town LOS criteria.

During the AM peak hour, westbound Los Gatos-Saratoga Road experiences congestion mainly because of the lane drop from two to one lane west of Santa Cruz Avenue. Resulting queues do not extend to Alberto Way. During the peak 15-minute school drop-off period, eastbound Los Gatos-Saratoga Road also experiences congestion between Los Gatos Boulevard and Alberto Way, but queues rarely extend westward past Alberto Way. Project traffic mainly would flow in the counter-commute direction on eastbound Los Gatos-Saratoga Road and would not add to the congestion on westbound Los Gatos-Saratoga Road. Project traffic on eastbound Los Gatos-Saratoga Road would turn left into Alberto Way and would not add to the eastbound queue on Los Gatos-Saratoga Road at Los Gatos Boulevard.

The proposed project would lengthen the left-turn pocket on eastbound Los Gatos-Saratoga Road turning into Alberto Way from 150 feet to 250 feet. As indicated in the traffic study, the 95$^{th}$ percentile queue at the eastbound left-turn pocket on Los Gatos-Saratoga Road turning into Alberto Way would be 200 feet with the addition of project traffic. The lengthened turn-pocket would accommodate the 95$^{th}$ percentile queue with the addition of project traffic and allow project traffic to turn out of the eastbound through lane earlier. The proposed project would also re-stripe southbound Alberto Way at the intersection to improve vehicular flow and reduce queuing on Alberto Way. In addition, the project would install signal interconnect between the Alberto Way intersection and the Los Gatos Blvd intersection to improve vehicular flow along Los-Gatos Saratoga Road. These improvements (which were not needed as mitigation for the project less-than-significant traffic impacts), would themselves not result in any new significant secondary traffic impacts.

### Pedestrians and Bikes at the Highway 17 Interchange

The Planning Commission expressed concern about the comfort and safety of pedestrians that would walk from the site to downtown Los Gatos. They were particularly concerned about the crosswalk across the Highway 17 northbound on-ramp. Commissioners asked whether an enhanced crosswalk with flashing beacon could be added there.

The project voluntarily proposes to rebuild the sidewalk fronting the project site along westbound Los Gatos-Saratoga Road to create a detached sidewalk that complies with the Town's Complete Streets Program. The detached sidewalk would provide additional separation between vehicles and pedestrians. Subject to Caltrans approval, the project also could install flashing beacons at the crosswalk, as requested by the Planning Commission which was consistent with Caltrans' suggestion in its comment letter dated June 13, 2016.

The project voluntarily proposes to widen westbound Los Gatos-Saratoga Road between Alberto Way and the Highway 17 northbound on-ramp, which would provide room for the installation of a future bike lane on westbound Los Gatos-Saratoga Road.

### Complete Streets Improvements on Alberto Way

Commissioners asked for the Town's complete streets improvements on Alberto Way. "Complete Streets" refers to the accommodation of all travel modes. Alberto Way already has sidewalks. The project proposes to rebuild the sidewalk along its frontage in order to provide a detached sidewalk, which minimizes pedestrian exposure to traffic and enhances pedestrian safety. The detached sidewalk would improve pedestrian comfort by moving pedestrians farther from traffic.

Alberto Way currently lacks bike lanes. At a community meeting for the proposed project, neighbors expressed interest in installing bike lanes along Alberto Way. In response to the Commissioners' request for complete streets improvements and neighbor interests, the proposed project voluntarily proposes to widen Alberto Way along the proposed project frontage and install a bike lane on southbound Alberto Way approximately 210 feet long. In addition, there currently is no safe place for bikes wishing to turn left from Alberto Way to eastbound Los Gatos-Saratoga Road to position themselves. The proposed project voluntarily proposes the installation of a bike box at the intersection.

The proposed bicycle improvements along Alberto Way and the proposed street widening along Los Gatos-Saratoga Road fronting the project site are all in conformance with the Town's complete streets improvements.

### Parking on Alberto Way

Commissioners were concerned about the removal of parking on Alberto Way. Eight on-street parking spaces are proposed to be removed as part of the project: five on the project side of the street and three on the opposite side of the street. The five spaces on the project side of the street would be removed to provide room for a striped right turn lane at the Alberto Way/Los Gatos-Saratoga Road intersection and to provide adequate sight distance at the southern driveway. Under existing conditions there is a driveway at that location, and its sight distance is restricted because of the on-street parking. Removing the on-street parking at that location as part of the project would provide improved sight distance. Some residents in the neighborhood requested that these spaces be removed to increase sight distance.

At a community meeting for the proposed project, neighbors expressed concern about visibility and about difficulty turning right at the signal from Alberto Way to Los Gatos-Saratoga Road. Under current conditions cars turning right from Alberto Way on to Los Gatos-Saratoga Road must wait for a green light if there is a car in front waiting to turn left. The project voluntarily proposes to restripe Alberto Way which would provide one outbound left-turn (and through) lane and one dedicated right turn lane. Cars would then be able to turn right on a red light, which would improve vehicular flow and reduce queuing along Alberto Way.

With the proposed development the southerly driveway is proposed to be placed at approximately 220 feet from the intersection. With the proposed dedication and widening, additional right turn lane and bike lane, the on-street parking along the project frontage would have to be modified or removed. The distance between the two proposed project driveways is approximately 100 feet. This segment of 100-foot roadway is within the area of centerline transition from one lane to two lanes in the southbound direction. With the transition and to improve visibility, it is recommended parking be restricted between the two driveways.

Hexagon studied the use of the on-street parking spaces and found that they were almost fully utilized at night but not during the day. It appears that the spaces are being used by patrons of the Grill 57 restaurant. According to Town staff, the restaurant has sufficient parking spaces on-site to meet the Town requirements.

### Speed on Highway 9

Commissioners were concerned about the speed of traffic traveling westbound on Los Gatos-Saratoga Road, downhill toward the Highway 17 northbound on-ramp under existing conditions. Speed measurements on that portion of Los Gatos-Saratoga Road are not available. However, field observations indicate that under existing conditions motorists wishing to go north on Highway 17 and seeing a green light at Alberto Way are rushing down the hill. Motorists are able to clearly see the signal at Alberto Way from the top of the hill. Hexagon did not observe any vehicles running through a red light at Alberto Way.

As a speed control measure to address existing traffic speeds, a speed feedback sign could be added halfway between Los Gatos Boulevard and Alberto Way. From the existing stop bar location, it is difficult for motorists to see up the hill on Los Gatos-Saratoga Road. They must proceed with caution forward to see enough to make a right turn on red. To address the existing conditions, the Town could consider moving the stop bar on Alberto Way farther out to improve visibility.

## Response to Public Comments

Mr. Bob Burke submitted a comment letter regarding the traffic study conducted by Hexagon Transportation Consultants, Inc. Mr. Burke raised many of the same issues he previously raised prior to the August 10th and August 24th Planning Commission meetings. Below are Hexagon's responses to the main issues raised by Mr. Burke.

### Trip Generation

Please see above response to the same comment raised by the Planning Commission.

## Intersection Traffic Counts

Intersection traffic counts were collected in 2015 while schools were in session at all five study intersections during the AM peak hour, and at three intersections (Alberto Way and Los Gatos-Saratoga Road, Los Gatos Boulevard and Los Gatos-Saratoga Road, and Los Gatos Boulevard and Kennedy Road/Caldwell Avenue) during the PM peak hour. The intersections on Los Gatos-Saratoga Road at University Avenue and at Santa Cruz Avenue are designated Congestion Management Program (CMP) intersections by VTA and are required to use counts in the CMP database.

Intersection counts were all counted at the intersections as vehicles advance past the stop bars. On roadway segments where intersection counts are collected at both ends of the segments and there are minimal mid-segment driveways, the total inbound volumes derived from the intersection counts at one end of the segment are very similar to the total inbound volumes derived from the intersection counts at the other end of the segment (see Table 3).

**Table 3**
**Existing Intersection Volume Checks**

| Segment | Peak Hour | Entering Volume Location | Entering Volume Volume | Exiting Volume Location | Exiting Volume Volume | Difference Volume | Difference % of Entering |
|---|---|---|---|---|---|---|---|
| Los Gatos-Saratoga Rd EB | AM | Alberto | 824 | Los Gatos | 841 | 17 | 2% |
| | PM | Way | 851 | Blvd | 854 | 3 | 0% |
| Los Gatos-Saratoga Rd WB | AM | Los Gatos | 949 | Alberto | 963 | 14 | 1% |
| | PM | Blvd | 820 | Way | 825 | 5 | 1% |

Hexagon conducted new traffic counts at all five study intersections in October 2016, while schools were in session. As shown on Table 4, there were minimal fluctuations in traffic volumes between the 2015 counts used for the study and the newly collected 2016 counts. The only intersection that had relatively larger fluctuations was the Santa Cruz Avenue and Los Gatos-Saratoga Road intersection, but the 2016 volumes were lower than the 2015 volumes used in the study and so this fluctuation does not change any of the conclusions regarding the project's traffic impacts.

**Table 4**
**Intersection Volume Comparison**

| Intersection | Peak Hour | Intersection Volume 2015 Count | Intersection Volume 2016 Count | Difference Volume | Difference % of 2015 Count |
|---|---|---|---|---|---|
| Santa Cruz Ave & Los Gatos-Saratoga Rd | AM | 3154 | 2862 | -292 | -9% |
| | PM | 3291 | 2939 | -352 | -11% |
| University Ave & Los Gatos-Saratoga Rd | AM | 3021 | 2920 | -101 | -3% |
| | PM | 3102 | 3176 | 74 | 2% |
| Alberto Way & Los Gatos-Saratoga Rd | AM | 1976 | 1910 | -66 | -3% |
| | PM | 1863 | 1862 | -1 | 0% |
| Los Gatos Blvd & Los Gatos-Saratoga Rd | AM | 2454 | 2380 | -74 | -3% |
| | PM | 2351 | 2468 | 117 | 5% |
| Los Gatos Blvd & Kennedy Rd/Caldwell Ave | AM | 1771 | 1669 | -102 | -6% |
| | PM | 1860 | 1913 | 53 | 3% |

## Freeway Ramp Analysis

The traffic study analyzed four ramps at the SR 17/SR 9 interchange. The studied ramps are listed below:

- Northbound SR 17 on-ramp from westbound SR 9
- Southbound SR 17 on-ramp from westbound SR 9
- Northbound SR 17 off-ramp to eastbound SR 9
- Southbound SR 17 off-ramp to eastbound SR 9

There are eight ramps at the SR 17/SR 9 interchange. The four ramps identified above were studied because the project is expected to generate traffic on these ramps. The remaining four ramps at this interchange were not studied because they do not provide access to the project site and are not expected to receive project generated traffic.
Freeway ramp volumes typically are obtained from Caltrans. These volumes are used for the purpose of conducting freeway ramp analysis. Since none of the study ramps were metered at the time of the study, the ramp volumes were used to conduct a volume-to-capacity analysis to determine the ramps' ability to accommodate the traffic demand. The traffic study determined that with the project traffic, all ramps would continue to operate with sufficient capacity.

Additional peak-hour freeway ramp counts were conducted in October 2016, while schools were in session. These counts were shown to be significantly lower than the counts Hexagon previously received from Caltrans (see Table 5). The new counts indicate that the ramp analysis done in the project TIA was conservative in that it was based on higher volume. These new counts show continuity in the volume along Los Gatos-Saratoga Road, which was a concern in Mr. Burke's analysis. As shown in Table 6, all ramps would continue to operate with sufficient capacity with the addition of project traffic.

During field observations, Hexagon observed that only the southbound off-ramp from Highway 17 onto westbound Los Gatos-Saratoga Road experienced congestion during the AM peak hour. The congestion is due to downstream merging on westbound Los Gatos-Saratoga Road west of Santa Cruz Avenue. The project would not add traffic to this ramp. Other ramps operated well during both the AM and PM peak hours.

**Table 5**
**Study Freeway Ramp Count Comparison**

| SR 17/Los Gatos-Saratoga Rd Ramps | Peak Hour | Ramp Volume | | |
|---|---|---|---|---|
| | | Caltrans [1] | Hexagon [2] | Difference |
| NB on-ramp from WB Los Gatos-Saratoga Rd | AM | 1153 | 502 | -651 |
| | PM | 1017 | 409 | -608 |
| SB on-ramp from WB Los Gatos-Saratoga Rd | AM | 104 | 120 | 16 |
| | PM | 379 | 172 | -207 |
| NB off-ramp to EB Los Gatos-Saratoga Rd | AM | 379 | 217 | -162 |
| | PM | 125 | 126 | 1 |
| SB off-ramp to EB Los Gatos-Saratoga Rd | AM | 1103 | 432 | -671 |
| | PM | 758 | 337 | -421 |

Notes:
1. Caltrans ramp volumes were obtained from Caltrans staff on September 17, 2015. Ramp volumes were dated August 2013.
2. Hexagon ramp volumes were obtained from tube counts conducted in October 2016.

**Table 6**
**Ramp Analysis with New Counts**

| Interchange | Ramp | Type | Peak Hour | Capacity [1] | Existing Conditions | | Existing + Project Conditions | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | Volume [2] | V/C | Project Trips | Volume | V/C |
| SR 17 & Los Gatos-Saratoga Rd | NB on-ramp from WB Los Gatos-Saratoga Rd | Diagonal | AM | 900 | 502 | 0.56 | 3 | 505 | 0.56 |
| | | | PM | 900 | 409 | 0.45 | 32 | 441 | 0.49 |
| | SB on-ramp from WB Los Gatos-Saratoga Rd | Loop | AM | 900 | 120 | 0.13 | 1 | 121 | 0.13 |
| | | | PM | 900 | 172 | 0.19 | 11 | 183 | 0.2 |
| | NB off-ramp to EB Los Gatos-Saratoga Rd | Diagonal | AM | 2000 | 217 | 0.11 | 13 | 230 | 0.12 |
| | | | PM | 2000 | 126 | 0.06 | 0 | 126 | 0.06 |
| | SB off-ramp to EB Los Gatos-Saratoga Rd | Loop | AM | 1800 | 432 | 0.24 | 39 | 471 | 0.26 |
| | | | PM | 1800 | 337 | 0.19 | 0 | 337 | 0.19 |

Notes:
1. Ramp capacities were obtained from the Highway Capacity Manual 2000, and considered the free-flow speed, and the number of lanes on the ramp. As a conservative approach, the two on-ramps are assumed to be metered during both peak hours.
2. Ramp volumes were obtained from tube counts conducted in October 2016.

All of this data further confirms the TIA conclusions and the analysis contained in the Final EIR. If you have any questions, please do not hesitate to call.

Sincerely,
**HEXAGON TRANSPORTATION CONSULTANTS, INC.**

Gary K. Black
President

# EXHIBIT 4

LARGO
CONCRETE, INC.
License #592309

To Whom it May Concern,

I, Mark Carnathan have been asked to comment on the hydrology report prepared on the 31st March by Peter Geissler, consulting engineer. Please understand, I am not an engineer, soil expert or an architect and my comments are based on 36 years of my experience in concrete construction. All those years spent has been with construction of underground sub-terrain parking structures and parking garages. My opinions are obtained from practical experiences of working with the following companies, Walker Concrete, Idaho Del-Rey Concrete, Ray Wilson Concrete, Raisch Concrete and Largo Concrete. The last 31 years, I have been with largo concrete inc as the President Northern California. Having said that, my comments are not to be interpreted as Largo concrete's opinions or reports.

We have done projects in Los Gatos as well as many projects in the South Bay with conditions similar to this project. All these structures have been designed to accommodate viability of movement associated with the expanse of soil found in the bay area, specifically Los Gatos. The projects we have worked on in the past have similar conditions and include construction methods such as dewatering, shoring excavations and are next to adjacent structures. To my knowledge, these structures and many others with similar conditions have not failed. If those structures had failed, I would have been notified either directly or through the construction community. Also to my knowledge none these structures were repaired to any degree including minor structural cracking, which is normal and definitely not any structural failures. This report in my opinion is one sided to the degree that it loses it's credibility altogether. It's not fair to the public to subject them to this type of fear mongering. To say the least, this is an unsubstantiated report that will alarm people without reason. If this report is acknowledged and conceded to, it will have negative effect on future projects in this town. The new parking structure proposed for the town may be in jeopardy.

Modern engineers utilize finite element software that performs thousands of iterations to model the mat foundations then determine the mat thickness and reinforcing required to absorb the movements without damage. In addition, the waterproofing systems incorporated into below-grade structures are elastic enough and resilient enough to absorb these movements without failing. We have built numerous structures throughout Northern California that are below the water-table and have permanent waterproofing.

Studies and reports should be given its due wherever required but it's also necessary to understand that the engineers and contractors who design and build these structures are qualified and proficient enough to execute the projects without damage to the people or property.

Mark Carnathan
President, Largo Concrete Inc

TJKM

April 27, 2017

Mr. Jessy Pu, TE, PE
Town Traffic Engineer
Town of Los Gatos
Parks and Public Works
41 Miles Avenue
Los Gatos, CA 95030

**Re: Review of Traffic Responses to Comments for 405 Alberto Way**

Dear Mr. Pu:

At your request, TJKM has reviewed the responses prepared by Hexagon Transportation Consultants, Inc. related to comments received on the 405 Alberto Way proposed office development. Hexagon prepared the original traffic impact analysis (TIA) and has prepared various responses and updates to the report. TJKM was retained by the City to review the original report and subsequent updates and responses, including material contained in this letter. TJKM had several comments related to the original report, which were subsequently addressed by Hexagon.

At the Planning Commission project hearings on August 10 and August 24, 2016, many traffic comments were offered, both by Commissioners and by the public during the public comment periods. Hexagon prepared a comprehensive summary of comments made, along with detailed responses, regarding traffic issues related to the project. The Hexagon responses are contained in an April 5, 2017 letter to Mr. Randy Hahn of Lamb Partners.

TJKM has conducted a comprehensive review of the April 5, 2017 letter and concurs with the Hexagon responses.

Subsequently, Hexagon prepared a letter dated April 21, 2017 also addressed to Mr. Randy Hahn. That letter addressed additional recent public comments regarding the traffic aspects of the 405 Alberto Way project. That letter noted that the project had been reduced in size from 93,000 square feet of office development to 83,000 square feet of office development. This resulted in the original TIA being conservative due to the decrease in the project's size and related transportation impacts. The letter prepared responses to 31 comments received from members of the public.

TJKM has conducted a comprehensive review of the April 21, 2017 letter and concurs with the Hexagon responses.

EXHIBIT 40

Please contact me if there are any questions or comments on our review of the two letters.

Very truly yours,

Chris D. Kinzel

Chris D. Kinzel, P.E.
Vice President

**TOWN OF LOS GATOS**
**PARKS AND PUBLIC WORKS**

**PROJECT INFORMATION SHEET**
**Engineering Division**
**April 10, 2017**

**ITEM:** **401-409 Alberto Way; APN: 529-23-018**
**Architecture and Site Application S-15-056, Conditional Use Permit Application U-15-009**
PROPERTY OWNER: CWA Realty
APPLICANT: Shane Arters, LP Acquisitions LLC

**Project Description:** Requesting approval to demolish three existing office buildings and construct a new, two-story office building with underground parking on property zoned CH.

**Q: Where is the development project?**
A: The proposed development project is located at the northwest corner of Los Gatos-Saratoga Road (California State Route 9) and Alberto Way.

**Q: What is the current use?**
A: The property currently features three two-story multi-tenant office buildings on the project site consisting of approximately 31,000 square feet of office space.

**Q: What is the proposed use?**
A: The development project proposes a new two-story office building featuring 83,000 square feet of office space and an accompanying two-level subterranean parking garage.

**Q: How much larger in size are the proposed buildings than the existing buildings?**
A: There would be a total net increase in office space of approximately 52,000 square feet.

**Q: Would there be any increase in traffic due to the proposed development project?**
A: Yes, there will be additional vehicle trips associated with the increased square footage; however, the increase in traffic would not result in a "significant" traffic impact based on the traffic analysis conducted according to the Town's Traffic Impact Policy and General Plan (GP).

**Q: How many additional vehicle trips created by a new development triggers the Town's requirement for a traffic impact analysis?**
A: In accordance with Town's Traffic Impact Policy, a traffic impact analysis (TIA) is required for any private development projects that are expected to add 20 or more vehicle trips in the AM or PM peak hours.

EXHIBIT 4 1

**Q: Does the proposed project trigger the Town's requirement for a traffic impact analysis?**

A: Yes. An Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program have been prepared for the project and can be found at the following link: http://www.losgatosca.gov/2216/Pending-Planning-Projects. The TIA is available online via that link as well. The TIA found that the proposal would generate more vehicle trips than what currently occurs with the existing office spaces. The size of development has been reduced to 83,000 square feet since completion of the TIA. It is estimated the currently proposed development would result in an additional 123 vehicle trips during the AM peak hour, and 90 vehicle trips during the PM peak hour.

**Q: How are AM and PM peak hours selected for any given development?**

A: Pursuant to the Town's Traffic Impact Policy, the AM and PM peak hours are determined during weekdays when schools are in session for studied intersections, with the AM peak hour occurring between 7:00 AM and 9:00 AM and, similarly, the PM peak period between 4:00 PM and 6:00 PM. The 60-minute durations with the highest number of vehicle trips during each of these morning and evening periods are selected as the respective peak hour traffic times. These peak hour traffic times are used for the traffic analysis.

**Q: How is the number of vehicle trips calculated?**

A: The number of vehicle trips generated by a development project is determined by using the applicable trip generation rate from the Institute of Transportation Engineers (ITE) Trip Generation Manual or alternative sources in accordance with the Town's Traffic Impact Policy. Use of the ITE trip generation rates for estimating the number of vehicle trips is a standard practice and is also consistent with the VTA's traffic impact analysis guidelines.

**Q: Is any increase in traffic from a new development considered a significant impact to the nearby traffic intersections and surrounding area?**

A: No. The Town's General Plan (GP) and Traffic Impact Policy define a significant traffic impact based on changes to the intersection's Level of Service (LOS).

**Q: What is LOS and how does it determine the impacts of project traffic on the Town?**

A: Traffic engineering standards use LOS (Level of Service) to determine project traffic impacts. LOS represents traffic intersection congestion by a letter scale that ranges from LOS A to LOS F, with LOS A representing the least or no congestion. The Town's Traffic Impact Policy and General Plan (GP) do not allow for developments to drop the LOS at an intersection by more than one level or below LOS D without requiring the development to mitigate or provide a "fix" for the increased traffic delay. A project TIA analyzes LOS at impacted intersections as a function of the average vehicle delay and determines the impact significance and any required mitigation. *The impacts are only considered significant if the LOS drops more than one level or below a LOS D.*

**Q: What are the TIA's findings of the LOS impact for this project?**

A: For the currently proposed project, the TIA concluded that the intersections would not drop more than one level or below a LOS D. Therefore, the project would not create a significant impact on traffic. The intersections that were included in the analysis are: North Santa Cruz Avenue and Los Gatos-Saratoga Road, University Avenue and Los Gatos-Saratoga Road, Alberto Way and Los Gatos-Saratoga Road, Los Gatos Boulevard and Los Gatos-Saratoga Road, and Los Gatos Boulevard and Caldwell Avenue/Kennedy Road.

**Q: Would the proposed project create any unsafe conditions for Alberto Way?**

A: In its existing condition, Alberto Way is approximately 36 feet from curb-to-curb along the project frontage. This width is sufficient for on-street parking and one lane of traffic in each direction. The project has proposed dedication along the Alberto Way frontage to facilitate an exclusive right turn lane and bike lane. The TIA has evaluated the traffic conditions on Alberto Way and the access to the project site and has found no unsafe conditions

**Q: Would the proposed development result in difficulty or unsafe conditions for emergency services to access Alberto Way during construction?**

A: The project is conditioned to provide a Construction Management Plan and Traffic Control Plan prior to the issuance of any permit(s) for work within the public right-of-way. Furthermore, the project is also conditioned to provide advance notification of all affected residents and emergency services. Emergency services will have access at all times.

**Q: Did the TIA evaluate the project impact to the adjacent California State Route 17?**

A: Yes. The TIA analyzed the northbound and southbound segments of California State Route 17 (Highway 17) between Lark Avenue and Bear Creek Road. With the analysis, it was determined that the increase in segment trips would not significantly impact the freeway LOS. Furthermore, the TIA included a freeway ramp analysis for four affected ramps at the interchange of Highway 17 and Los Gatos-Saratoga Road to verify that the ramps would have sufficient capacity to serve the expected traffic volumes with the project.

**Q: What is the proposed elimination of on-street parking with the proposed project?**

A: The project proposes to eliminate approximately 130 linear feet of on-street parking (5 parking spaces) along the project frontage (southbound Alberto Way), and 70 linear feet (3 parking spaces) along northbound Alberto Way in front of the Best Western.

**Q: Why is this elimination necessary?**

A: Eliminating on-street parking is necessary for improving both visibility and traffic flow.

**Q: With the elimination of on-street parking in front of the restaurant/motel complex across from the proposed project, would the street width accommodate a left turn lane into the proposed project as well as the standard lane going north on Alberto Way?**

A: With the location of the project's main entrance being situated near the northern property line, a left turn lane into the project would require elimination of on-street parking in front of the Pueblo De Los Gatos residences (420 Alberto Way), which may not be desirable. In addition, the TIA has evaluated and found there would be sufficient gaps in traffic for vehicles to make a left into the project site without creating significant delays to northbound traffic.

**Q: What can be done to reduce the number of vehicle trips generated by the project?**

A: The currently proposed Conditions of Approval require a Transportation Demand Management (TDM) plan for the development. The TDM plan will include a list of measures for reducing single-occupant vehicle trips and encourage alternative transportation modes such as riding bicycles, carpooling, and riding transit.

**Q: What improvements have been proposed to encourage pedestrian and bike to downtown?**

A: The project has proposed to install a detached sidewalk on both Alberto Way and Los Gatos-Saratoga Road along the project's frontage to enhance the pedestrian experience. The project has also proposed the installation of a bike lane and bike box on Alberto Way, widen Los Gatos-Saratoga Rd to accommodate a future bike lane, and implement a TDM program to encourage multi-modal transportation. The project, as conditioned, will provide crosswalk improvements for pedestrians crossing the California State Route 17 northbound on-ramp, such as high-visibility crosswalk stripes, rectangular rapid flashing beacons, a yield line and/or appropriate signage.

**Q: Would the proposed project construct any off-site improvements?**

A: The currently proposed Conditions of Approval require the following off-site improvements:

- Alberto Way
  - Installation of new curb, gutter, detached sidewalk with landscaped planting strip, street lights, signing, and striping.
  - Removal and replacement of the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from the centerline of Alberto Way to its western lip of gutter.
  - A 2-inch grind and overlay from centerline of Alberto Way to its eastern lip of gutter.
  - Two travel lanes exiting Alberto Way: an exclusive right-turn lane and a shared left-thru lane.
  - A bike lane on southbound Alberto Way at the project frontage.

- A bike box on southbound Alberto Way at its intersection with Los Gatos-Saratoga Road.
- Installation of ADA-compliant curb ramps at the intersection of Alberto Way and Los Gatos-Saratoga Road.

- Los Gatos-Saratoga Road
  - Installation of new curb, gutter, detached sidewalk with landscaped planting strip, street lights, signing, and striping.
  - Installation of ADA-compliant curb ramps on Los Gatos-Saratoga Road at the California State Route 17 northbound ramp.
  - A 2-inch grind and overlay from the northern extent of the median island to the new lip of gutter along the project frontage.
  - Widening of the north side of Los Gatos-Saratoga Road; removal and replacement of the existing median island along eastbound Los Gatos-Saratoga Road to provide for a future bike lane and a left-turn pocket (250 feet in length) for eastbound Los-Gatos Saratoga Road traffic turning onto northbound Alberto Way.
  - Provide crosswalk improvements for pedestrians crossing the California State Route 17 northbound on-ramp, such as high-visibility crosswalk stripes, rectangular rapid flashing beacons, a yield line and/or appropriate signage, etc.

**Q: Is there a map or site plan that shows the proposed off-site improvements?**
A: Yes. Please see Exhibit 1, attached.

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LEGEND:

1. New curb, gutter & detached sidewalk.
2. Widening for future bike lane.
3. New dedicated right turn lane.
4. New green bike box.
5. Upgrade traffic signal.
6. Lengthen eastbound Hwy 9 left turn pocket.
7. Provide new signal interconnect conduit and cable.
8. New green bike lane.
9. New ADA curb ramps.
10. Remove and replace pavement section.
11. 2" grind and overlay.
12. Relocate pedestrian crosswalk. Add high-visibility crosswalk stripes, rectangular rapid flashing beacons, yield line or appropriate signage, etc., with approval from Caltrans.

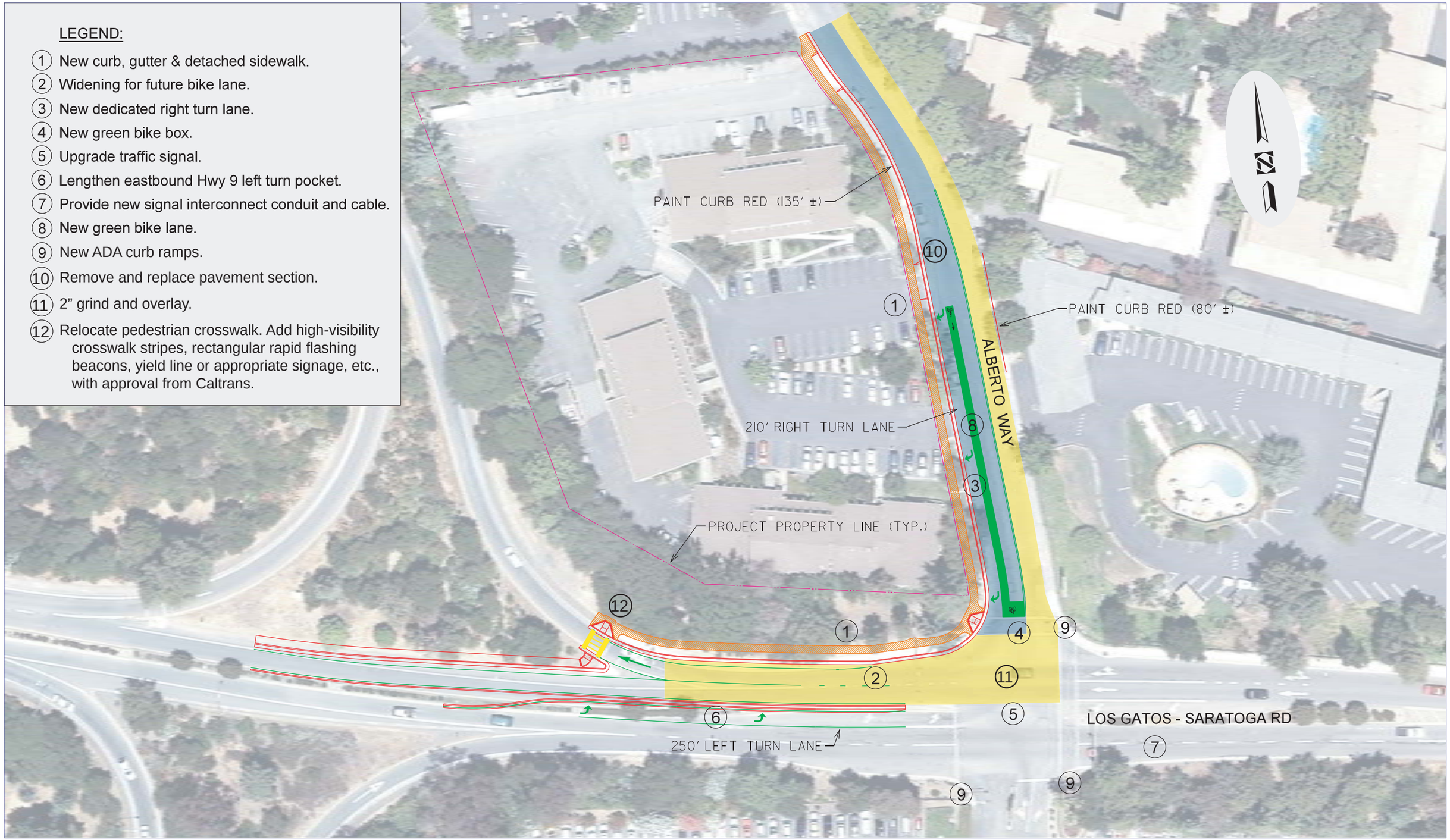


EXHIBIT 1

Hexagon Transportation Consultants, Inc.

4 North Second Street, Suite 400
San Jose, California 95113
Phone: (408) 971–6100
www.hextrans.com

CONCEPTUAL OFF-SITE IMPROVEMENTS
401 TO 409 ALBERTO WAY
LOS GATOS, CA

DESIGNED BY: M. POWELL

DATE: 4/6/2017

GRAPHIC SCALE
0 60 80 100 120
1 INCH = 60 FEET

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## Jennifer Armer

**From:** Joseph Gemignani <josephtheweatherman@gmail.com>
**Sent:** Wednesday, April 12, 2017 10:07 PM
**To:** Jennifer Armer
**Subject:** Alberto way continuance

Hi Jennifer. I won't be in town for the May 10 Planning Commission meeting. Could you please convey at the meeting that I am in favor of this project. If appropriate let them know that I prefer if they could have kept the tower elements. It gave the building some additional pizzazz.

Thanks, Joseph

Sent from my iPhone

EXHIBIT 4 2

## Jennifer Armer

**From:** Lindsay Catterton <lcatte5850@aol.com>
**Sent:** Monday, May 01, 2017 8:21 AM
**To:** Jennifer Armer
**Subject:** Alberto Way

Once again!! We do not need that development !!!!
Lindsay Catterton
439 Alberto Way. #105A

Sent from my iPhone

RECEIVED

MAY 03 2017

TOWN OF LOS GATOS
PLANNING DIVISION

To: Planning Commission

Date: May 3, 2017

From: Loretta Fowler, Chair, Committee on Alberto Way Project, Los Gatos Commons

Subject: Response on behalf of Los Gatos Commons to Mr. Lamb's Supplemental Response, April 24, 2017 to "Comment Letters" submitted in The Commons's 4/6 letter (Staff report, April 6, 2017)

Mr. Lamb asserts that "none of the comments raise new issues or new environmental impacts." In The Commons's April 6, 2017 letter **we addressed the environmental impact of one 83,000 sf building** at 405 Alberto Way and argued that there would be a negative impact, and we gave supporting arguments. In August 2016 Mr. Lamb was proposing to build a 93,000 sf building, which was a different issue. In our April 6 letter **we introduced for the first time an environmental impact that would result from a two-story underground garage, namely damage to neighboring properties.**

In the attachments Mr. Lamb responds to specific comments that he asserts are fromThe Commons. Many are from our August 18, 2016 letter, not our April 6, 2017 letter in which we added new research and revised earlier comments. We take issue with many of his remarks. Some comments he erroneously attributes to us.

AESTHETICS

*Page 1* Our Comment: Size and scale of proposed building not suitable for surrounding neighborhood. Mr. Lamb disagrees. He argues that the DEIR (3.1) concluded the project's aesthetic impacts were less than significant at the August hearing. Yet the Planning Commission on 8/24 asked him to reduce the square footage to between 43,000 and 61,000 sf.

*Page 2* Not Our Comment: Proposed building blocks views of mountains. Mr. Lamb states that the LGC asserted that the views of the Santa Cruz Mountains would be blocked; actually, he is wrong in that our letter of 4/6 does not mention the view issue. The comment comes from another development.

HYDROLOGY AND WATER QUALITY

*Pages 6 & 9* Our Comments: Hydrology impacts not reviewed in DEIR; adverse impacts on surrounding properties (other issues were from PLG and BVV). Mr. Lamb and ENGEO cannot claim that the ENGEO report in the DEIR assessed the impact of the garage on neighboring properties. In the ENGEO Supplement of 4/19, in comments 2 and 3, ENGEO admits (pp. 3-4)

that there would be "low risk" (**not no risk)** of cracking slabs and "very low risk" (**not no risk)** of broken pipes. Low risk is not no risk, so we would be at risk—ENGEO cannot predict accurately what would happen to our properties, and our expert has argued that there would be damage.

*Page 8* Not Our Comment: Cracked slabs at houses in LGC, etc. Mr. Lamb claims that LGC stated that the underground garage would result in cracked slabs at the LGC. This is not true. The LGC argued that the repair of cracked slabs at PLG and LC would be very disruptive for the residents of The Commons.

TRANSPORTATION AND TRAFFIC

*Page 11* Not Our Comment: Project fails to address VTA funding Hwy 9 and 17 interchange. Actually, our letter of April 6 does not make this assertion; there is no p. 8 in our letter.

*Page 11* Our Comment: Caltrans concluded the project will add trips greater than 1% capacity; EIR mitigations are inadequate (LGC, 4/6, p. 4). The Hexagon Supplement concluded that the added traffic from the project would not be significant. It seems that Caltrans and Hexagon disagree. Mr. Lamb argued that the "improvements" would improve existing conditions. We are not experts but think **fewer** cars associated with a project at 405 Alberto Way would mitigate effects from traffic.

*Page 11* Not Our Comment: Project will increase traffic on Hwy 9, NB traffic on Hwy 17 and increase delays. Actually, our April 6 letter does not make this statement; there is no p. 6 to that letter.

*Page 12* Our Comment: False Traffic Report data. We questioned the ITE manual's use of very old data in computing traffic patterns. Hexagon's 4/5 letter does not refute our argument that the data in the ITE 2012 manual is very old. Hexagon also used trip generation counts at three existing office buildings in Los Gatos, one of which is 475 Alberto Way. The count there was 37 (AM in, PM out). Hexagon asserts that trips are determined by square footage of a building. After the 475 building was renovated the square footage did not change but over 100 cars now come and go. We continue to be unconvinced that a project with 330 cars will not create a negative impact for us.

*Page 13* Our Comment: Did not consider traffic from 475-485 Alberto Way project. Mr. Lamb writes that a pending application for this project had not been submitted at the time the TIA was completed. This is not the point. The two existing buildings 475 and 478 (not the proposed new building, which is on Pine) were remodeled to Class A status (tripling occupancy) after Hexagon did its study. The remodeled buildings have over 100 associated cars that go up and

down, entering and leaving Alberto Way. We ask the Planning Commission to take into consideration this new traffic.

*Page 14* Not Our Comment: More jobs will create new housing demands. Actually, Mr. Lamb is incorrect that we made this comment, and there is no p. 7 in our letter of April 6.

PROJECT DESCRIPTION

*Page 18* Our Comment: Revised design features in conflict with General Plan. We cited several General Plan policies with which we argue the 83,000 sf project is out of compliance (LU1.8, LU6.8, LU6.2, LU1.2, LU6.4, LU6.5, VIS3, CD1.2 and CD1.4). The defense Mr. Lamb offers is the review of the new features on the building by Cannon Design Group (Feb. 22 and March 17, 2017). Contrary to Mr. Lamb's representations, Mr. Cannon wrote that it was difficult to achieve the small town scale and appearance as directed by the Planning Commission "when starting with a large building and making small changes to it." The building still reads as "one large office building without a breakdown in scale related to the neighborhood or the Los Gatos existing small town scale." Mr. Lamb avoids mentioning these remarks.

*Page 18* Our Comment: Questions of validity of Cannon report; references reduction of only 700 sf. We did not have access to the Cannon letters of 2/22 and 3/17/2017 until the staff report was posted April 6. In these letters Cannon discusses the 83,000 sf building, reduced by 8965 sf from the original 93,000. Our criticism referred to the letter of 3/18/16, in which Mr. Cannon reviewed a reduction of 700 sf in the 93,000 sf building.

OTHER

*Page 27* Our Comment: Project negatively impacts senior citizens in the neighborhood. Mr. Lamb asserts that LGC's comment that the project would have a negative impact on the seniors in the neighborhood does not require a response because it does not raise a CEQA issue. The Aesthetics section of the DEIR considered the "visual impact" of the proposed project but this was too narrow a view. The General Plan calls for protection of the character and sense of place of a neighborhood and for preservation of small town feel. These features are what attracted the senior community to Alberto Way. To negatively impact such things should not be dismissed as Mr. Lamb does. Senior quality of life is a high priority of the Town, and The Commons is unique in its independent living focus and in that its condos can be purchased.

We are disappointed that Mr. Lamb was so dismissive of our concerns that he carelessly attributed comments to us that we did not make. And we are exceedingly disappointed that he does not give serious consideration to our heartfelt concerns about his proposed project.

**Jennifer Armer**

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**From:** Marilyn Basham <marilynbasham@mac.com>
**Sent:** Wednesday, May 03, 2017 5:28 PM
**To:** Jennifer Armer
**Subject:** 401-409 Alberto Way Commercial Development

**Dear Planning Commission ,**

**My name is Marilyn Basham. I am a resident of Los Gatos Commons. I have been working with the 401-409 committee at the Commons. I have also had the opportunity to work with other Alberto Way residents to research all the implications of the proposed Alberto Way commercial development. As a result of this study, I have gained a great appreciation for the challenge of appropriate land use.**

**In the spirit of being a responsible citizen, I would like to offer a different alternative to the use of the land at 401-409 Alberto Way. As I talk to friends and neighbors in Los Gatos about the 401-409 property, the recurring comment I receive is: " What we really need is more housing like the one you are in, Marilyn. Then we also could retire close to our family and grandchildren with less burden of house and yard management." I am the first edge of the baby boomers which as a demographic group would not make any impact on the schools. Also as a group we tend to be active, environmentally conscious, and civic minded. The traffic impact would be significantly less than the current proposal. I think there would be great interest in a 55 and over condo community especially so close to town, the walking trail, and downtown shopping.**

**Thank you,**
**Marilyn Basham**

# Alberto Way Citizens Rebuttal to Lamb Partners April 19, 2017 Comments on the Expert Peter Geissler & Bob Burke Reports on 405 (aka 401-409) Alberto Way

Submitted by Bob Burke on behalf of the Residents of Alberto Way

## Table of Contents

## INTRODUCTION

In enacting the California Environmental Quality Act (Public Resources Code §§21000 *et seq*.) in 1970, the California Legislature declared the maintenance of a quality environment to be a matter of ongoing statewide concern. §21000(a). Public agencies considering approval of both public and private projects must therefore give "major consideration … to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." §21000(g).

Under CEQA, public agencies cannot "approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the environmental effects of such projects." §21002

The Legislature designed CEQA's review processes to publicly disclose environmental effects and identify feasible project alternatives and mitigations. The goal is to protect California's environment by informing the discretionary land use decisions of elected officials. §21002. CEQA furthers California's environmental policies through its p***rocedural*** mandates, requiring agencies to prepare and consider environmental documents within prescribed public review processes, *and* ***substantive*** mandates, requiring agencies to impose feasible mitigation measures and alternatives to projects that might otherwise cause significant adverse environmental effects.

Hundreds of published cases now interpret CEQA. Its overarching edict, as expressed by the California Supreme Court in *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 124, is that "[u]nder CEQA, a public agency must … consider measures that might mitigate a project's adverse environmental impact and adopt them if feasible. (§§21002, 21081.)" The Court has repeatedly underscored "CEQA's substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures." *Id.* at 134; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 264; *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 350; *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434.

CEQA achieves its purpose of long-term protection of the environment by functioning as "an environmental full disclosure statute, and the EIR is the method . . . [of] disclosure . . ." *Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020. An EIR should not just generate paper, but should act as "an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have

reached the ecological points of no return." *County of lnyo v. Yorty* (1973) 32 Cal.App.3d 795, 810. The EIR provides analysis to allow decision makers to make intelligent judgments. Guideline §15151. ". . . the preparation of an EIR is the key to environmental protection under CEQA, . . ." *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 82; §21151.

**Response to Suggestions.** An EIR must respond to specific suggestions for mitigating a significant impact unless the suggested mitigation is "facially infeasible." *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029 (EIR was required to discuss suggestion that installation of air conditioning and filtering at two schools might prove feasible means of mitigating significant air pollution impacts identified in the EIR); see *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042 (EIR contained adequate responses to measures suggested to address GHG emissions.)

In our past submissions to this Application, we've (PDLG, Los Gatos Commons, Bella Vista Village & Las Casitas collectively) identified both feasible Mitigations in addition to what was identified in the FEIR, Missing Environmental Impacts and Feasible Mitigations to them.

This document rebuts materially false or misleading assertions made in the Supplemental April 24, 2017 submission by Lamb Partners & its contractors ENGEO and Hexagon with fact based sources and illustrations.

We find the bulk of the remaining comments from April 24 to be without merit, or duplicitous, needing no rebuttal.

## ENGEOs Responses to Peter Geissler

### Geissler Comment 1

*Geissler Engineering Comment 1*
*The likelihood of life-threatening flooding due to upstream dam failures.*

> *Page 8, Upstream Dam Failure Section, "A catastrophic failure of the Lenihan Dam would cause flooding at the project location within minutes. Underground parking amplifies the risk of drowning in the event of a dam failure."*

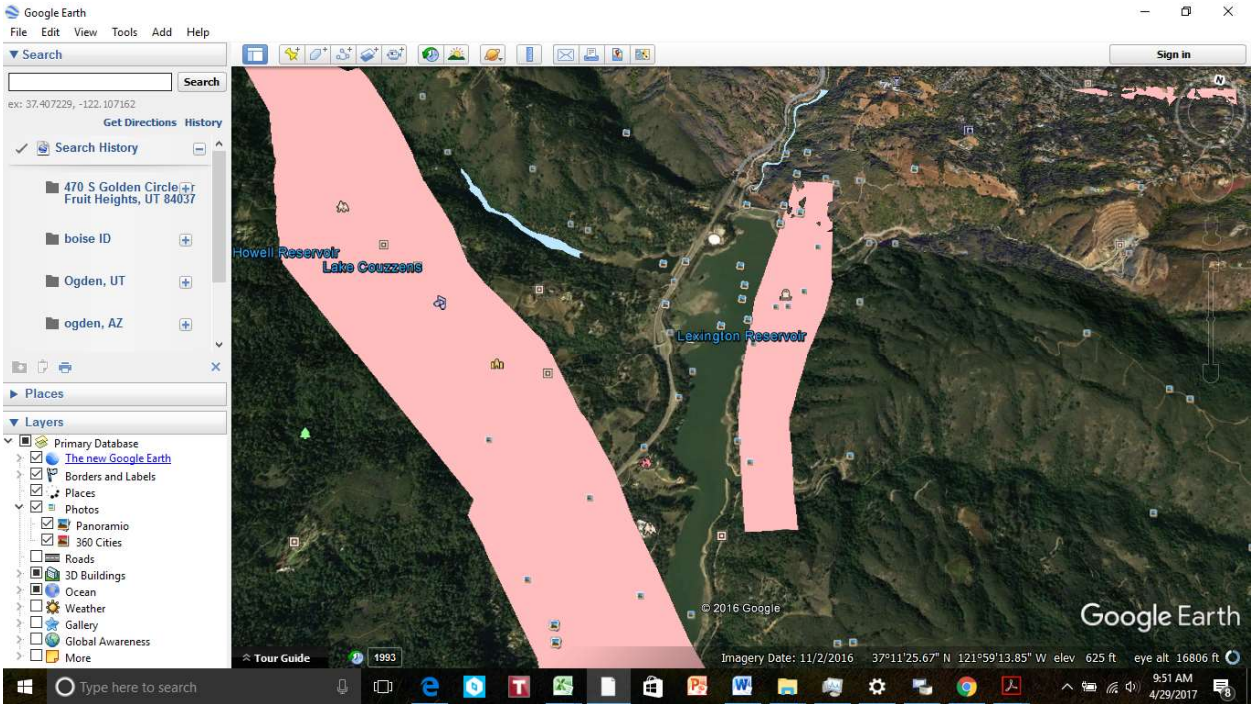
**To Geissler 1, ENGEO responds**

In December 2012, Terra/GeoPentech prepared a Seismic Stability Evaluation on Lenihan Dam for the Santa Clara Valley Water District. According to the report, the likelihood of significant cracks forming in the crest and other areas during the Maximum Considered Earthquake (MCE) is considered very low, and no seismic remedial measures are deemed necessary at the Lenihan Dam. Additionally, the report indicates that the Division of Safety of Dams (DSOD) performed their own independent analyses and concurred that no seismic remedial measures were necessary.

Based on the information ENGEO reviewed, the risk of inundation as well as the likelihood of life-threatening flood at the project site is low and the hazard to the project is no greater than that of any other parcel within the mapped inundation zone in the Town of Los Gatos.

**Citizen's Rebuttal to ENGEO on Geissler 1:** Irrespective of the 2012 Terra/GeoPentech report, the following Santa Clara County illustration showing the Lenihan Dam's East side ending at a Fault Rupture Hazard Zone and surrounded to the West by another Fault Rupture Hazard Zone is found from this URL:
https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx
Where a click on the *Fault Rupture Hazard Zones KMZ Files* hyperlink:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_Faults.kmz

will download this Google Earth GIS start link (install Google Earth for PC, Mac or Linux first). https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_Faults.kmz (URL opens Google Earth, then you may guide it to the Lenihan Dam South of LG) shows in pink the Earthquake Fault Rupture Hazard Zone that abuts the Lenihan Dam and another that overlays portions of Lexington Reservoir. The 2012 Terra-Geo Pentech Lenihan Report fails to mention the Fault Rupture Hazard Zone or what the consequence to Lenihan Dam would be should the fault rupture immediately beside the Dam during an earthquake.




Furthermore, in 2007, Oroville's 50 year (1957) license to operate was renewed. Documentation for Oroville's Renewal show that the renewal failed to address any Dam Safety issues at all nor any protocol to ID and correct known or latent defects. Both its primary and emergency spillway surfaces failed in 2017, and a large evacuation ensued.

## Geissler Comment 2:

*Comment 2:*
*Soil subsidence caused by temporary dewatering during construction.*

> *Page 6, Dewatering Section: "First, there is likely to be slight soil subsidence in the near vicinity of the coffer dam due to dewatering. Second, the effluent from diesel-powered pumps must be discharged onto the street or other receiving drainage facility such as a storm drain…At a minimum, this water is added to existing drainage facilities and, in effect, reduces the capacity of other drainage facilities (e.g. storm drains) that serve the neighborhood… Geissler Engineering calculations suggest that all of the Las Casitas development and Pueblo de Los Gatos developments are likely to exhibit cracked slabs as a result of soil subsidence as a result of construction."*

ENGEO Response to Comment 2
Geissler Engineering did not provide its calculations to support its letter. Temporary dewatering during construction will drawdown groundwater in the vicinity of the excavation and result in an increase of vertical stresses in surrounding soils. When vertical stresses increase in soil, settlement may occur in soft compressible clayey deposits and loose sandy or gravelly deposits.

Contrary to Dr. Geissler's comments, the soils encountered below the design groundwater level of 12 feet at the project site are medium dense to very dense clayey gravels. The risk of settlement (subsidence) in dense soil deposits as a result of temporary dewatering is low. Please see Chapter 3.5 of the Draft EIR for a description of the existing Project site soil characteristics.

Additionally, groundwater was encountered at a depth of roughly 21 feet in June 2015, which is below the historic high groundwater level of 12 feet bgs. Based on this data, the project site and vicinity has already experienced the effects of a lowered groundwater level. We are not aware of signs of subsidence reported in the area as the groundwater level fluctuates. This also indicates that the soils in the project area are not prone to subsidence as a result of lowered groundwater levels.

## Citizen's Rebuttal to ENGEO on Geissler 2:

There is a substantial difference in the forces exerted on the surrounding structures between:

- groundwater level rise & fall where all structures sit on the same surface that rises to or subsides from a similar level, driven by the water below it like boats on calm water vs.
- dewatering, where ground subsides where it's being dewatered and does not subside by the same amount in ground that surrounds the dewatered coffer dam. This differential in ground level is what causes cracks. ENGEO fails to mention the differential.

The bottom line is this: the longer or wider the existing building is, the greater the difference between the

- "before dewatering" ground level vs. the
- "after dewatering" ground level is and
- the more likely damage to our foundations will occur from the differential settling and
- the costlier the damage repair to the foundations and shifted interior walls & floors will be since settling is increasingly pronounced with length.

## Geissler Comment 3:

*Comment 3:*
*Long-term hydrologic effects caused by diversion of subsurface flow of groundwater following construction of the proposed 2-story underground garage.*

> *Page 5, Groundwater Hydrology Section: "Geissler Engineering is concerned that the construction of a 22-foot deep underground garage may cause diversion of subsurface seepage patterns. The long-term, effects of such diversion of subsurface seepage include a rise in groundwater levels in the neighboring properties and increased seepage flow rates which in turn may cause piping failures in adjacent soil strata. Geissler Engineering estimates that … the diversion of subsurface seepage is approximately 250 feet from the underground garage … The permeability of the surficial clayey soils estimated to be on the order of $10^{-8}$ cm/sec (very low) whereas the permeability of the gravel strata $10^{-5}$ cm/sec (very high)."*

ENGEO Response to Comment 3
Diversion of subsurface groundwater flow occurs when an impermeable structure, such as a slurry cut-off wall, is constructed across high groundwater flow gradients, such as along the center of a dam or levee, to increase flow paths and reduce the risk of piping. The groundwater level encountered at the project site is similar to nearby areas, indicating that the hydraulic gradient in the area is relatively flat. In the absence of steep hydraulic gradient in subsurface flow, diversion of groundwater is unlikely. The groundwater level surrounding the basement is expected to stabilize to a level similar to the surrounding area after dewatering wells are decommissioned.

The dense to very dense sand and gravel deposits encountered at the project site are confined in a clay matrix. The clay matrix will reduce the permeability of site soils. Considering the density of the soil deposits, the low permeability as a result of the clay matrix and lack of hydraulic flow gradient, the risk of piping is very low.

It is our expert opinion that the construction of a subsurface garage will not dramatically impede groundwater flow, and the risk of piping as described by Geissler Engineering is extremely unlikely.

## Citizen's Rebuttal to ENGEO on Geissler 3:

water travels beneath the Planned Development and surrounding properties where we live as drainage travels from uphill of our properties after storms and as water is pushed uphill from the underground water table in the liquefaction zone beneath the LG Creek bed upon which the Planned Development is placed through fractured rock in the Rupture Hazard Zone below the Planned Development. The most pronounced effect from its blockage is already known to be beneath the Bella Vista Village homes on Cuesta De Los Gatos that have sump pumps in their crawl spaces.

The reduced permeability that ENGEO notes in its response already retards water flow, and the underground parking structure will further retard water flow, forcing it to back up beneath neighboring properties.

ENGEO fails to recognize this predictable consequence and is incorrect in its response and conclusion.

If underground parking is allowed, which it should not be, then we see every reason that a presently unidentified and reasonable Mitigation to address the risk to our properties would be to require Lamb Partners to post a Bond in the amount of about $10M that is guaranteed until after both the next major earthquake occurs (similar to Loma Prieta) and the next major drought recovery (similar to the current water year recovery after the 2010-2016 drought) have passed without damages to our residences.

## Geissler Comments 4 & 8:

*Comment 4:*
*The likelihood of structural cracking (post-construction) of the proposed 2-story underground garage and subsequent seepage of groundwater into the garage.*

> *Page 3, Executive Summary Section: "In the event of an earthquake, the soils below the 2-story underground garage are likely to exhibit significant loss of bearing capacity. Loss of bearing capacity is likely to result in differential foundation settlement with resultant structural cracking of the reinforced concrete structure. Cracking of the reinforced concrete structure allows significant influx of groundwater. Geissler Engineering estimates that the rate of flow into the (cracked) underground (and underwater) garage structure could range from 50 gallons per minute (gpm) to 500 gpm."*
>
> *Page 4, Soil Conditions Section: "Appreciate that differential foundation settlement on the order of an inch or more shall cause significant cracking in the reinforced concrete structure. In an underground (and underwater) garage, this is likely to allow the influx of substantial flow of groundwater.*
>
> *Page 8, Dewatering Section: "It is significant that ENGEO recommended that concrete slabs be 8 inches thick at the proposed development. That shows that ENGEO appreciates the potential for cracked slabs due to seasonal groundwater variation in expansive subgrade soils."*

ENGEO Response to Comment 4
The proposed office structure should be supported on a structural mat foundation designed in accordance with recommendations provided in the Geotechnical Report, summarized as follow:

- Tolerate up to 1 inch of total liquefaction settlements
- Tolerate up to ½ inch of differential liquefaction induced settlement
- Withstand an edge cantilever distance of 6 feet
- Withstand an interior span distance of 15 feet

When designed based on the above criteria, the foundation mat is rigid enough to span localized irregularities without suffering from structural damage. We do not anticipate severe cracking of the structure and associated water intrusion as described by Geissler Engineering on a foundation mat designed in accordance with the above criteria. We also note that the above mentioned foundation design criteria are not exceptional to projects constructed in the San Francisco Bay Area.

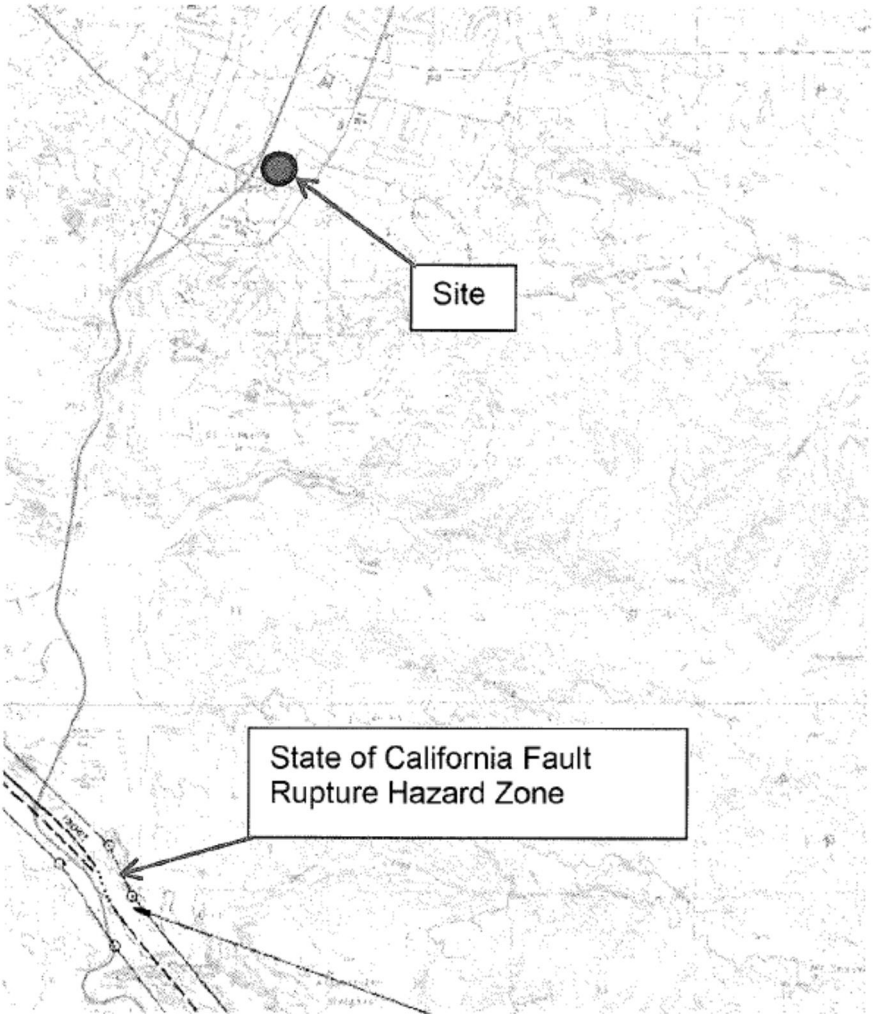
Seasonal moisture fluctuation on expansive soil may impact surficial secondary slabs such as walkways, patio and driveway slabs. Since the foundation is below the water table, moisture variations which would cause shrink and swell of expansive clay cannot occur at the foundation subgrade level so expansive soil will have no long-term effect on the below-grade foundation. Additionally, the 8-inch-thick slab recommendation noted by Geissler Engineering is for concrete pavement design and is intended to provide support to traffic loads. Geissler Engineering has misunderstood the purpose of the 8-inch-thick concrete pavement section referenced in the last quoted statement in Comment 4 above.

*Comment 8:*
*The hazards associated with the location of the proposed garage located within a pre mapped Earthquake Fault Hazard Zone.*

> *Page 5, Earthquake Risk Section: The project location is located within an earthqu fault rupture hazard zone [Ref: California Geologic Survey, State of Califo. Department of Conservation]"*

ENGEO Response to Comment 8
We disagree with Geissler Engineering on the statement quoted under Comment 8. The site is not located within State of California Fault Rupture Hazard Zone (Los Gatos Quad 1991) as shown on Figure 2.

**Figure 2: State of California Special Studies Zone Map, Los Gatos Quadrangle, 1991**

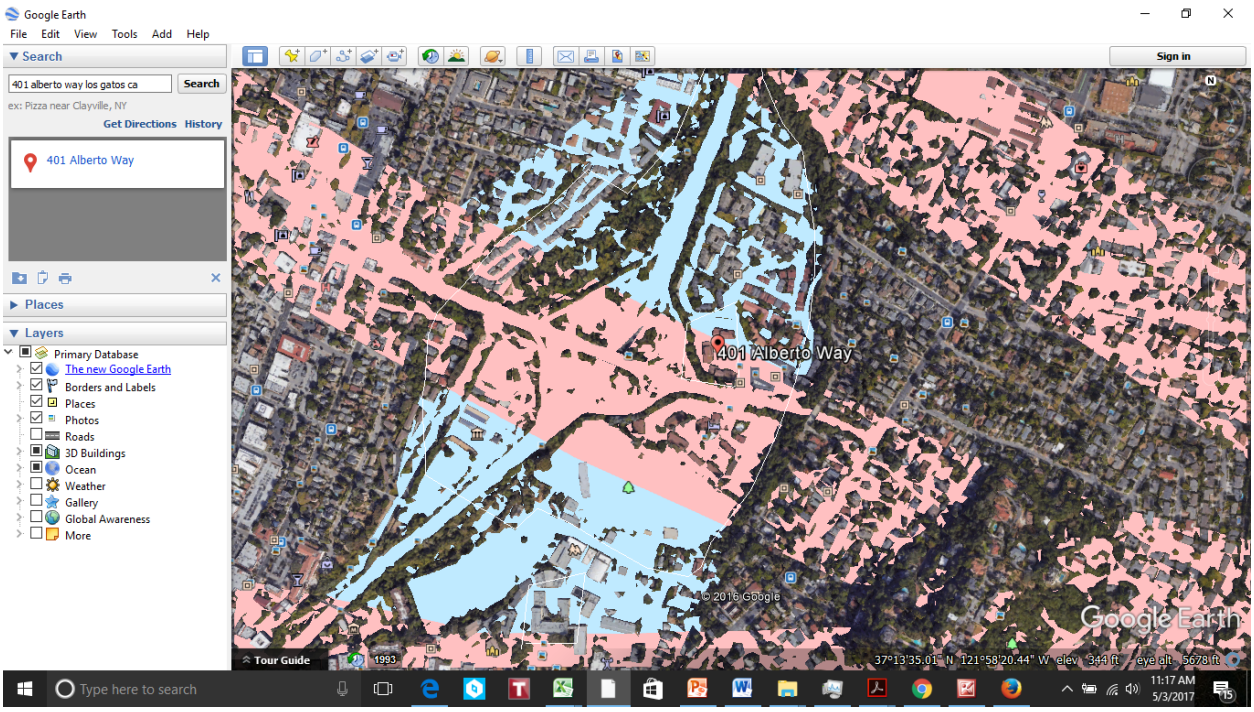



## Citizen's Rebuttal to ENGEO on Geissler 4 & 8:

ENGEO is incorrect. The Planned Development is situated on both a Fault Rupture Hazard Zone, shown in pink below and a Liquefaction Zone, shown in blue and may be found at this Santa

Clara County URL:
https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx
Where a click on the Liquifaction Faults hyperlink will download this Santa Clara County Geologic Hazard Zones Google Earth GIS start link (download & install Google Earth for PC, Mac or Linux first) which shows all Fault Rupture and Liquefaction zones in the County:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_Faults.kmz
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_Liquifaction.kmz (opens Google Earth, then you guide it to the Los Gatos intersection of Hwys 9 & 17 to see both zones)
ENGEO used a 1991 State Map in its response and Santa Clara County published the new one, shown below, in 2002. ENGEO neglected to find the latest map (pink Fault Rupture Hazard Zone overlays the blue Liquefaction zone beneath the LG Creek bed where they are both present).

https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_Faults.kmz




Two of the 3 buildings presently on the PD's property are shown to be located within the Fault Rupture Hazard Zone.

We easily found this site and the failure to disclose it by ENGEO, in our opinion, calls into question both the veracity of the EIR and the quality of ENGEOs work products. ENGEO and Lamb Partners have economic incentives to get the project done.

We have only unacceptable Environmental Impacts and Economic Risks that have not been fully disclosed.

## ENGEO Response to BOB BURKE Comment 11

*Comment 11*

*Water table too shallow for a 2-level underground garage and requires boring at this time to confirm current wet period water table. Safeway underground garage has had flooding problems. Project technical report doesn't address potential impact to underground garage. Impacts are insurmountable. Los Gatos Creek rerouted.*

ENGEO Response to Comment 11

The design groundwater level recommended in the Geotechnical Report represent the **historic high groundwater level** depicted on maps published by the State of California. Peer reviewer AMEC Foster Wheeler and the neighbor's engineering representative, Geissler Engineering, concur with the recommended design groundwater level of 12 feet below existing grade.

We are unable to comment on the performance of nearby structures, such as the Safeway grocery store noted in the comment, without understanding their design criteria and waterproofing system. ENGEO has worked on many projects in the San Francisco Bay Area with subsurface basements or garages located below the groundwater table. The risk of moisture intrusion and flooding generally is very low when the structural components are designed for the anticipated hydrostatic and earth pressures, and waterproofing products are applied properly. Numerous buildings with basements below the groundwater that do not flood, indicating that those that do flood have this problem due to either design or construction and not because the basement or garage is located below the groundwater table.

We reviewed aerial photographs of the subject site dating back to 1937 as part of our geotechnical study. Additionally, we recently reviewed historic topographic maps provided by www.historicaerials.com for the project area dating back to 1928. Based on our review of the aerial photographs and topographic maps, we observed that Los Gatos Creek has been rerouted in the past. However, we did not observe Los Gatos Creek to be formerly located within the limits of the site during our historic aerial photograph review. Therefore, the potential for undocumented fill within the site due to the past rerouting of Los Gatos Creek does not pose a geotechnical hazard to the project.

## Citizen's Rebuttal to ENGEO on BOB BURKE 11:

There has been no submission of evidence that the present Depth to Water has been discovered through another set of borings.

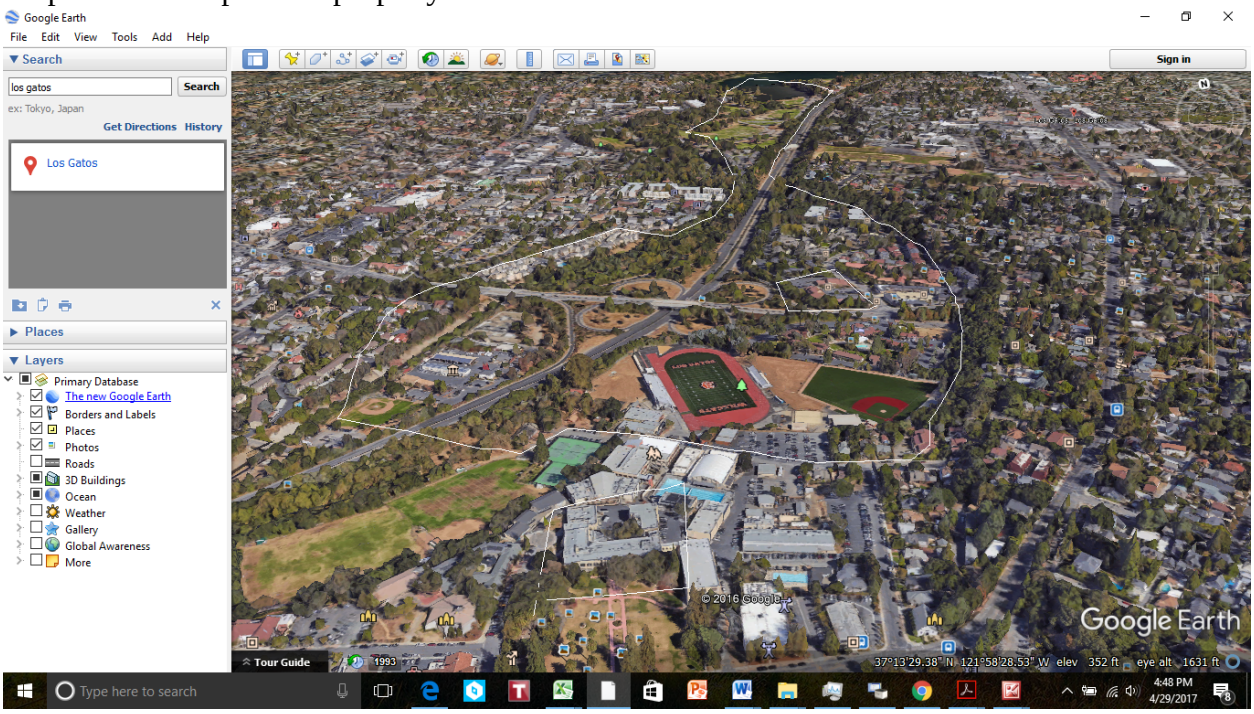
This exposes us to heightened risks of Environmental Impact from:
- diversion of underground water from the area to be occupied by proposed underground parking to beneath our properties, thereby damaging us
- extended construction interval as Lamb Partners are forced to deal with the results of the water
- potential abandonment of the development mid-project should the cost be too high for Lamb's financing sources or too costly to otherwise complete

ENGEO's comment appears to say that it's OK for either one or both levels of the proposed underground parking to be underwater. And then if it's not, that the depth to underground water can't possibly be less than 12 feet since they can't find an aerial photo of the LG Creek bed on one specific web site. Au contraire.

We searched for and easily found several Historic Photos & Maps showing that Los Gatos Creek has both flooded and had multiple channels, including beneath the Proposed Development. They have over the years shifted all over the flood plain that the Proposed Development lies within. Including one we found in https://www.historicaerials.com/ which ENGEO didn't look hard enough to find. We didn't purchase and download the photo, which can be found and viewed on-line (after you set up a no cost account) with the company's prominent watermark. The Historic Aerials photo shows the dry LG Creek bed and several channels, some recent and deeper than the old and shallow channels.

The flood plain was uncontrolled and flooded annually (droughts excepted), which formed the many channels by greatly varied flows. Annual flooding ended in 1955 when Hwy-17 & the Lenihan Dam were both constructed.

But first, we present this current Google Earth aerial photo that clearly identifies the low-lying area that confines the LG Creek bed, whose low-lying area of interest is outlined in white. The still existing first building of LGHS is noted by the white line in the foreground as is the Proposed Development's property.

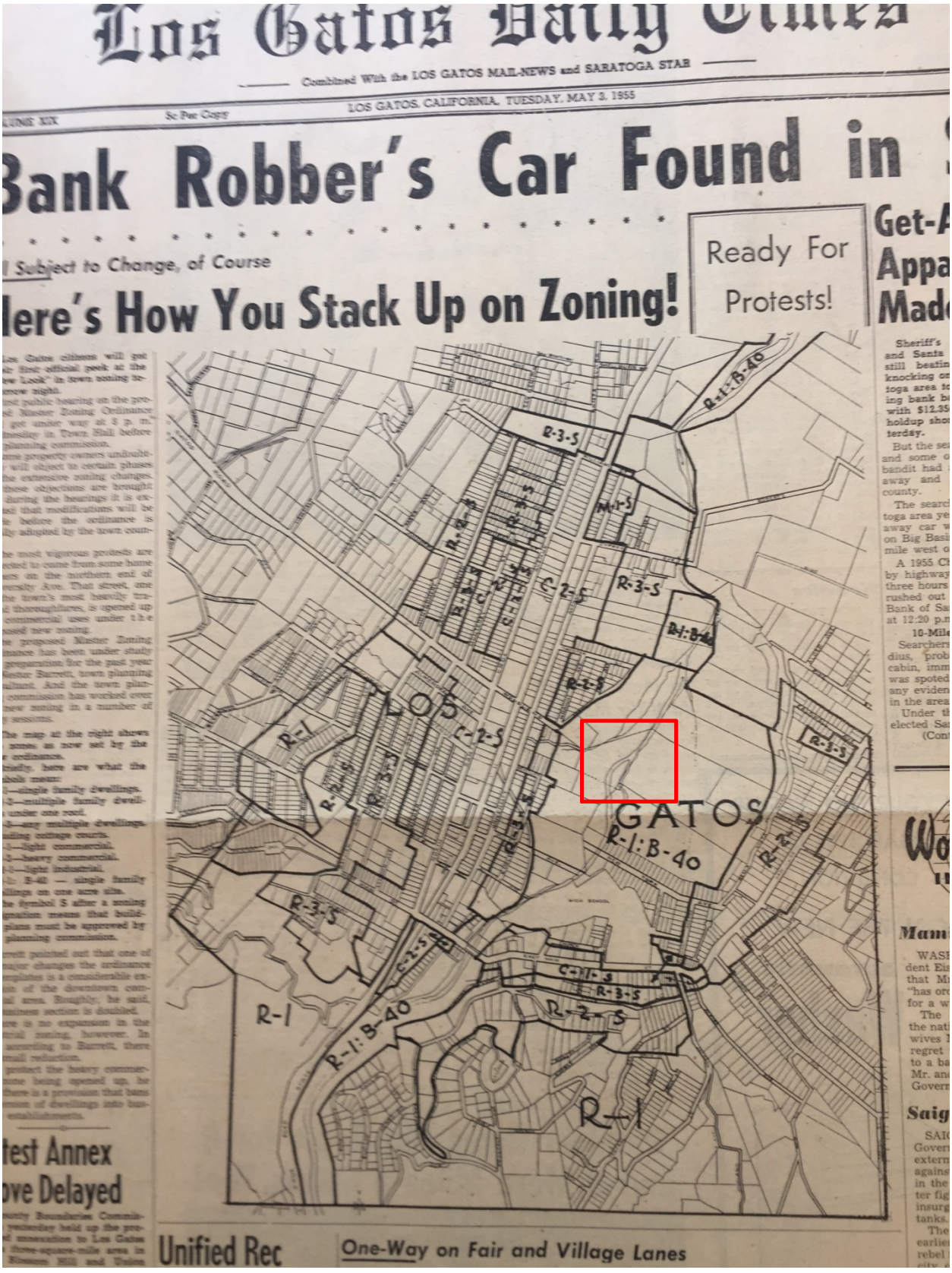



This next Aerial Photo shows what it looked like in 1939: LGHS is in the middle foreground and the LG Creek Bed is dry and streaked all over by its meandering channels, which occurred annually before the Lenihan Dam and the LG Creek re-route to its present day concrete swale on the West side of Hwy-17 were completed in 1955.

The Planned development clearly lies within the LG Creek bed's former flood plain.

Web page and images generated using
[illegible]
7/6/2005 2:41

This next illustration, from a May 3,1955 LG Times article, clearly shows the eastern channel of LG Creek at the time the map was drawn located beneath the western side of the proposed location for the Applicant's 405 Alberto Way building. In 1955, LG Saratoga Rd was connected to Charles Street, the 1block street between Bella Vista and LG Blvd to the east of the PD. Comparing this map to the 1930 First National Bank map tracks how much the Eastern LG Creek channel shifted from beneath the East side of the Proposed Development to 1955.



Los Gatos Daily Times

Combined With the LOS GATOS MAIL-NEWS and SARATOGA STAR

LOS GATOS, CALIFORNIA, TUESDAY, MAY 3, 1955

Bank Robber's Car Found in

Subject to Change, of Course

Here's How You Stack Up on Zoning!

Ready For Protests!

Get-A Appa Made

Sheriff's and Santa still beatin knocking on toga area to ing bank ho with $12,35 holdup sho terday.

But the se and some o bandit had away and county.

The search toga area ye away car w on Big Basi mile west o

A 1955 Ch by highway three hours rushed out Bank of Sa at 12:20 p.m

10-Mile Searchers dius, prob cabin, imm was spoted any eviden in the area Under th elected Sa (Cont

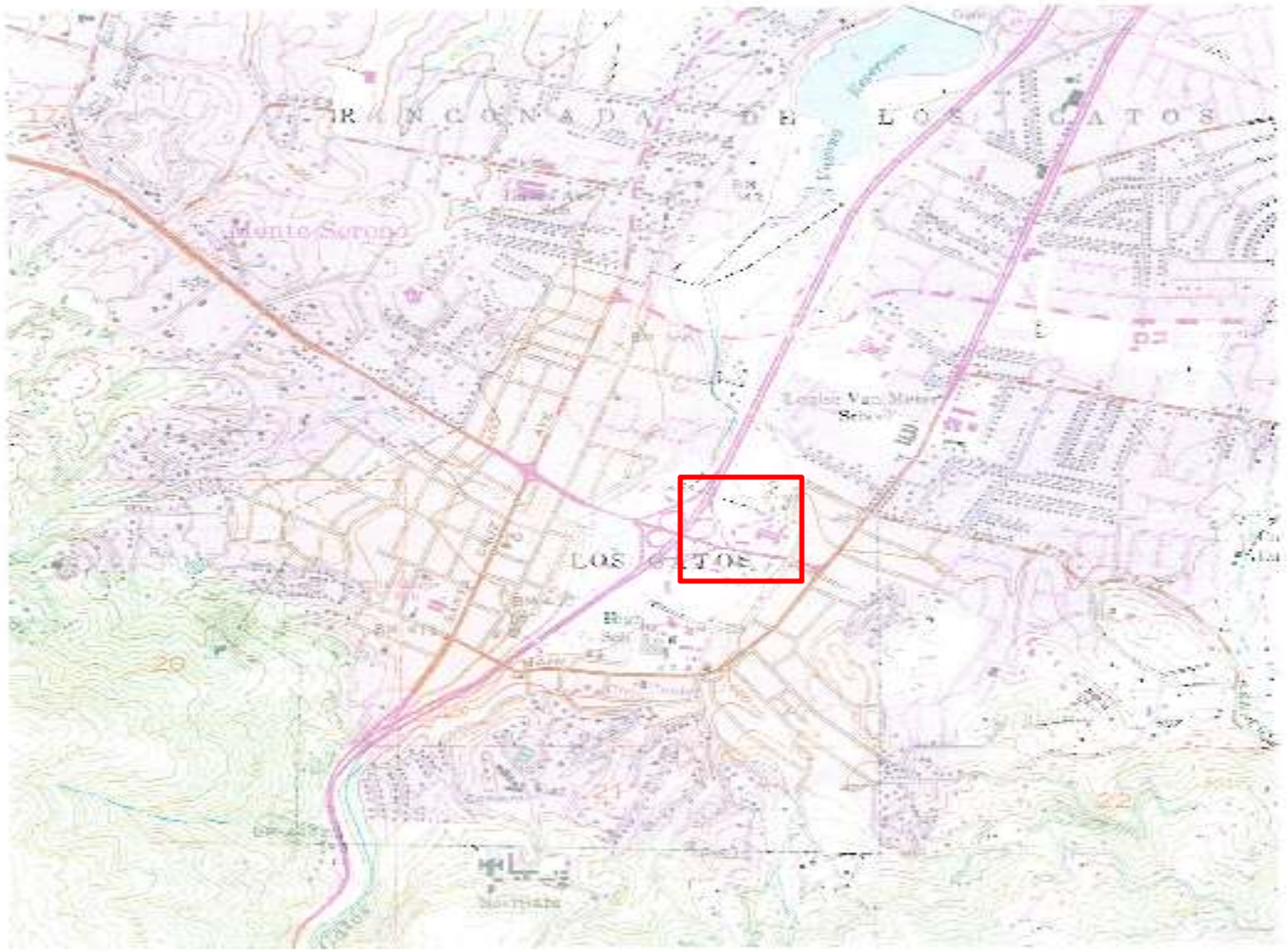
Test Annex ove Delayed

Unified Rec

One-Way on Fair and Village Lanes

This next aerial photo, from 1957, shows the same area after Hwy 17 & its Hwy 9 interchange were built in the LG Creek bed and the LG Creek channel confined to the present concrete culvert in 1955. The 405 Alberto (aka 401-409) property clearly lies in the old creek bed and the 3 present buildings are shown in pink.

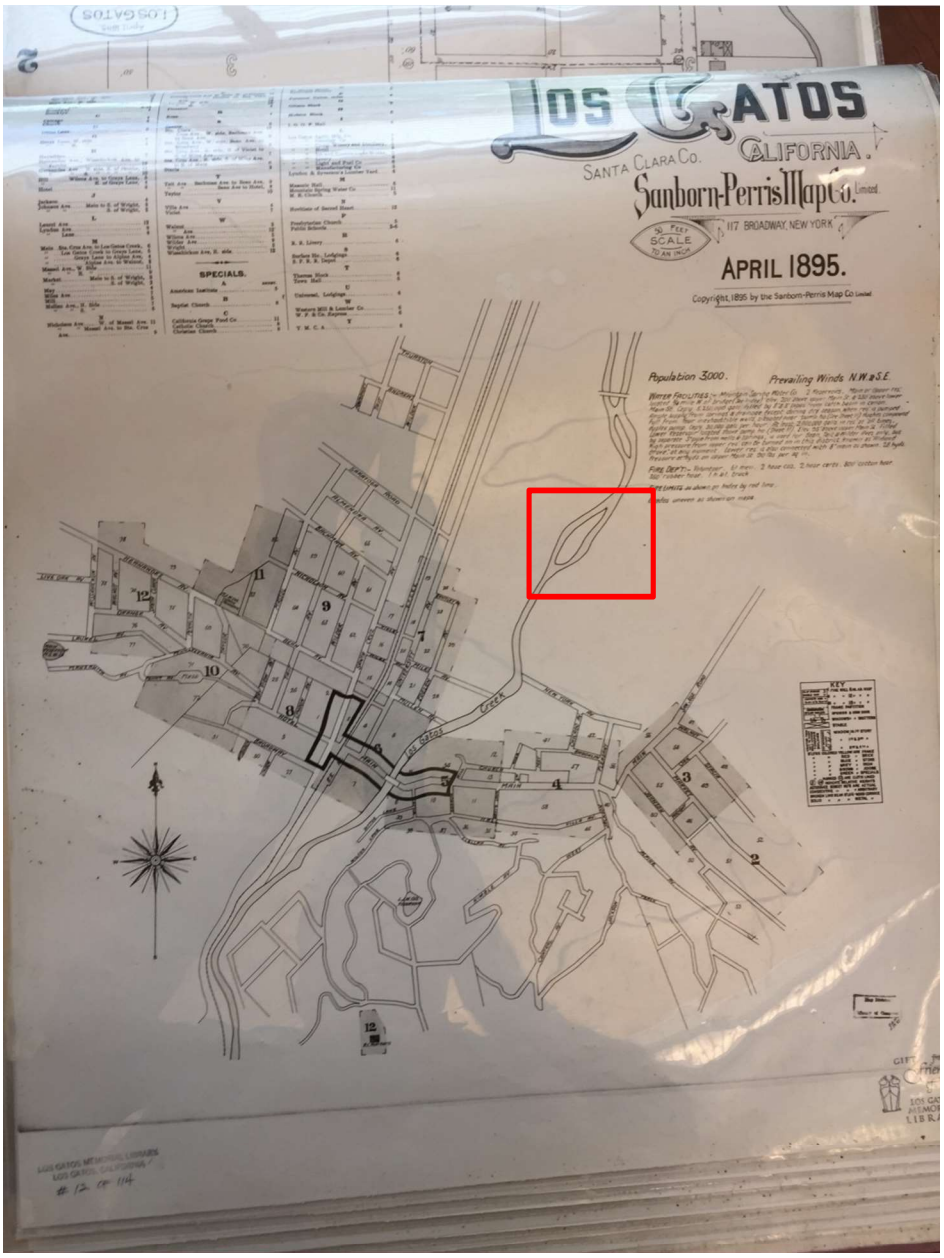
Next is a USGS topographical map that shows the same area years after Hwy 17 & its Hwy 9 interchange were built in the LG Creek bed and the LG Creek channel confined to the present concrete culvert in 1955. The 405 Alberto (aka 401-409) property clearly lies in the LG Creek bed, being situated at the lowest elevation presently within the creek bed at 339 -340 feet AMSL as seen on Google Earth with its proposed foundation is at 336 feet in elevation. The only lower area within LG Creek near the 9 & 17 interchange is the bottom of the culvert into which the creek is diverted at 329 feet AMSL per Google Earth. This confirms its location to be within not only the former LG Creek bed but within the former channel shown on the historic maps. The 3 present buildings are shown in pink in the former LG Creek bed immediately northeast of the Highways 17 & 9 interchange.



Next, we present several historic maps that verify the location of 401-409 Alberto Way on the widest area of the LG Creek Flood Plain, in which the Proposed Development lies:

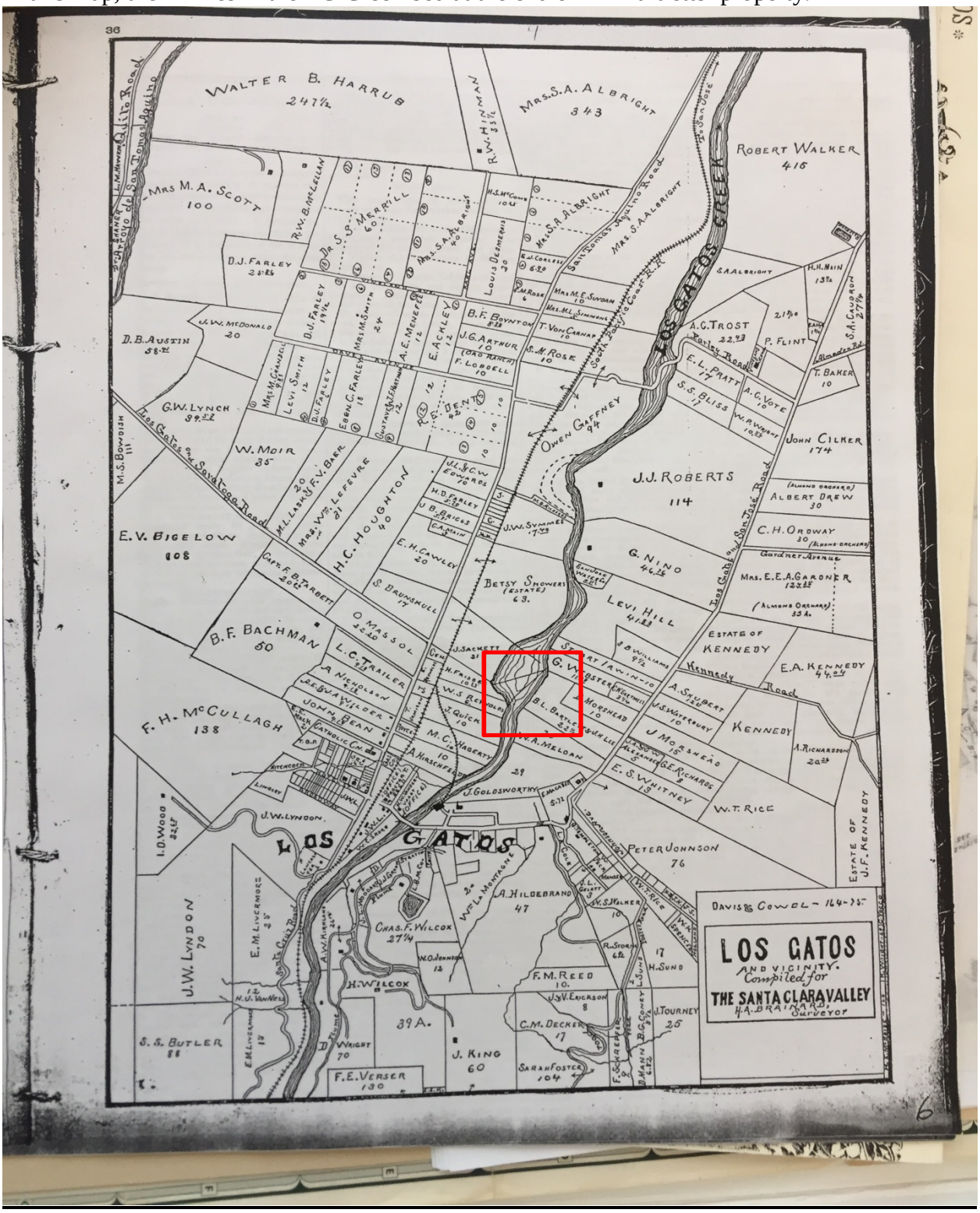
**1895**

The area of the Proposed Development is near the lower LG Creek island in this map.




**1910 Assessor's Map**

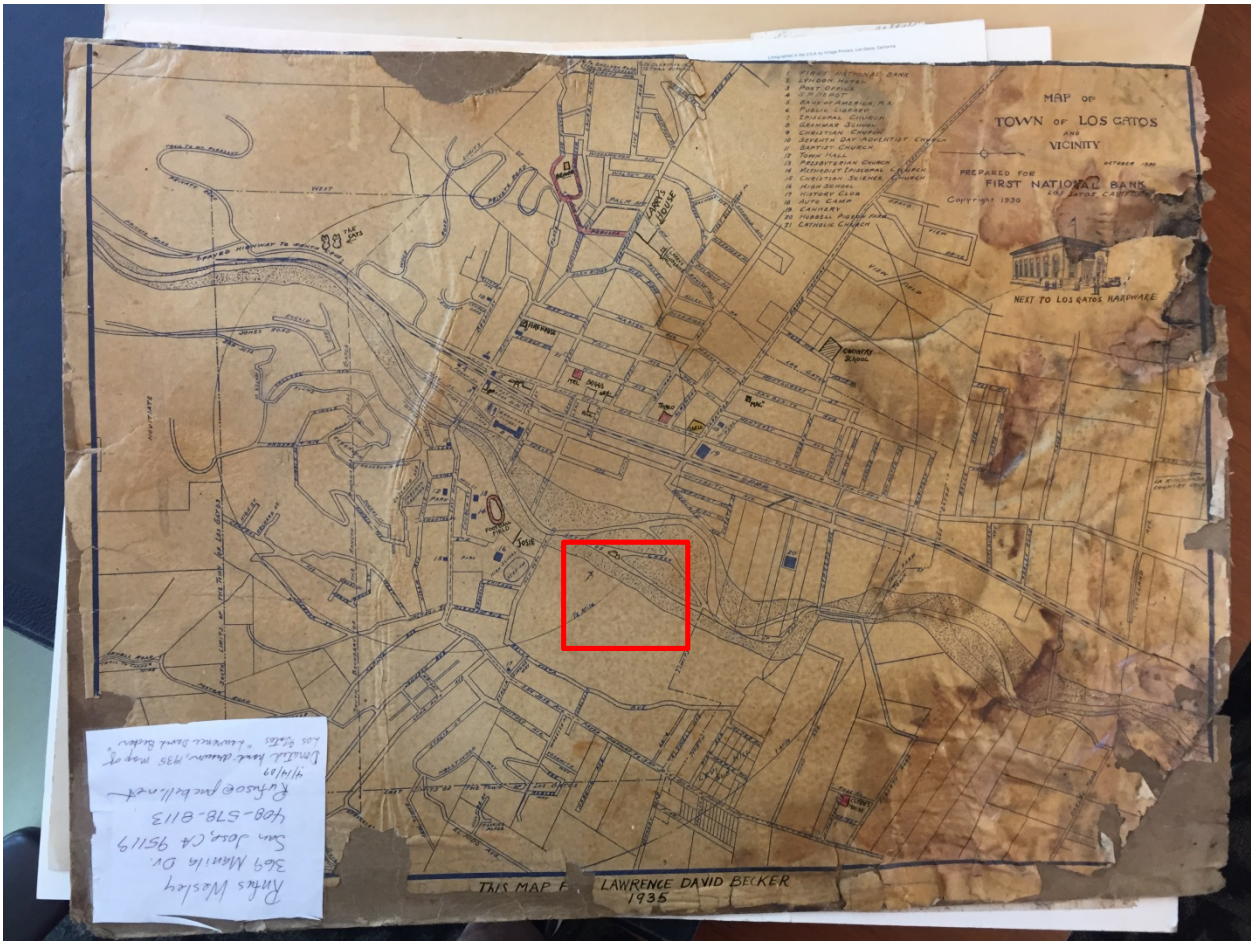
In this map, the PD lies in the LG Creek bed at the end of BL Bartletts' property.




**1930 First National Bank Map**

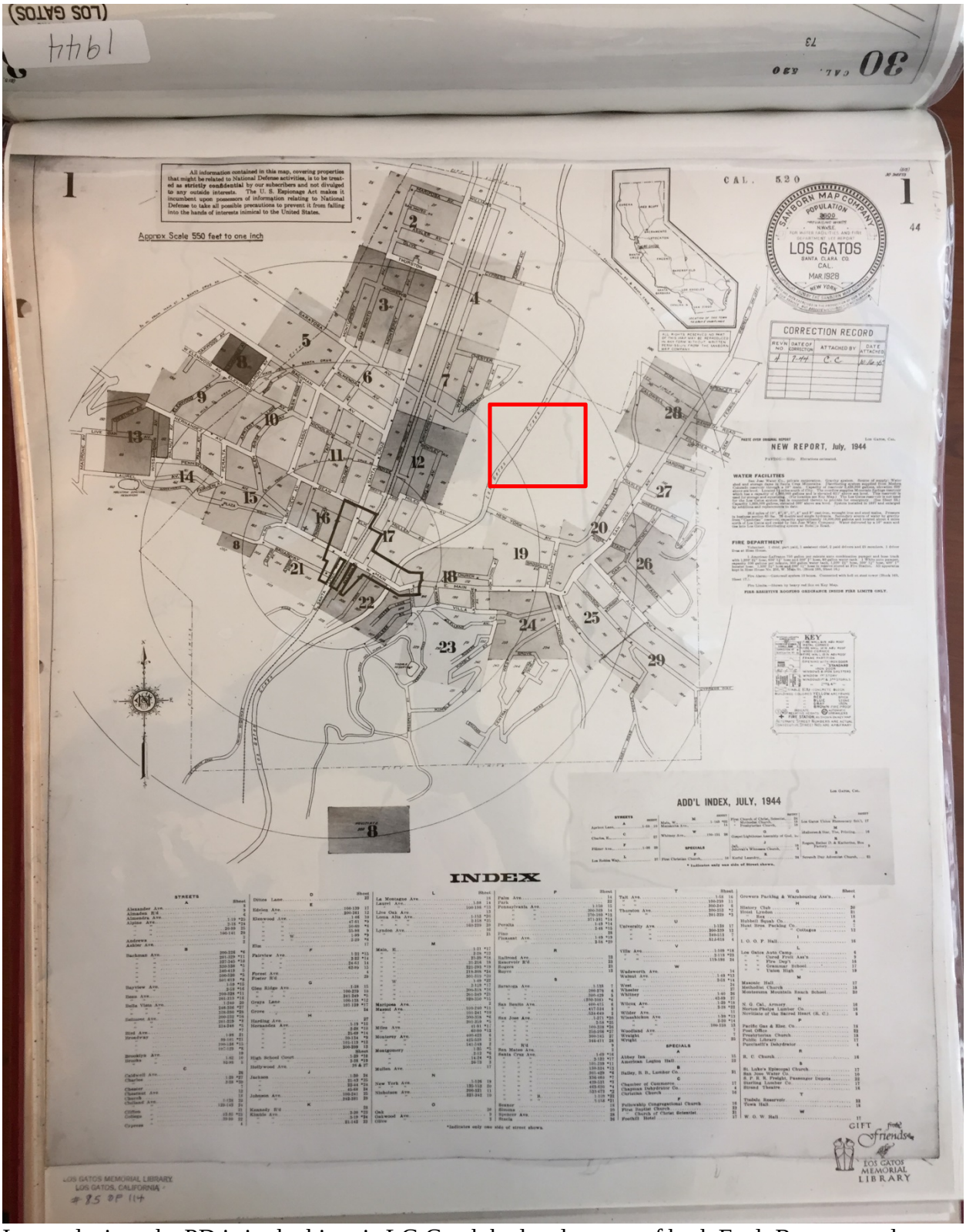
The PD is below the shaded area of the LG Creek bed showing the channels and islands of the day and across from LG Saratoga Rd, which is above the LG Creek bed in which the PD lies. In

1955, LG Saratoga Rd was connected to Charles Street, the 1 block street between Bella Vista and LG Blvd.




**1944 Assessor's Map**

The Proposed Development is in the LG Creek bed between LG Saratoga Rd and Charles St.




In conclusion, the PD is in the historic LG Creek bed and on top of both Fault Rupture and Liquefaction Zones. This would not have been difficult for ENGEO to discover and in our

opinion, would have changed the prior EIR conclusion, requiring earthquake mitigation by constructing several much smaller buildings, and without belowground parking.

# Traffic

## Hexagon Response to PDLG Comment 1, 9 & 10

**Comment #1:**

**Comment:** Restriping Alberto Way will not reduce congestion. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 33-34)

**Hexagon Response:** Currently, vehicles leaving Alberto Way and turning right onto westbound Los Gatos-Saratoga Road can often by-pass the vehicles waiting to go through or turn left. However, when a vehicle stops in the middle of the travel lane, right-turn vehicles do not have the space to by-pass the stopped vehicles. The proposed restriping would dedicate a right-turn lane to ensure right-turning vehicles can always by-pass the through and left-turning vehicles and turn. The TIA, as analyzed per Town requirements and VTA guidelines, did not identify significant intersection impacts. However, the striped right turn lane would reduce queuing and delay on Alberto Way.

**Comment #9:**

**Comment:** Traffic congestion will impact Alberto Way and LG in a ¾-mile radius. Need reasonable ingress/egress on Alberto Way. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Orvell, McGowan, Kemp, Bella Vista Village (Pg 3)

**Hexagon Response:** Traffic impacts were analyzed per Town policy and VTA TIA guidelines. The TIA found that the project would not generate significant traffic impacts.

**Comment #10:**

**Comment:** Revised project fails to straighten Alberto for safety and on-street parking. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 15)

**Hexagon Response:** The project proposes to eliminate on-street parking along the building frontage on southbound Alberto Way to address the sight distance issue. There is no need to straighten Alberto Way.

## Citizen's Rebuttal to Hexagon Response on PDLG Comment 1, 9 & 10

There is nothing to be gained by cherry picking partial statements. Hexagon failed to show PDLGs entire Comment 1, which is:

> "Restriping the intersection at Alberto Way is not going to reduce congestion because we currently have an unmarked right turn lane that we use and we still have long waits for a

> gap in traffic [on Hwy 9]. Space for the bike box is problematic, and the extensive use of bicycles by tenants is questionable and proven by current tenants in both 475-485 and 401-409 Alberto Way to be negligible to non-existent."

Furthermore, Hexagon fails to identify and Mitigate the Environmental Impact to Alberto Way Residents from the loss of On-Street Parking to make room for the PD.

What is really needed for all three commented situations is a widened Alberto Way to accommodate the increased traffic generated by the PD, the bike box, and on-street parking for Residents. Lamb Partners intend to replace the curb anyway and thus far refuse to widen Alberto enough to conform to existing LG design widths, including two northbound lanes and the one entrance lane, a needed left turn lane into the PD, the bike box and on-street parking where it exists today a few car lengths before the intersection in front of the PD. There are today very few left turners that block the right turn lane. Lamb Partners wants to remove 8-11 on-street parking spaces we have today so they can avoid widening Alberto Way and will not allow us to use their parking, all to our loss. Lamb offers damage and daily inconvenience to Alberto Way residents.

Widening Alberto Way to preserve existing on-street parking as well as improving sight is a Reasonable Mitigation to the Unidentified Environmental Impact to Alberto Way Residents from the proposed loss of on-street parking.

Further, the use of on-street parking is likely by tenant employees in, and visitors to, the PD after it is occupied, as was commented on by the Planning Commission in the August 24, 2015 Hearing.

The absence of congested weekday on-street parking is not a reason to remove it. The presence of congested on-street parking after tenant occupation is the reason to keep on-street parking by significantly widening Alberto Way in front of the Applicant's property or for the PD to dedicate as many spaces on the PD to Alberto Way residents as are removed from Residents' use to make room for the PD.

## Hexagon Response to PDLG Comment 5 & 6

**Comment #5:**

**Comment:** Revised project fails to address traffic on Hwy 9 and Alberto Way will become severely congested. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Los Gatos Commons (Pg 6)

**Hexagon Response:** Hexagon conducted additional field observations during the AM (7:30 – 8:30) and PM (5:00 – 6:00) peak hours at the intersection of Alberto Way and Los Gatos-Saratoga Road. During the AM peak hour, Hexagon observed congestion along eastbound Los Gatos-Saratoga Road between 7:50 AM and 8:20 AM, during the peak school drop-off period. Due to downstream congestion in the eastbound direction at Los Gatos Boulevard and Los Gatos-Saratoga Road, the eastbound queue at the Alberto Way intersection frequently extended to the location of the SR 17 overpass. Vehicles sometimes required two to three signal cycles to clear the Alberto Way intersection. This congestion is caused by feedback queues created at the Los Gatos Boulevard and Kennedy Road intersection and at the Los Gatos Boulevard and Los Gatos-Saratoga Road intersection. There were no observed traffic operational issues before 7:50 AM and after 8:20 AM. As required by Town policy and VTA TIA guidelines, intersection delay and LOS represents an average traffic condition during the peak hour. No congestion was observed during the PM peak hour. The field observations therefore support the assumptions used for the TIA in accordance with Town policy and VTA TIA guidelines.

In addition, it should be noted that the observed congestion during the AM peak hour is in the eastbound through movement on Los Gatos-Saratoga Road at Alberto Way. Project traffic would add only to the eastbound left-turn movement turning into Alberto Way. The project would lengthen the eastbound left-turn pocket to 250 feet and would allow vehicles to turn out of the eastbound queue earlier, thereby improving operations compared to existing conditions.

**Comment #6:**

**Comment:** Per Caltrans, project will add trips greater than 1% capacity and mitigation is required. EIR is inadequate. (Repeat comment)

**Commenter**: Pueblo de Los Gatos (Pg 16), Los Gatos Commons (Pg 4)

**Hexagon Response:** According to VTA TIA freeway impact criteria, which is required to be followed per Town policy, "*a project is said to impact a freeway segment determined to have been at LOS F under the without project analysis scenario if the number of new trips added by the project is more than one percent of the freeway capacity*".

The TIA acknowledges that the project would add trips equal to 1.18% of capacity to southbound SR 17 between Lark Avenue and Los Gatos-Saratoga Road during the AM peak hour. However, as discussed in the TIA, this freeway segment currently operates at LOS D during the AM peak hour. The project by adding 52 vehicular trips (less than 1 trip per minute on average) during the AM peak hour onto this freeway segment would not generate a significant freeway impact at this freeway segment using the Town's thresholds of significance for the determination of potentially significant traffic impacts.

## Citizen's Rebuttal to Hexagon Response on PDLG Comment 5 & 6

Hexagon offset its Observation time to miss 15 minutes of each AM & PM peak hour and therefore undercounts traffic. It furthermore did not publish the date upon which it made the October 2016 observations. The AM Rush can be impacted by delayed openings and road or work on buildings such as the demolition of Double D's at Hwy-9 & Santa Cruz.

We observed four distinct rush periods on many occasions: AM, Lunch, School Ends and PM.

The actual AM rush is from 7:45AM – 8:45AM. This is driven by the start of LGHS (8:10AM & Fisher Middle (8:30AM) classes, as is the School Ends (2:10PM LGHS & 2:30PM Fisher) rush which peaks between 2:00PM – 3:00PM.

The actual PM rush is 5:15PM – 6:15PM and on many days extends to 6:30PM. It is driven by the end of the business day. Businesses drive the 12:15PM – 1:15PM Lunch rush.

Hwy 9 has 4 weekday rush hours, which are at 7:45 – 8:45AM, 12:15 – 1:15PM, 2:00 – 3:00PM (Schools end) and 5:15 – 6:15PM. In addition to AM & PM Rush, office buildings generate significant traffic at lunch, which does not appear in the Applicant's traffic studies.

## Citizen's Rebuttal to Hexagon Response PDLG 5 & 6 - ITE Outdated Studies & Evidence of higher Trip Generation

**ITE Trip Generation computations use Outdated Studies, Hexagon fails to acknowledge the wide range of Trips generated based on the study results and ignores evidence of increased trip generation we submitted to the Planning Commission for this Application**

We visited Mr. Jessy Pu, the Town's traffic engineer, to look at the ITE Trip Generation Manual 9th edition. We left with a copy of the Manual's 5 pages for the 401-409 Alberto Way "ITE 710 Land Use," which Mr. Pu said is for Office Buildings like 405 (aka 401-409) Alberto Way. What follows on the next five pages from the 9th edition of the ITE Trip Generation Manual define the methodology used by the ITE for trip generation.

- The first page, ITE 1250, is a high level description.

- The second page, ITE 1251, clearly states that the ***projected trips generated by new developments are based on studies from the 1960's to the 2000's.***

***This literally means the average date of studies used in the calculation method is 37 years old!***

Office building occupancy and therefore trip generation has changed a lot since then, as we presented in our two earlier reports, which included both new trip generation sensitivity studies and photographic evidence showing the current congestion that Los Gatos residents & visitors experience on Hwy 9**.**

Hwy 9 has 4 weekday rush hours, which are at 7:45 – 8:45AM, 12:15 – 1:15PM, 2:00 – 3:00PM (Schools end) and 5:15 – 6:15PM. In addition to AM & PM Rush, office buildings generate significant traffic at lunch, which does not appear in the Applicant's traffic studies. **Bob- you said this on the prior page** ***This further understates trips generated***.

- The last three pages contain the ITE Charts & Formulas used to compute the Total Day, AM Rush & PM Rush trips generated.

# Land Use: 710
# General Office Building

## Description

A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers and tenant services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities. Corporate headquarters building (Land Use 714), single tenant office building (Land Use 715), office park (Land Use 750), research and development center (Land Use 760) and business park (Land Use 770) are related uses.

If information is known about individual buildings, it is suggested that the general office building category be used rather than office parks when estimating trip generation for one or more office buildings in a single development. The office park category is more general and should be used when a breakdown of individual or different uses is not known. If the general office building category is used and if additional buildings, such as banks, restaurants, or retail stores, are included in the development, the development should be treated as a multiuse project. On the other hand, if the office park category is used, internal trips are already reflected in the data and do not need to be considered.

When the buildings are interrelated (defined by shared parking facilities or the ability to easily walk between buildings) or house one tenant, it is suggested that the total area or employment of all the buildings be used for calculating the trip generation. When the individual buildings are isolated and not related to one another, it is suggested that trip generation be calculated for each building separately and then summed.

## Additional Data

Average weekday transit trip ends—

Transit service was either nonexistent or negligible at the majority of the sites surveyed in this land use. Users may wish to modify trip generation rates presented in this land use to reflect the presence of public transit, carpools and other transportation demand management (TDM) strategies. Information has not been analyzed to document the impacts of TDM measures on the total trip generation of a site. See the ITE *Trip Generation Handbook*, Second Edition for additional information on this topic.

The average building occupancy varied considerably within the studies for which occupancy data were provided. For buildings with occupancy rates reported, the average occupied gross leasable area was 88 percent.

Some of the regression curves plotted for this land use may produce illogical trip-end estimates for small office buildings. When the proposed site size is significantly smaller than the average-sized facility published in this report, caution should be used when applying these statistics. For more information, please refer to Chapter 3, "Guidelines for Estimating Trip Generation," of the ITE *Trip Generation Handbook*, Second Edition.

In some regions, peaking may occur earlier or later and may last somewhat longer than the traditional 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. peak period time frames.

The sites were surveyed between the 1960s and the 2000s throughout the United States.

### Trip Characteristics

The trip generation for the A.M. and P.M. peak hours of the generator typically coincided with the peak hours of the adjacent street traffic; therefore, only one A.M. peak hour and one P.M. peak hour, which represent both the peak hour of the generator and the peak hour of the adjacent street traffic, are shown for general office buildings.

### Source Numbers

2, 5, 20, 21, 51, 53, 54, 72, 88, 89, 92, 95, 98, 100, 159, 161, 172, 175, 178, 183, 184, 185, 189, 193, 207, 212, 217, 247, 253, 257, 260, 262, 279, 295, 297, 298, 300, 301, 302, 303, 304, 321, 322, 323, 324, 327, 404, 407, 408, 418, 419, 423, 562, 734

# General Office Building
## (710)

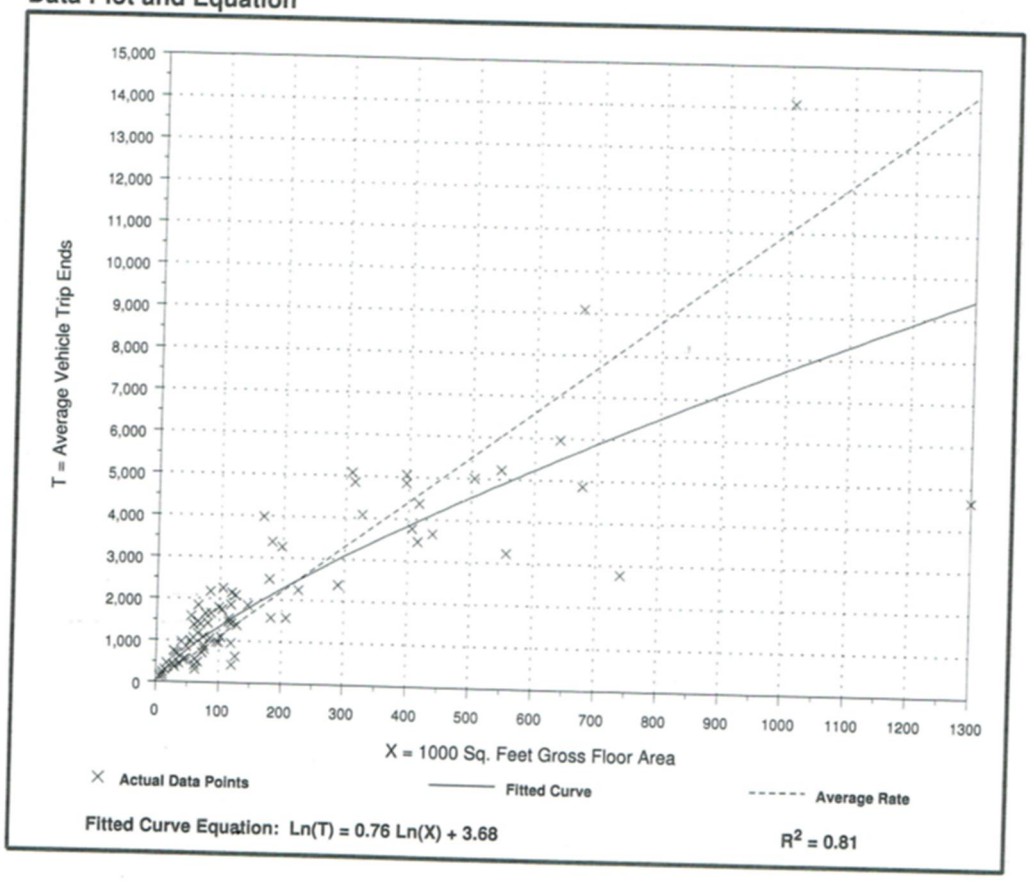
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**
**On a: Weekday**

Number of Studies: 79
Average 1000 Sq. Feet GFA: 197
Directional Distribution: 50% entering, 50% exiting

**Trip Generation per 1000 Sq. Feet Gross Floor Area**

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 11.03 | 3.58 - 28.80 | 6.15 |

**Data Plot and Equation**



# General Office Building
## (710)

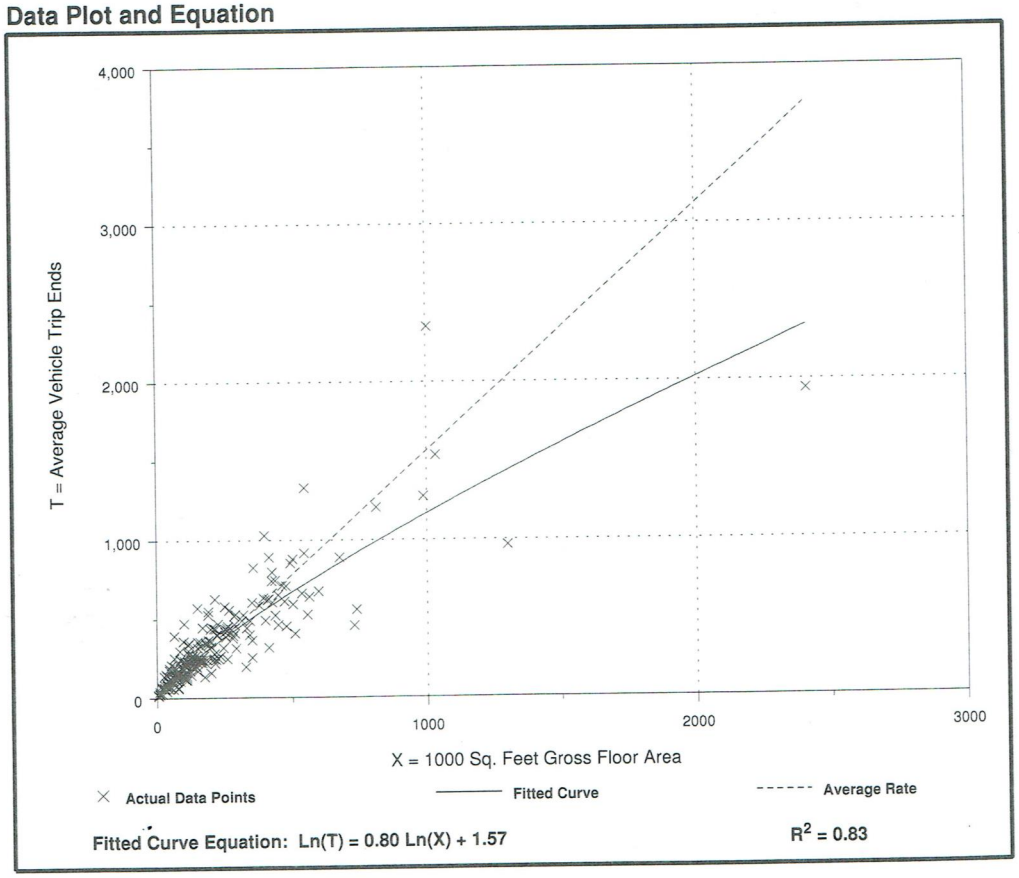
**Average Vehicle Trip Ends vs:** **1000 Sq. Feet Gross Floor Area**
**On a:** **Weekday,**
**A.M. Peak Hour**

Number of Studies: 218
Average 1000 Sq. Feet GFA: 222
Directional Distribution: 88% entering, 12% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 1.56 | 0.60 - 5.98 | 1.40 |

### Data Plot and Equation




**Fitted Curve Equation: Ln(T) = 0.80 Ln(X) + 1.57**

$R^2 = 0.83$

# General Office Building
## (710)

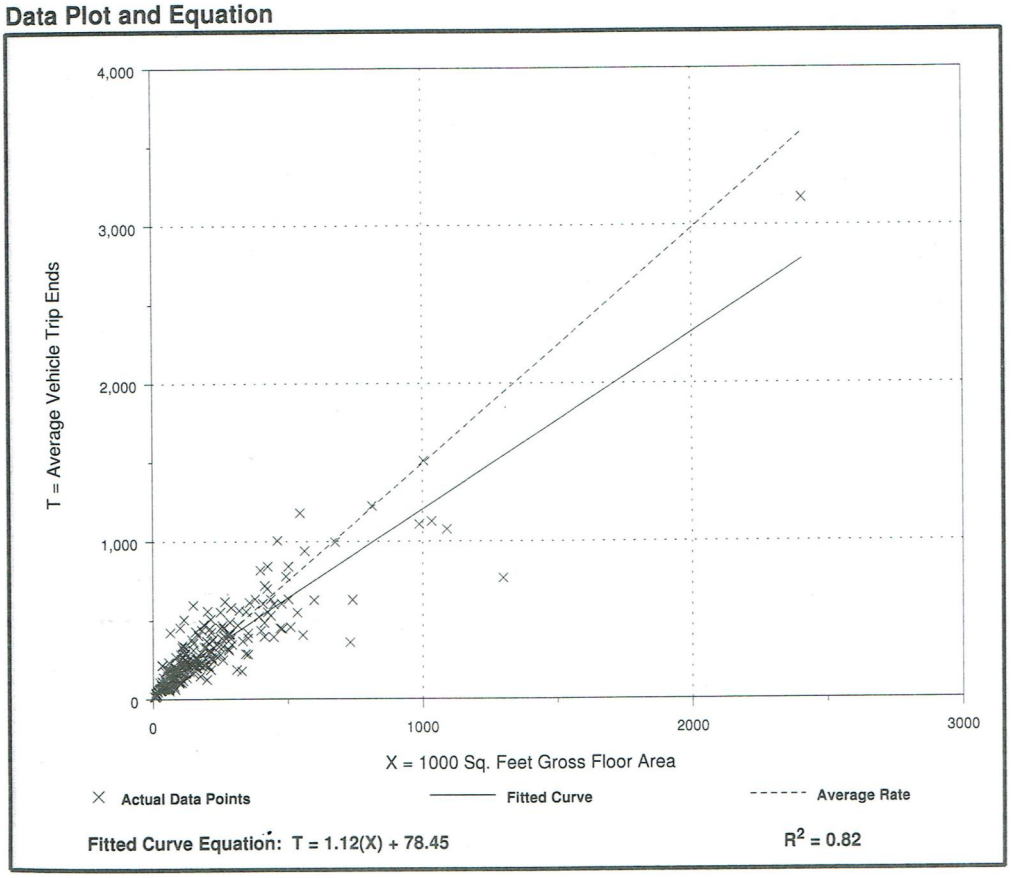
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**
**On a: Weekday,**
**P.M. Peak Hour**

Number of Studies: 236
Average 1000 Sq. Feet GFA: 215
Directional Distribution: 17% entering, 83% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 1.49 | 0.49 - 6.39 | 1.37 |

### Data Plot and Equation




**Fitted Curve Equation: T = 1.12(X) + 78.45**

$R^2 = 0.82$

***The ITE trip generation charts above all illustrate huge ranges in the number of trips generated that were identified by the Studies.*** <u>This wide range in trips generated is what we addressed in both of our earlier trip generation sensitivity studies.</u>
<u>ITE notes these ranges for Office Buildings for trips generated:</u>
**Total Day: 3.58 – 28.8 Trips / 1,000 sq. ft.**
At the original 92,000 sq. ft., the range would be from 332 to 2,648 new trips / weekday.
At 83,000 sq. ft., the range would be from 297 to 2,390 new trips / weekday.

**AM Rush: 0.60 – 5.98 Trips / 1,000 sq. ft.**
At the original 92,000 sq. ft., the range would be from 197 to 520 new trips / AM Rush Hour.
**(vs: 181 trips** (159 in and 22 out) **Applicant Submits** for the AM peak hour**)**
At 83,000 sq. ft., the range would be from 178 to 496 new trips / AM Rush Hour.

**PM Rush: 0.49 – 6.39 Trips / 1,000 sq. ft.**
At the original 92,000 sq. ft., the range would be from **41 to 530 trips** / PM Rush Hour.

**(vs: 183 trips** (31 in and 152 out) **Applicant Submits** for the PM peak hour**)**

At 83,000 sq. ft., the range would be from 45 to 587 new trips / PM Rush Hour.

**<u>Applicant's AM & PM Peak Hour figures are a small fraction of the max possible Peak hour trip count.</u>**

We submitted this AM & PM rush hour sensitivity study for 92K sq. ft. at 370 to 735 tenant employees:

| 401-409 Alberto Daily Trip Count Sensitivity Study | Hours | AM Tot presently as Filed | PM Tot Presently as Filed | AM in 370 employees as filed | AM out 370 employees as Filed | PM in 370 employees as Filed | PM out 370 employees as Filed | AM in 735 Employees | AM out 735 Employees | PM in 735 Employees | PM out 735 Employees |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **2 hours as filed (Least Possible Traffic)** | 2 | 42 | 81 | 159 | 21 | 31 | 152 | 316 | 42 | 62 | 302 |
| 1 hour Rush | 1 | | | 318 | 42 | 62 | 304 | 632 | 83 | 123 | 604 |
| **45 minute Rush (most likely rush time)** | 0.75 | | | 424 | 56 | 83 | 405 | 842 | 111 | 164 | 805 |
| 30 minute Rush | 0.5 | | | 636 | 84 | 124 | 608 | 1263 | 167 | 246 | 1208 |

We submitted this AM & PM rush hour sensitivity study for 83K sq. ft. at 340 to 663 tenant employees:

| Rush Period Trip Rate in Trips / Hour | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 405 Alberto Revised PD Daily Trip Count Sensitivity Study | Rush | AM Tot presently as Filed | PM Tot Presently as Filed | AM in340 employees as Revise | AM out 340 employees as Revise | PM in 340 employees as Revise | PM out 340 employees as Revise | AM in 663 Employees | AM out 663 Employees | PM in 663 Employees | PM out 663 Employees |
| **2 hours as filed (Least Possible Traffic)** | 2 | 42 | 81 | 143 | 19 | 28 | 152 | 257 | 38 | 56 | 302 |
| 1 hour Rush | 1 | | | 287 | 38 | 56 | 304 | 570 | 75 | 111 | 604 |
| **45 minute Rush (most likely rush time)** | 0.75 | | | 383 | 51 | 75 | 405 | 760 | 100 | 148 | 805 |
| 30 minute Rush | 0.5 | | | 574 | 76 | 112 | 608 | 1140 | 151 | 222 | 1208 |

## Hexagon Response on PDLG Comment 14

**Comment #14:**

**Comment:** Traffic fee calculation uses 700 additional trips which understates the fee that would be paid by tenants employing 735 people. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 39)

**Hexagon Response:** The traffic impact fee calculation is based on the estimated net increase in daily trips. The calculation of daily trips is explained in the TIA. It is based on net building size, not employment. The impact fee calculation is presented in the TIA for informational purposes only. The building size has since decreased. The final traffic impact fee will be calculated by Town staff as part of the Conditions of Approval.

## Citizen's Rebuttal to Hexagon Response on PDLG Comment 14

The notion that trips are based on Building Size and not tenant employees and their visitor traffic is patently ridiculous.

ITE just simply doesn't perform the studies down to the root cause in the case of General Office Buildings while it does take into account the traffic from visitors to the tenant employees for other Land Use types that recognize the nature of the tenant employee densities and the frequency of trips generated by various types of businesses.

Hexagon would have the Town believe that an 83K sq. ft. office building that's occupied by 100 tenant employees generates the same number of trips that a similar office building with 700 employees would just because it's the same size.

People generate trips, not buildings. ITE's methodology does not go to this Root Cause for trip generation.

If there is an approval for the PD, whether this Plan or another, it should limit Occupancy by limiting the number of Tenant Employees to about 300 and be accompanied by a change in the parcel's Conditional Use Permit from Mixed Use to "Commercial Office Use."

## Hexagon Response to PDLG Comment 27

**Comment #27:**

**Comment:** No trip generating project should be approved before Los Gatos Boulevard is widened. (New comment)

**Commenter**: Pueblo de Los Gatos (26)

**Hexagon Response:** The TIA analyzed intersections on Los Gatos Boulevard. No significant project impacts were identified along Los Gatos Boulevard.

## Citizen's Rebuttal to Hexagon Response on PDLG Comment 27

Hexagon completely misses the point of our comment. ***The congested 2 lane section of Los Gatos Blvd from Main Street in front of the Town Hall to Van Meter Elementary where it transitions to 4 lanes is the root cause of the Eastbound congestion on Hwy-9.***

We view this "oversight" as a disingenuous attempt to help its client, Lamb Partners, gain approval with a truth-free distraction.

Only widening of Los Gatos Blvd between Van Meter and Main Street can relieve the traffic. We spent several weekdays during the four rush hours on Hwy-9 at Alberto Way. It became clear that no rearrangement or coordination of signal lights can relieve the Hwy-9 peak congestion.

## Hexagon Response to Construction Comments 15, 21, 22, 28, 29, 30, 31

**Comment #15:**

**Comment:** The project could potentially increase hazards due to design features for bikes, pedestrians, and transit during construction and demolition. (New comment)

**Commenter**: Pueblo de Los Gatos (Pg 40)

**Hexagon Response:** Construction details are not known at this time. Prior to construction, the contractor will prepare and submit a detailed construction plan for Town approval. The construction plan will indicate the days and times of construction, where workers will park, the number and types of trucks that will access the site, whether the street or sidewalk will be affected, and other details. The Town will require that adequate access for all transportation modes be maintained during construction.

**Comment #21:**

**Comment:** No construction plan can prevent complete shutdown of Alberto Way for extended periods (New comment)

**Commenter**: Pueblo de Los Gatos (42)

**Hexagon Response:** Please see response to Comment 15.

**Comment #22:**

**Comment:** During construction, work crews of 50-100 will be present on the site at all times, each arriving in a separate vehicle. It is not possible for them to all park on the PD property. (New comment)

**Commenter**: Pueblo de Los Gatos (42)

**Hexagon Response:** Please see response to Comment 15.

**Comment #28:**

**Comment:** If water is used to control particulates during construction, the trucks exiting the site will leave with caked-on mud on their tires, which will be deposited in Alberto Way and Hwy-9. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** Please see response to Comment 15.

**Comment #29:**

**Comment:** During construction, the road beds of Alberto Way and Hwy-9 will be destroyed or seriously damaged by the fully loaded concrete trucks which weigh up to 80 tons. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** The Town has indicated that the project will be required to repair/overlay the pavement following construction.

**Comment #30:**

**Comment:** MM T-2 calls for a construction contract with Los Gatos, however, there is no mitigation for the construction contract with Caltrans. (New comment)

**Commenter**: Pueblo de Los Gatos (43)

**Hexagon Response:** The project will be required to obtain an encroachment permit from Caltrans for any work in the State right-of-way. Caltrans will set the terms of the construction.

**Comment #31:**

**Comment:** Need to address truck traffic impacts due to beach traffic. Construction traffic impacts to pedestrians. (New comment)

**Commenter**: Basham, McDonald, Fowler

**Hexagon Response:** Please see response to Comment 15.

## Citizen's Rebuttal to Hexagon Response on Construction Comments 15, 21, 22, 28, 29, 30, 31

We expect significant lengthening of any construction schedule stated by Applicant and Hexagon at this time due to the high ground water level requiring the building to need the foundation to be poured into a de-watered coffer dam during construction. This will have a prolonged impact on us.

It is our conclusion that Lamb or Hexagon don't share any detail from any past Construction Plans or offer references because they know how much impact the Construction will have on us and do not want to address these issues at all since they know how significant it is and would otherwise try to minimize the disclosed impact magnitude.

## Traffic Engineers know they're guessing "new trips generated"

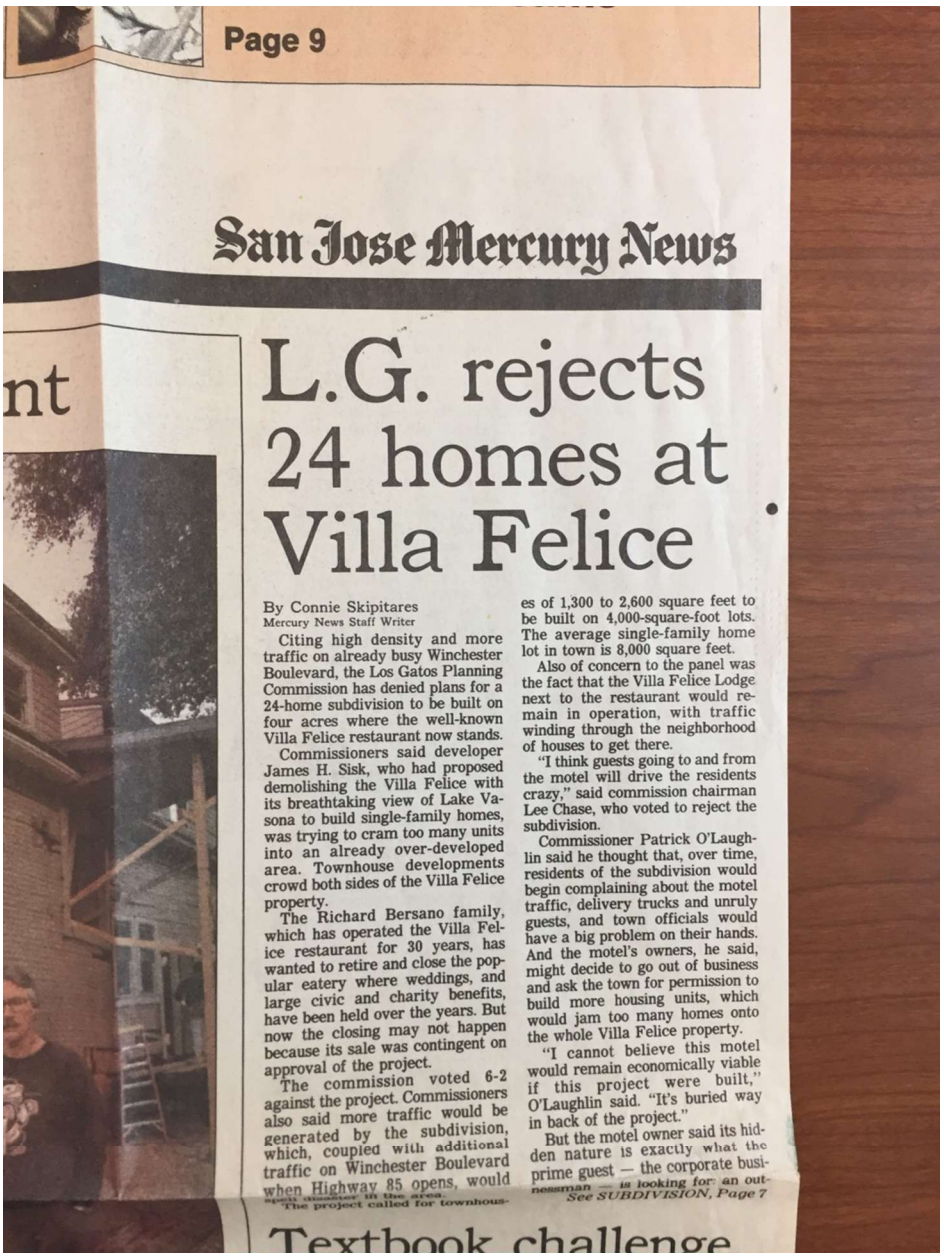
The subject of trips generated is known by the industry not to be an exact science. For example, this article explains the study ageing and acknowledges the trip generation is a guess at best:
http://www.mikeontraffic.com/local_trip_generation_data/
This one discusses the ITE data set sample sizes and questions the validity of its use when there is not large enough sample for the data upon which it's built to be statistically valid:
https://www.linkedin.com/pulse/ite-trip-generation-manual-understanding-its-limitations-gordon-meth
Attached is a scholarly paper titled: Truth in Transportation Planning by DONALD C. SHOUP, of University of California, Los Angeles published in 2003 in which the ITE limitations are outed. There are dozens of similar publications. The bottom line is: ITE methodology is not strictly reliable.

We proposed instead a sensitivity study methodology for "new trips generated" and that the Traffic Conclusion is based on the "top of the trip generation range." This prevents Los Gatos from accepting lowballed new trips generated from Applicants and their consultants who have economic incentives to under-state traffic generation by their projects and then leave the Town to fund the infrastructure, and the citizens to suffer the consequences.

## Los Gatos has a History of denying developments that generate more traffic than its roads can support

The notable recent denial is the North 40.

This old article from the SJ Mercury illustrates the point: this development was at first denied due to traffic impact and later approved.



Page 9

San Jose Mercury News

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# L.G. rejects 24 homes at Villa Felice

By Connie Skipitares
Mercury News Staff Writer

Citing high density and more traffic on already busy Winchester Boulevard, the Los Gatos Planning Commission has denied plans for a 24-home subdivision to be built on four acres where the well-known Villa Felice restaurant now stands.

Commissioners said developer James H. Sisk, who had proposed demolishing the Villa Felice with its breathtaking view of Lake Vasona to build single-family homes, was trying to cram too many units into an already over-developed area. Townhouse developments crowd both sides of the Villa Felice property.

The Richard Bersano family, which has operated the Villa Felice restaurant for 30 years, has wanted to retire and close the popular eatery where weddings, and large civic and charity benefits, have been held over the years. But now the closing may not happen because its sale was contingent on approval of the project.

The commission voted 6-2 against the project. Commissioners also said more traffic would be generated by the subdivision, which, coupled with additional traffic on Winchester Boulevard when Highway 85 opens, would

"The project called for townhouses of 1,300 to 2,600 square feet to be built on 4,000-square-foot lots. The average single-family home lot in town is 8,000 square feet.

Also of concern to the panel was the fact that the Villa Felice Lodge next to the restaurant would remain in operation, with traffic winding through the neighborhood of houses to get there.

"I think guests going to and from the motel will drive the residents crazy," said commission chairman Lee Chase, who voted to reject the subdivision.

Commissioner Patrick O'Laughlin said he thought that, over time, residents of the subdivision would begin complaining about the motel traffic, delivery trucks and unruly guests, and town officials would have a big problem on their hands. And the motel's owners, he said, might decide to go out of business and ask the town for permission to build more housing units, which would jam too many homes onto the whole Villa Felice property.

"I cannot believe this motel would remain economically viable if this project were built," O'Laughlin said. "It's buried way in back of the project."

But the motel owner said its hidden nature is exactly what the prime guest — the corporate businessman — is looking for.

See SUBDIVISION, Page 7

Textbook challenge

## Conclusion

***A valid decision under law is not made if any entity makes decisions based on invalid methodology that leaves Environmental Impacts unidentified or unmitigated.***

***In conclusion,*** it is prudent to deny the planned development based on the magnitude of existing traffic (as illustrated by the photos of Peak Traffic we submitted on April 6, 2017) plus the traffic

generated by the Proposed Development. The dated studies used by ITE and the reduction in square feet occupied by each tenant employee in multi-tenant Silicon Valley offices today (as illustrated by our August 18, 2016 submission) will create inexorable congestion for all Los Gatos residents and visitors to suffer. The EIR failed to identify the magnitude of the existing traffic as well as the maximum magnitude and impact of the added traffic.

# Truth in Transportation Planning

**DONALD C. SHOUP**
University of California, Los Angeles

## ABSTRACT

Transportation engineers and urban planners often report uncertain estimates as precise numbers, and unwarranted trust in the accuracy of these precise numbers can lead to bad transportation and land-use policies. This paper presents data on parking and trip generation rates to illustrate the misuse of precise numbers to report statistically insignificant estimates. Beyond the problem of statistical insignificance, parking and trip generation rates typically report the parking demand and vehicle trips observed at suburban sites with ample free parking and no public transit. When decisionmakers use these parking and trip generation rates for city planning, they create a city where everyone drives to their destinations and parks free when they get there.

*Beware of certainty where none exists.*
DANIEL PATRICK MOYNIHAN

## INTRODUCTION

How far is it from San Diego to San Francisco? An estimate of 632.125 miles is precise but not accurate. An estimate of somewhere between 400 and 500 miles is less precise but more accurate, because

KEYWORDS: parking, regression analysis, urban planning.

the correct answer is 460 miles.[1] Nevertheless, if you did not know the distance from San Diego to San Francisco, whom would you believe: someone who confidently says 632.125 miles or someone who tentatively says somewhere between 400 and 500 miles? You would probably believe the one who says 632.125 miles, because precision creates the impression of accuracy.

Although reporting estimates with extreme precision suggests confidence in their accuracy, transportation engineers and urban planners often use precise numbers to report uncertain estimates. As examples of this practice, I will use two manuals published by the Institute of Transportation Engineers (ITE): *Parking Generation* (ITE 1987a) and *Trip Generation* (ITE 1987b, 1991, 1997). These manuals have enormous practical consequences for transportation and land use. Urban planners rely on parking generation rates to establish off-street parking requirements, and transportation planners rely on trip generation rates to predict the traffic impacts of development proposals. Yet a close look at the parking and trip generation data shows that placing unwarranted trust in these precise but uncertain estimates of travel behavior leads to bad transportation and land-use policies.

## TRIP GENERATION

*Trip Generation* reports the number of vehicle trips as a function of land use. Transportation engineers survey the number of vehicle trips to and from a variety of locations, and for each land use the ITE reports a trip generation rate that relates the number of vehicle trips to a characteristic of the land use, such as the floor area or number of employees at a site. The sixth (and most recent) edition of *Trip Generation* (ITE 1997, vol. 3, pp. ix and 1) describes the data used to estimate trip generation rates as follows:

> This document is based on more than 3,750 trip generation studies submitted to the Institute by public agencies, developers, consulting firms, and associations. . . . Data were primarily collected at suburban localities with little or no transit service, nearby pedestrian amenities, or travel demand management programs.

ITE says nothing about the price of parking at the study sites, but since parking is free for 99% of vehicle trips in the United States, most of the study sites probably offer free parking.[2] *Trip Generation* uses these 3,750 studies to estimate 1,515 trip generation rates, one for each type of land use. Half the 1,515 reported trip generation rates are based on five or fewer studies, and 23% are based on a single study.[3] The trip generation rates thus typically measure the number of vehicle trips observed at a few suburban sites with free parking but little or no public transit service, pedestrian amenities, or travel demand management (TDM) programs. Urban planners who rely on these trip generation rates as guides to design the transportation system are therefore planning an automobile-dependent city.

Figure 1 shows a typical page from the fourth edition of *Trip Generation* (ITE 1987b).[4] It reports the number of vehicle trips to and from fast food restaurants on a weekday. Each point in the figure represents one of the eight studies and shows the number of vehicle trips per day and the floor area at a restaurant. Dividing the number of vehicle trips by the floor area at that restaurant gives the trip generation rate at that restaurant. A glance at the figure suggests that vehicle trips are unrelated to floor area in this sample. The extremely low $R^2$ of 0.069 for the fitted curve (regression) equation confirms this

[1] The airline distance between San Diego and San Francisco is calculated from the latitudes and longitudes of the two cities. See "How far is it?" at http://www.indo.com/distance/. "Accurate" implies fidelity to fact and freedom from error, while "precise" implies exactness.

[2] The U.S. Department of Transportation's 1990 Nationwide Personal Transportation Survey (NPTS) asked respondents, "Did you pay for parking during any part of this trip?" for all automobile trips made on the previous day. Of the responses to this question, 99% were "no." The NPTS asked the "did you pay for parking" question for all vehicle trips *except* trips that ended at the respondents' homes, thus free parking at home does not explain this high percentage.

[3] This refers to the sixth edition of *Trip Generation* (ITE 1997). The ITE *Trip Generation Handbook* (ITE 2001, p. 10) notes that the warning "Caution—Use Carefully—Small Sample Size" is placed on each trip generation report if the sample includes five or fewer sites. At most sites, vehicle trips are observed during the course of only one day.

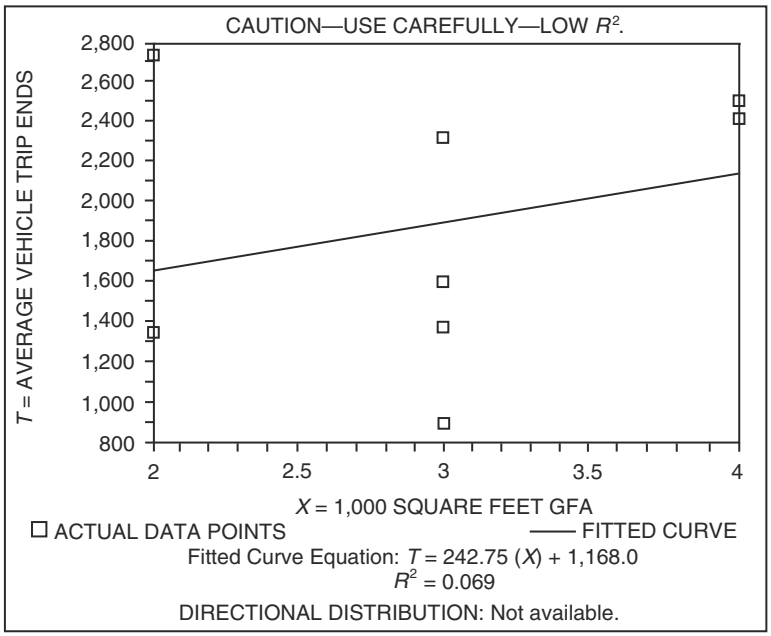
[4] The fourth edition (ITE 1987b) is shown because this is the date of the most recent edition of *Parking Generation,* to which *Trip Generation* will be compared. Vehicle trips were surveyed at McDonald's, Dunkin Donuts, Burger Chef, and similar fast food restaurants.

**FIGURE 1 Fast Food Restaurant with Drive-Through Window (Land Use 834)**
Average Vehicle Trip Ends vs: 1,000 Square Feet Gross Floor Area
On a: weekday

TRIP GENERATION RATES

| Average Weekday Vehicle Trip Ends per 1,000 Square Feet Gross Floor Area | | | | |
|---|---|---|---|---|
| *Average Trip Rate* | *Range of Rates* | *Standard Deviation* | *Number of Studies* | *Average 1,000 Square Feet GFA* |
| 632.125 | 284.00–1,359.00 | * | 8 | 3.0 |

DATA PLOT AND EQUATION




Institute of Transportation Engineers, *Trip Generation*, 4th edition (Washington, DC: 1987), p. 1,199.

impression.[5] Nevertheless, ITE reports the sample's *average* trip generation rate—which urban planners normally interpret as the significant relationship between floor area and vehicle trips—as precisely 632.125 trips per day per 1,000 square feet of floor area.[6] The trip generation rate looks accurate because it is so precise, but the precision is misleading. Few transportation or land-use decisions would be changed if the ITE reported the trip generation rate as 632 rather than 632.125 trips per 1,000 square feet, so the three-decimal-point precision serves no purpose other than to give the impression of accuracy.

The equation at the bottom of figure 1 suggests that a fast food restaurant generates 1,168 trips (the intercept) plus 242.75 trips per 1,000 square feet of floor area (the coefficient), but the 95% confidence interval around the floor area coefficient ranges from –650 to +1,141 trips per 1,000 square feet.[7] Since this confidence interval contains zero, the data

[5] "The coefficient of determination [$R^2$] is defined as the percent of the variance in the number of trips associated with the variance in the size of the independent variable" (ITE 1997, vol. 3, p. 19). An $R^2$ of zero shows complete lack of correlation between the two variables, and one would expect some correlation in a sample by chance. The significance test for the regression equation shows there is a 53% chance of getting an $R^2$ of 0.069 or higher even if there were no relationship between floor area and vehicle trips.

[6] ITE (1987b, p. 9) divides the sum of all vehicle trips by the sum of all floor areas to calculate the weighted average trip generation rate.

do not show that vehicle trips are related to floor area. Reporting the average trip generation rate implies that larger restaurants generate more vehicle trips, but the figure shows that the smallest restaurant generated the most trips, and a mid-sized restaurant generated the fewest. The data plot contains the warning "Caution—Use Carefully—Low $R^2$," which is good advice, but how can we carefully use a trip generation rate derived from data that show no relationship between vehicle trips and floor area? Despite its precision, the *average* trip generation rate (623.125 vehicle trips per day per 1,000 square feet) is far too uncertain to use for transportation planning.

## PARKING GENERATION

Parking generation rates, which report peak parking occupancy as a function of land use, suffer from similar uncertainty. ITE's second, and most recent, edition of *Parking Generation* (ITE 1987a, p. vii–xv[8]) describes the data used to estimate parking generation rates.

> A vast majority of the data . . . is derived from suburban developments with little or no significant transit ridership. . . . The ideal site for obtaining reliable parking generation data would . . . contain ample, convenient parking facilities for the exclusive use of the traffic generated by the site. . . . The objective of the survey is to count the number of vehicles parked at the time of peak parking demand.

Half the 101 parking generation rates are based on 4 or fewer studies, and 22% are based on 1 study. The parking generation rates thus typically measure the peak parking demand observed at a few suburban sites with ample free parking but little or no transit ridership. Urban planners who use these parking generation rates to set minimum parking requirements therefore shape a city where everyone will drive wherever they go and park free when they get there.

Figure 2 shows the page for fast food restaurants from the most recent edition of *Parking Generation* (ITE 1987a). Each point in the plot represents one study (based on the observations at one site on one day). For example, if parking occupancy was observed at one restaurant for five days, this was counted as five studies.[9] Dividing the peak parking occupancy observed in a study by the floor area at the restaurant gives the parking generation rate for the study. The parking generation rates in the 18 studies range between 3.55 and 15.92 spaces per 1,000 square feet of leasable floor area. The largest restaurant in the sample generated one of the lowest peak parking occupancies, while a mid-sized restaurant generated the highest. The $R^2$ of 0.038 for the equation at the bottom of the figure confirms the visual impression that parking demand is unrelated to floor area in this sample. Nevertheless, ITE reports the *average* parking generation rate for a fast food restaurant as *precisely* 9.95 parking spaces per 1,000 square feet of floor area.[10]

Again, the precision is misleading. The fitted curve equation at the bottom of figure 2 suggests that a fast food restaurant generates a peak parking demand of 20 spaces plus 1.95 spaces per 1,000 square feet of floor area, but the 95% confidence interval around the floor area coefficient ranges from –3 to +7 spaces per 1,000 square feet. Since this confidence interval contains zero, the data do

[7] The confidence interval around the coefficient of floor area was calculated by re-estimating the regression equation from the eight observations in the data plot.

[8] ITE expects to publish a new edition of *Parking Generation* in 2003.

[9] It appears that eight restaurants were observed for one day, one restaurant was observed for two days, and two restaurants were observed for four days. We are not told the hour(s), the weekday, or the month when parking occupancy was observed. The 18 studies of parking occupancy at fast food restaurants are an unusually large sample. In contrast, consider the report on Technical Colleges (Land Use 541). Parking occupancy was observed for one hour on one day at one site, and on this basis the parking generation rate for a technical college is reported as 0.82 parking spaces per student (ITE 1987a, p. 88). Parking occupancy was observed for only one or two hours for many of the studies in *Parking Generation*. Because only the *peak* occupancy at a site is needed to calculate a parking generation rate, the observer's main concern is to report the peak number of cars parked during the hour(s) of expected peak demand.

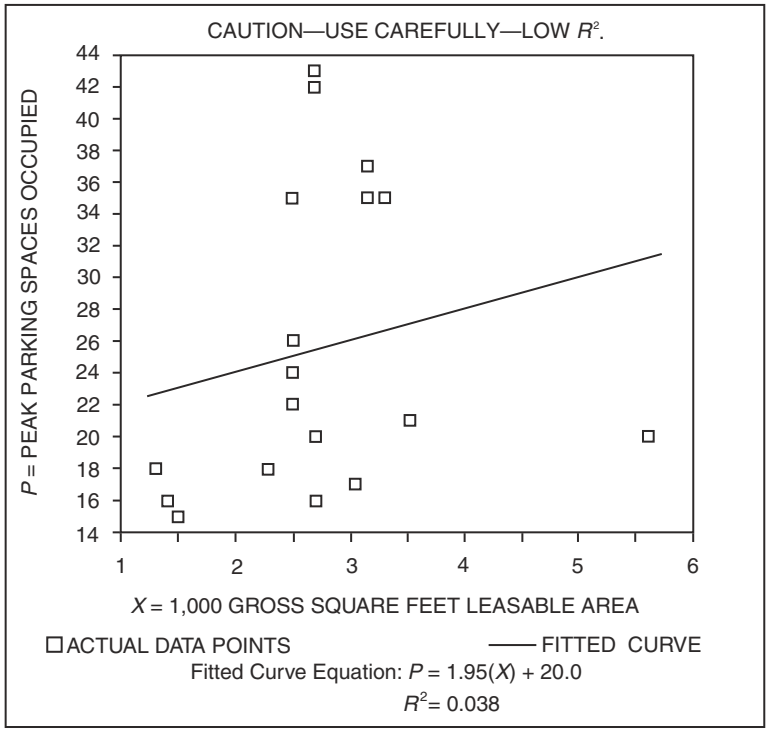
[10] The significance test for the regression equation shows there is a 42% chance of getting an $R^2$ of 0.038 or higher even if there were no relationship between floor area and parking occupancy. ITE (1987a, p. viii) divides the sum of all parking generation rates by the number of studies to calculate the unweighted average parking generation rate.

**FIGURE 2 Fast Food Restaurant with Drive-In Window (Land Use 836)**
Peak Parking Spaces Occupied vs:
1,000 Gross Square Feet Leasable Area
On a: weekday

PARKING GENERATION RATES

| *Average Rate* | *Range of Rates* | *Standard Deviation* | *Number of Studies* | *Average 1,000 GSF Leasable Area* |
|---|---|---|---|---|
| 9.95 | 3.55–15.92 | 3.41 | 18 | 3 |

DATA PLOT AND EQUATION




Institute of Transportation Engineers, *Parking Generation*, 2nd edition (Washington, DC: 1987), p. 146.

not show that parking demand is related to floor area.[11] The *average* parking generation rate of 9.95 spaces per 1,000 square feet is due mainly to the intercept, which is independent of floor area.[12] Predicting a parking demand of 26 spaces for every restaurant in this sample—regardless of restaurant size—produces about the same average error as predicting a parking demand of 9.95 spaces per 1,000 square feet.[13]

We cannot say much about how floor area affects either vehicle trips or parking demand, because the 95% confidence interval around the floor area coefficient includes zero in both cases.[14] This is not to say that vehicle trips and parking demand are unrelated to a restaurant's size, because common sense suggests some correlation. Nevertheless, factors other

[11] The confidence interval around the coefficient of floor area was calculated by re-estimating the regression equation from the 18 observations in the data plot.

[12] Because the intercept is 20 spaces and the average floor area is 3,000 square feet, the average parking generation rate would be 6.7 spaces per 1,000 square feet even if the coefficient of floor area were 0.

[13] The average peak parking occupancy for the 8 studies was 26 spaces.

[14] Statistical insignificance does not imply that floor area has no effect on parking demand or vehicle trips; rather, it means that floor area does not reliably predict either variable.

than the floor area explain most of the variation in vehicle trips and peak parking occupancy at these restaurants. Size does not matter much in these two samples of parking and trip generation, and it is misleading to publish precise *average* parking and trip generation rates based on floor area.

Parking generation rates are hardly scientific, but the authority inherent in ITE publications often means that planners automatically regard ITE rates as scientifically valid and do not examine them further. ITE offers a precise number without raising difficult public policy questions, although it does warn, "Users of this report should exercise extreme caution when utilizing data that is based on a small number of studies" (ITE 1987a, p. vii). Nevertheless, many planners recommend parking generation rates as minimum parking requirements. For example, the median parking requirement for fast food restaurants in the United States is 10 spaces per 1,000 square feet—almost identical to ITE's reported parking generation rate.[15]

## STATISTICAL SIGNIFICANCE

The combination of extreme precision and statistical insignificance for the parking and trip generation rates for a fast food restaurant raises an important question: how many of the parking and trip generation rates for other land uses are statistically significant? The fourth edition of *Trip Generation* (ITE 1987b) does not state a policy on statistical significance, but it does show the plots and equations for most land uses with more than two data points. Nevertheless, it fails to show the plots and equations for some land uses with more than 10 data points. For example, consider the report of trip generation at recreational land uses. ITE presents 14 studies of trip generation at recreational land uses but says "No Plot or Equation Available—Insufficient Data." The trip generation rates in the 14 studies range from a high of 296 to a low of 0.066 trips per acre on a weekday: a ratio of 4,500 to 1. Given this wide range, reporting the *average* trip generation rate as *precisely* 3.635 trips per acre is clearly misleading.[16]

**Peak Parking Occupancy vs. Parking Demand**

A big difference exists between "parking occupancy" and "parking demand." Transportation engineers define the former as the number of parked cars. Economists define the latter as the functional relationship between the price of parking and the number of parked cars, and they define the actual number of parked cars at any time as the quantity of parking demanded at a specific price. Economists call the peak parking occupancy observed at a site that offers free parking the quantity of parking demanded at a zero price at the time of peak parking demand. These differing definitions show the confusion that can result when ITE's parking generation rates are loosely referred to as parking demand.

ITE first stated a policy regarding statistical significance in the fifth edition of *Trip Generation* (ITE 1991, p. I-8):

> Best fit curves are shown in this report only when each of the following three conditions are met:
>
> - The $R^2$ is greater than or equal to 0.25.
> - The sample size is greater than or equal to 4.
> - The number of trips increases as the size of the independent variable increases.[17]

The third criterion is notably unscientific. For example, suppose the $R^2$ is greater than 0.25 and the sample size is greater than four, but vehicle trips *decrease* as floor area increases (i.e., the first two criteria are met but the third is not). In this case, ITE would report the *average* trip generation rate (which implies that vehicle trips *increase* as floor area increases), but not the regression equation that would cast doubt on this rate. The stated policy, therefore, omits evidence that would contradict the presumed relationship.

Figure 3 from the fifth edition of *Trip Generation* (ITE 1991) shows how these three criteria affect the report of trip generation at a fast food restaurant. It shows the same eight data points from the fourth edition, but it omits the regression equation, the $R^2$, and the warning "Caution—Use Carefully—Low $R^2$." The omitted $R^2$ remains 0.069 because the data are

[15] The Planning Advisory Service (1991) surveyed the parking requirements in 127 cities. The median of 10 spaces per 1,000 square feet applies to cities that base their requirements for fast food restaurants on gross floor area.

[16] In the fourth edition of *Trip Generation,* Land Use 400 (Recreational) includes bowling alleys, zoos, sea worlds, lakes, pools, and regional parks (ITE 1987b, p. 537).

[17] ITE gives no explanation for showing the regression equation and the $R^2$ only when all three criteria are met.

**FIGURE 3 Fast Food Restaurant with Drive-Through Window (Land Use 834)**

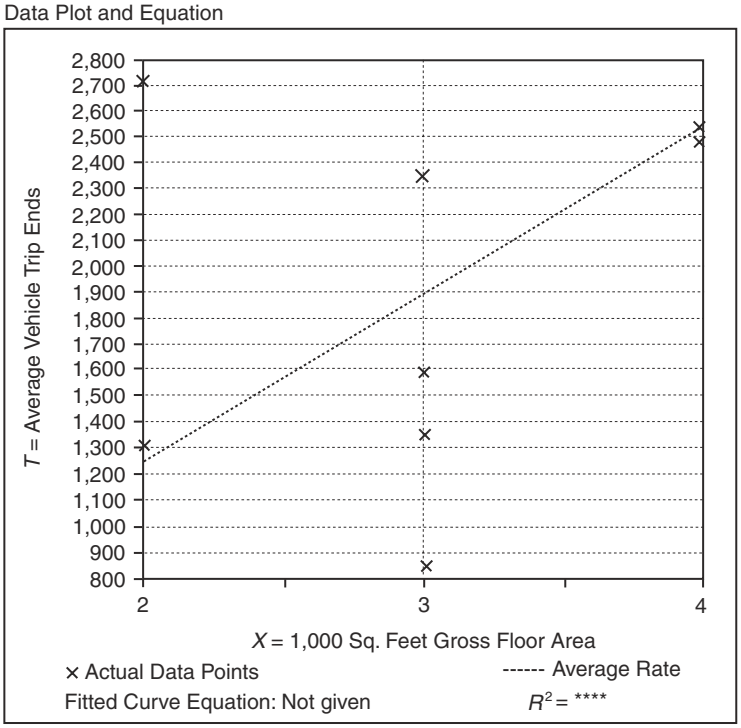
Average Vehicle Trip Ends vs:
1,000 Square Feet Gross Floor Area
On a: weekday

Number of Studies: 8
Average 1,000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1,000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 632.12 | 284.00–1,359.50 | 266.29 |

Data Plot and Equation




Institute of Transportation Engineers, *Trip Generation*, 5th edition (Washington, DC: 1991), p. 1,308.

unchanged from the fourth edition, but the fifth edition is more cautious about needless precision; it truncates the average trip generation rate from 632.125 to 632.12 trips per 1,000 square feet.[18]

ITE revised its reporting policy in the sixth (most recent) edition of *Trip Generation* (ITE 1997, p. 19). Regression equations are shown only if the $R^2$ is greater than or equal to 0.5, while the other two criteria remain the same (the sample size is four or more, and vehicle trips increase as the independent variable increases). Figure 4 shows the sixth edition's report of trip generation at a fast food restaurant. The number of studies increased to 21, and the average trip generation rate fell to 496.12 trips per 1,000 square feet. The $R^2$ is below 0.5, but we are not told what it is. Since the fifth edition's rate was 632.12 trips per 1,000 square feet, anyone comparing the two editions might conclude that vehicle trips at fast food restaurants declined 22% between 1991 and 1997. But since both the previous rate (632.12) and the new one (496.12) were derived from data

[18] Figure 3 (from the fifth edition) also differs from figure 1 (from the fourth edition) in two other respects. First, the directional distribution of vehicle trips was "not available" in 1987, but for the same data became "50% entering, 50% exiting" in 1991. Second, the standard deviation was not reported in 1987 but was reported as 266.29 in 1991.

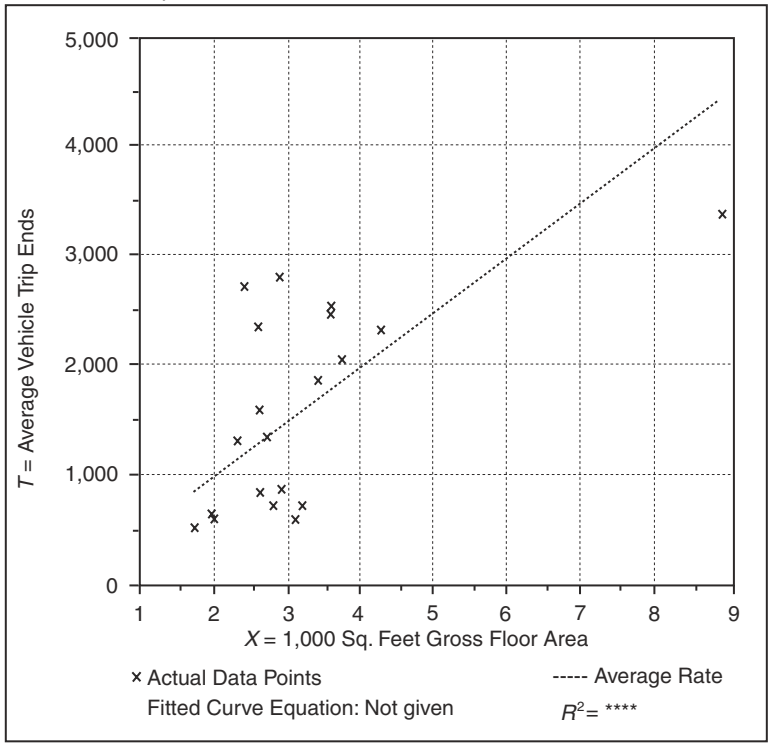
**FIGURE 4 Fast Food Restaurant with Drive-Through Window (Land Use 834)**
Average Vehicle Trip Ends vs: 1,000 Square Feet Gross Floor Area
On a: weekday

Number of Studies: 21
Average 1,000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1,000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 496.12 | 195.98–1,132.92 | 242.52 |

Data Plot and Equation




Institute of Transportation Engineers, *Trip Generation*, 6th edition (Washington, DC: 1997), p. 1,401.

that show almost no relationship between floor area and vehicle trips, this decline seems unlikely.[19]

The 1997 edition shows regression equations for only 34% of the trip generation rates, which means that 66% of the 1,515 trip generation rates fail to meet at least one of the three criteria. This statistical insignificance is not surprising given that circumstances vary enormously among different sites for the same land use (e.g., a fast food restaurant). Floor area is only one among many factors that influence vehicle trips at a site, and we should not expect floor area or any other single variable to accurately predict the number of vehicle trips at any site or land use.[20]

[19] If the 8 studies from the fourth (ITE 1987b) and fifth (ITE 1991) editions are included among the 21 studies reported in the sixth (ITE 1997) edition, the average trip generation rate for the 13 new studies must be well below 496.12 in order to reduce the average rate for the 21 studies to 496.12. All of the 8 study sites in the fourth and fifth editions were exactly 2,000, 3,000, or 4,000 square feet, but none of the 21 study sites in the sixth edition matched these sizes.

[20] Trip generation rates are a stripped-down version of the gravity model for travel forecasting. The gravity model predicts aggregate traffic between origin and destination zones as a function of zone sizes and generalized travel cost, while trip generation rates predict traffic to and from one site as a function of floor area (or another variable) at that site, without reference to cost.

Although 66% of the trip generation rates fail to meet ITE's significance criteria, ITE nevertheless publishes a precise trip generation rate for every land use. For example, a report of trip generation at truck terminals (figure 5) presents two sites, with the larger site generating fewer vehicle trips. Nevertheless, ITE reports the *average* trip generation rate as precisely 81.90 vehicle trips per acre on a weekday and plots a line that suggests larger sites generate more vehicle trips.

Reporting statistically insignificant estimates with misleading precision creates serious problems, because many people rely on the ITE manuals to predict how urban development will affect parking and traffic. When estimating the traffic impacts of development, for example, developers and cities often debate over whether a precise trip generation rate is correct. Some cities even base zoning categories on trip generation rates. Consider this zoning ordinance in Beverly Hills, California:

> The intensity of use shall not exceed either sixteen (16) vehicle trips per hour, or 200 vehicle trips per day for each 1,000 gross square feet of floor area for uses as specified in the most recent edition of the Institute of Traffic Engineers' publication entitled *Trip Generation*.[21]

The precise but uncertain ITE data thus govern which land uses the city will allow.

Parking and trip generation rates are difficult to challenge once they are incorporated into municipal codes. Planning is an inherently uncertain activity, but the legal system of land-use regulation makes it difficult to acknowledge uncertainty in planning regulations. Calling attention to the flaws in the reporting of the parking and trip generation rates would expose land-use decisions to countless lawsuits from developers, neighborhood groups, and property rights advocates, all of whom could rightly question the legitimacy of the reasoning used to establish off-street parking requirements and to argue for either more or less parking. This desire for the appearance of certainty explains why transportation engineers, urban planners, developers, and elected officials rely on precise point estimates—rather than ranges—to report the highly uncertain parking and trip generation rates.

[21] Section 10-3.162(5) of the Beverly Hills Municipal Code. (ITE changed its name from the Institute of Traffic Engineers to the Institute of Transportation Engineers in 1976.)

## PLANNING FOR FREE PARKING

ITE's parking and trip generation rates can create serious problems when they are used for urban planning. Most ITE samples are too small to draw statistically significant conclusions, and ITE's method of collecting data skews observations toward sites with high parking and trip generation rates. Larger samples might solve the problem of statistical insignificance, but a basic problem with parking and trip generation rates would remain: they measure the peak parking demand and the number of vehicle trips *at suburban sites with ample free parking*. This situation is troubling, because ITE rates greatly influence the outcome of transportation and land-use planning, ultimately contributing to decisions that result in more traffic, lower density, and more urban sprawl.

To explain how ITE's parking and trip generation rates influence transportation and land-use planning, consider what appears in practice to be the six-step process of planning for free parking in the United States.

- **Step 1.** Transportation engineers survey the peak parking demand at a few suburban sites with ample free parking but no transit service, and ITE publishes the results in *Parking Generation* with misleading precision.
- **Step 2.** Urban planners consult *Parking Generation* to set minimum parking requirements. The maximum observed parking demand thus becomes the minimum required parking supply.
- **Step 3.** Developers provide all the parking that planners require, and the ample supply of parking drives the price of most parking to zero, which increases vehicle travel.
- **Step 4.** Transportation engineers survey vehicle trips to and from suburban sites with ample free parking but no transit service, and ITE publishes the results in *Trip Generation* with misleading precision.

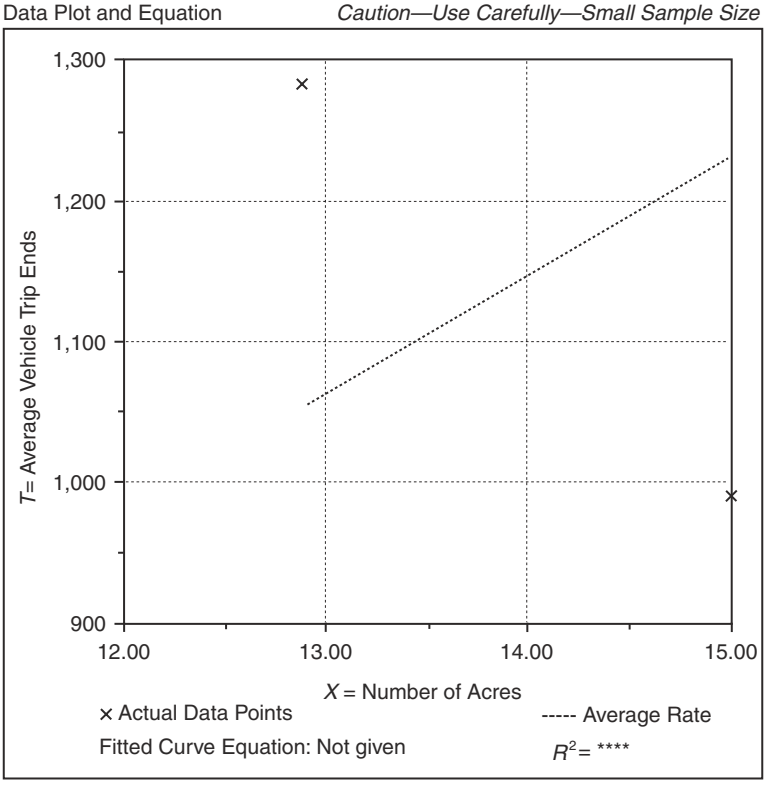
**FIGURE 5 Truck Terminal**
**(Land Use 030)**
Average Vehicle Trip Ends vs: Acres
On a: weekday

Number of Studies: 2
Average Number of Acres: 14
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Acre

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 81.90 | 66.27–100.08 | * |

Data Plot and Equation *Caution—Use Carefully—Small Sample Size*




Institute of Transportation Engineers, *Trip Generation*, 6th edition (Washington, DC: 1997), p. 66.

- **Step 5.** Transportation planners consult *Trip Generation* as a guide to design the transportation system with adequate capacity to bring cars to the free parking.[22]
- **Step 6.** Urban planners limit density so that development with ample free parking will not generate more vehicle trips than nearby roads can carry. This lower density spreads activities farther apart, further increasing both vehicle travel and parking demand.

We come full circle when transportation engineers again survey peak parking demand at suburban sites that offer free parking but no transit service and find that more parking spaces are "needed." Misusing precise numbers to report uncertain data gives a veneer of rigor to this elaborate but unscientific practice, and the circular logic explains why planning for transportation and land use has contributed to increased traffic and sprawl.

[22] Transportation planners often use the Urban Transportation Modeling System (UTMS) to predict modal flows on links between zones in a network, and the first of the four major steps in the UTMS model is "trip generation." The four-step UTMS model is thus used to carry out step 5 of the six-step process of planning for free parking. Meyer and Miller (2001) explain the UTMS model.

The ITE manuals do not cause this circular process, which started long before ITE began collecting data on parking and trip generation. In 1965, economist Edgar M. Hoover described the circular planning process in words that still apply today:

> In practice, the separation of highway-building programs from parking programs (they are in different and quite independent bureaucracies or authorities) introduces a still further pernicious element. We know the story of the man who took another piece of bread in order to finish his butter, then another piece of butter in order to finish his bread, and so on till he burst. Similarly, every provision of new freeways into a congested area heightens the observed demand and the public pressure for more parking facilities; every additional downtown parking garage heightens the demand for more new freeways to bring people to it; and so on back and forth indefinitely. Each of the two independent public authorities involved can argue persuasively that it is merely trying to keep up with an undeniably strong and growing demand. (Hoover 1965, pp. 188–189)

The main change that has occurred since 1965 is that engineers and planners now have precise parking and trip generation data to quantify the "undeniably strong and growing demand" for parking and highways. The interaction between transportation engineers and urban planners in gathering and interpreting these data helps to explain why planning for parking in the United States is essentially planning for free parking. Urban planners set parking requirements without taking into account the price of parking, the cost of parking spaces, the local context, or the wider consequences for transportation, land use, the economy, and the environment.

ITE warns users to be careful when the $R^2$ is low (although it removed this warning from the plots of trip generation rates in the two most recent editions of *Trip Generation*). ITE also advises users to modify trip generation rates in response to special circumstances.

> At specific sites, the user may want to modify the trip generation rates presented in this document to reflect the presence of public transportation service, ridesharing or other TDM measures, enhanced pedestrian and bicycle trip-making opportunities, or other special characteristics of the site or surrounding area. (ITE 1997, vol. 3, p. 1)

Nevertheless, ITE does not suggest how a user might modify the rates in response to any special characteristics of a site or its surrounding area, and the price of parking is prominently not on the list of special characteristics that might affect trip generation.

Data users should always ask themselves whether the data are appropriate for the intended purpose. Only users can misuse data, but ITE invites misuse when it reports statistically insignificant estimates as precise numbers. This spurious precision has helped to establish ITE parking requirements and trip generation rates as unquestionably authoritative in the planning profession.

## CONCLUSION: LESS PRECISION AND MORE TRUTH

Estimates of parking and trip generation respond to a real demand for essential information. Citizens want to know how development will affect parking demand and traffic congestion in their neighborhood. Developers want to know how many parking spaces they should provide for employees and customers. Planners want to regulate development to prevent problems with parking and traffic. Politicians want to avoid complaints from unhappy parkers. These are all valid concerns, but reporting parking and trip generation rates with needless precision creates false confidence in the data. To unsophisticated users, these precise rates appear to carry the rigor of scientific constants.

When planners set parking requirements and design the transportation system, they treat parking and trip generation like established laws and ITE estimates like scientific observations. But parking and trip generation are poorly understood phenomena, and they both depend on the price of parking, an element not addressed by ITE in the two reports discussed. Demand is a function of price, not a fixed number, and this does not cease to be true merely because transportation engineers and urban planners ignore it. Most cities are planned on the unstated assumption that parking should be free—no matter how high the cost or how small the benefit.

American motor vehicles consume one-eighth of the world's total oil production, and ubiquitous free parking contributes to our automobile dependency.[23] What can be done to improve this situation? Here are four recommendations:

1. ITE should state in the report for each parking and trip generation rate that this rate refers only to suburban sites with ample free parking but no public transit, pedestrian amenities, or TDM programs.
2. ITE should show the regression equation and the $R^2$ for each parking and trip generation report and state whether the coefficient of floor area (or other independent variable) in the equation is significantly different from zero.
3. ITE should report the parking and trip generation rates as ranges, not as precise point estimates.
4. Urban planners should recognize that even if the ITE data were accurate, using them to set parking requirements would dictate an automobile-dependent urban form with free parking everywhere.

Both transportation engineers and urban planners should ponder this warning from Lewis Mumford: "The right to have access to every building in the city by private motorcar, in an age when everyone possesses such a vehicle, is actually the right to destroy the city." (Mumford 1981)

Parking and trip generation rates illustrate a familiar problem with statistics used in transportation planning, and placing unwarranted trust in the accuracy of these precise but uncertain data leads to bad transportation and land-use policies. Being roughly right is better than being precisely wrong. We need less precision—and more truth—in transportation planning.

[23] Transportation accounted for 66.4% of U.S. oil consumption in 1996, and highway transportation accounted for 78.3% of U.S. oil consumption for transportation. Therefore, highway transportation accounted for 52.0% of U.S. oil consumption (66.4% x 78.3%). The United States also consumed 25.7% of the world's oil production in 1996. Thus, U.S. highway transportation consumed 13.4% (slightly more than one-eighth) of the world's total oil production (52.0% x 25.7%). Highway transportation refers to travel by cars, trucks, motorcycles, and buses. See Davis (2000, tables 1.3, 2.10, and 2.7) for the data on energy consumption for transportation in the United States.


## ACKNOWLEDGMENTS

I am grateful to the University of California Transportation Center for financial support. Douglas Kolozsvari provided superb research assistance. I am also grateful for excellent advice from Jeffrey Brown, Leland Burns, Daniel Chatman, Randall Crane, Melanie Curry, T.H. Culhane, Simon Fraser, Daniel Hess, Mimi Holt, Hiro Iseki, Joshua Kirshner, Robin Liggett, Bravishwar Mallavarapu, Jeremy Nelson, Don Pickrell, Thomas Rice, Michael Sabel, Lisa Schweitzer, Charles Sciammas, Patricia Shoup, Charanjeet Singh, Alexander Smith, Manual Soto, Brian Taylor, Florian Urban, Melvin Webber, Richard Willson, and two anonymous reviewers. Earlier versions of this paper were presented at the 2001 Annual Meeting of the Transportation Research Board in Washington, DC, the 2001 World Parking Symposium in St. Andrews, Scotland, and the 2002 Annual Meeting of the Western Regional Science Association in Monterey, California.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# Discussion

**CARL H. BUTTKE**
Consulting Transportation Engineer

**EUGENE D. ARNOLD, JR.**
Virginia Transportation Research Council

Mr. Shoup's article, "Truth in Transportation Planning," tends to view the Institute of Transportation Engineers' (ITE) *Trip Generation,* 6th edition and *Parking Generation,* 2nd edition reports as manuals to be followed step by step rather than as informational reports to be used to help guide transportation planning and development decisions. The intended purpose of the documents is stated in the reports. For example, page ix of the *Trip Generation User's Guide* contains the following:

> ITE Informational Reports are prepared for informational purposes only and do not include ITE recommendations on the best course of action or the preferred application of the data.

It is important to note that *Trip Generation* does not represent a quick fix for transportation problems or a shortcut to planning procedures; rather, it serves as a foundation on which the professional engineer can build his or her own knowledge and experience and apply this knowledge to any given transportation-related situation. The intended users who estimate vehicle trip generation or parking demand are transportation professionals trained in mathematics, statistics, traffic engineering, and planning fundamentals and who possess engineering judgment.

ITE's reports provide a compilation of available data collected from numerous sources. In the sixth edition of *Trip Generation,* data are combined from more than 3,750 individual trip generation studies. This information is by no means all inclusive; however, it represents the best information available at the time of publication. ITE's *Trip Generation* report is updated regularly to include supplemental information as it becomes available.

Some of Shoup's commentary, examples, and assertions are directed to the fourth and fifth editions of *Trip Generation.* While many of these references are used to make a point, some of the discussion is not relevant as the data, assumptions, and reporting techniques are updated and improved from edition to edition. Further, we expect that transportation professionals will use the latest edition to obtain the most recent knowledge and data available.

In his article, Shoup correctly points out that reporting statistics with "extreme precision may suggest confidence in their accuracy." He also rightfully acknowledges that generation rates such as 623.12 could be reported as 623 and not affect the accuracy of the calculation. However, there are also many instances in *Trip Generation* where rates presented with two decimal places are appropriate at that level of precision (e.g., as a rate of 0.57 pm peak-hour trips per occupied room of a business hotel, or 7.27 weekday trips per occupied room). When developing the first edition of *Trip Generation,* the Trip Generation Committee wrestled with this issue of decimal placement and decided to be consistent in reporting all rates with two decimal places.

Shoup also notes that, from a statistical standpoint, some of the independent variables used are simply not related to trips (e.g., he points to an extremely low $R^2$ value). This may be a valid point; however, in many instances the particular independent variable is chosen because it is the only information available in the early stages of development when these analyses are often undertaken. To that end, the *Trip Generation User's Guide* (vol. 3, p. 21) notes that: "Selecting an appropriate method for estimating trips requires use of engineering judgment and a thorough understanding of the three methodologies…."

In reference to Shoup's remarks regarding figure 4, the only independent variables available for this land use for measuring weekday trips were gross square feet and seats. We acknowledge that it is the customers and employees who make the trips, but these data were not available when the measurements were

made and are rarely known when estimating proposed traffic impacts. Page 14 of the *User's Guide* addresses the variation in the statistics:

> These variations may be due to the small sample size, the individual marketing of the site, economic conditions of the business market, the geographic location of sites studied, or the unique character of the specific site. Accordingly, judgment must be exercised in the use of the statistics in this report.

Shoup continues with a dialogue regarding ITE's advice to users to modify trip rates in response to special situations, such as the presence of public transportation service, ridesharing, and enhanced pedestrian facilities. We feel it is appropriate for ITE to point out potential cautions with the use of data without necessarily providing a solution if it cannot be supported by current research.

In Shoup's conclusion, he recommends that *Trip Generation* data be reported as ranges and not as precise point estimates. Current editions of *Trip Generation* and *Parking Generation* do provide ranges, average rates, and a data plot. This diversity in data presentation provides the user with a more comprehensive look at the data. Additionally, page 18 of the *User's Guide* provides a detailed description of a sample data page.

To produce resources supporting *Trip Generation,* ITE relies on the voluntary submittal of data from the transportation community. Calls for the submission of data have been ongoing over the years, with the intent to provide additional data to assist transportation professionals. ITE's openness about the availability of data can be seen on page one of the *User's Guide:*

> In some cases, limited data were available; thus, the statistics presented may not be truly representative of the trip generation characteristics of a particular land use.

Such cautionary statements run throughout both the *Trip Generation* and the *Parking Generation* informational reports.

*Trip Generation,* 7th edition, and *Parking Generation,* 3rd edition, are slated for release in 2003. Data collected from various sources, as well as comments, including those provided by Shoup, are reviewed and taken into consideration during the revision process. ITE's intent is to provide a helpful resource that will guide transportation professionals in their decisionmaking.

**Editor-in-Chief's Note:** The discussants were chosen by the Institute of Transportation Engineers.

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DONALD C. SHOUP

Carl Buttke and Eugene Arnold argue that nothing is wrong with the Institute of Transportation Engineers' (ITE) *Trip Generation* and *Parking Generation*. In part, their confidence may derive from their assumption that "the intended users . . . are transportation professionals trained in mathematics, statistics, traffic engineering, and planning fundamentals and who possess engineering judgment." But the actual users are a much broader and more diverse group. The ITE itself says, "*Trip Generation* is an educational tool for planners, transportation professionals, zoning boards, and others who are interested in estimating the number of vehicle trips generated by a proposed development" (ITE 1997, vol. 3, p. ix). Many of these people are *not* trained in mathematics, statistics, and traffic engineering. Zoning boards are rarely trained in anything—they are elected or appointed to their positions, perform their duties as volunteers, and rely heavily on references such as *Parking Generation* and *Trip Generation*. They will not realize that the reported rates are often statistically insignificant and refer only to suburban sites with ample free parking and no public transit.

I would like to address three issues that Buttke and Arnold raise, and make a recommendation.

## SIGNIFICANT DIGITS

ITE's convention of rounding every parking and trip generation rate to two digits after the decimal point blurs the distinction between precision and accuracy. Buttke and Arnold agree that the two-digits-after-the-decimal-point convention leads to inappropriate precision in some instances, but then say,

> There are also many instances in *Trip Generation* where rates presented with two decimal places are appropriate at that level of precision (e.g., as a rate of 0.57 pm peak-hour trips per occupied room of a business hotel, or 7.27 weekday trips per occupied room).

But *Trip Generation's* estimate of 7.27 weekday trips per occupied room of a business hotel is based on only one observation.[1] It illustrates perfectly the statistical insignificance and inappropriate precision of many parking and trip generation rates.

An estimate always has some associated uncertainty. The number of significant digits used to express an estimate should reflect this uncertainty. The least significant digit in a number is the one farthest to the right, and the accuracy of any number is usually assumed to be ±1 of the least significant digit, unless stated otherwise. In a typical engineering context, one would assume that an estimate expressed with five significant digits had been measured more accurately than an estimate expressed with only two significant digits. Because the number of significant digits used to express an estimate should be related to the uncertainty surrounding the estimate, the ITE's automatic two-digits-after-the-decimal-point convention is inappropriate and unscientific.

Buttke and Arnold note that the Trip Generation Committee wrestled with the issue of decimal placement in preparing the first edition of *Trip Generation* in 1976, and decided to be consistent in reporting all rates with two digits after the decimal point.[2] Accuracy is more important than digits-after-the-decimal-point consistency, however, and one should not use more (or less) precision than is warranted simply for the sake of uniformity. Precision refers to the number of significant digits, not to the number of digits after the decimal point.

[1] ITE (1997, vol. 1, p. 543). The estimate of 0.57 pm peak-hour trips per occupied room is based on only four studies.

[2] The first (1976), second (1979), and third (1983) editions of *Trip Generation* report some rates with no digits after the decimal point and other rates with one or two digits after the decimal point. The fourth (1987) edition reports all rates with three digits after the decimal point. The fifth (1991) and sixth (1997) editions report all rates with two digits after the decimal point.

## MISUSE

Statistically sophisticated users understand the extreme uncertainty of trip generation rates and can ignore the false precision. But many users are *not* statistically sophisticated. To them, ITE's trip generation rates are *the* relationship between transportation and land use. Some zoning codes explicitly specify ITE's trip generation rates as the basis for making land-use decisions and as the basis for assessing traffic impact fees, regardless of the sample size or statistical significance of the rates.

In Signal Hill, California, for example, the traffic impact fee is $66 per daily vehicle trip generated by a development project. The number of trips is calculated by multiplying the size of the project times its trip generation rate "as set forth in the most recent edition of the Traffic [*sic*] Generation manual of the Institute of Transportation Engineers."[3] The sixth edition's trip generation rate for a fast food restaurant is 496.12 trips per 1,000 square feet, so Signal Hill's traffic impact fee is $32.74 per square foot of restaurant space. The uncertain trip generation rates thus determine cities' tax rates.

## FREE PARKING

Buttke and Arnold conclude that "ITE's intent is to provide a helpful resource that will guide transportation professionals in their decisionmaking." Spurious precision is not a real impediment for this purpose, although it is misleading.[4] The real problem with *Parking Generation* and *Trip Generation* is that they measure the peak parking demand and the number of vehicle trips *at suburban sites with ample free parking and no public transit.* Using these precise but poorly understood parking and trip generation rates as a guide to planning leads to bad transportation and land-use decisions. *Parking Generation* and *Trip Generation* are helpful resources in designing cities where everyone will drive everywhere they go and park free when they get there.

## RECOMMENDATION

What can be done to make the ITE reports more reliable? The British counterpart to *Trip Generation* suggests some possible improvements. The "Trip Rate Information Computer System" (TRICS) gives full information about the characteristics of every surveyed site and its surroundings.[5] Users can thus estimate a trip generation rate based on sites comparable to the one under consideration. In addition to counts of vehicles, TRICS also includes counts of all the people (pedestrians, cyclists, public transport users, and car occupants) who arrive at and depart from a site. By including more than vehicle trips, TRICS takes a broader view of transportation. When all modes are included, the *person* trip rates are often much higher than the *vehicle* trip rates.

With its narrow focus on counting cars at suburban sites with free parking, *Trip Generation* presents a precise but uncertain, skewed, and incomplete measure of the relationship between transportation and land use in the United States. Fortunately, the ITE's Parking and Trip Generation Committees seek to improve each successive edition of *Parking Generation* and *Trip Generation.* In future editions, they should settle for less precision, and strive for more accuracy.

[3] Section 21.48.020 of the Signal Hill Municipal Code. The code is available online at http://www.ci.signal-hill.ca.us/homepage.php.

[4] Even if everyone who refers to *Parking Generation* and *Trip Generation* were an engineer or statistician, that does not excuse unjustified precision. Journalists do not casually break grammar and spelling rules just because intelligent readers might be able to figure out what they mean anyway. The burden of clarity and accuracy falls on the writer—it cannot be shifted to the reader, no matter who one supposes the reader to be.

[5] The TRICS database is available online at http://www.trics.org/.

## Jennifer Armer

**From:** Rachel Mansfield-Howlett <rhowlettlaw@gmail.com>
**Sent:** Thursday, May 04, 2017 10:49 AM
**To:** Jennifer Armer; Planning
**Subject:** 401-409 Alberto Way Project
**Attachments:** Alberto Way letter 5-4-17-signed.pdf

Dear Jennifer,

Please accept these comments on behalf of the Alberto Way Neighbors: Los Gatos Commons, Pueblo de Los Gatos, Las Casitas and Bella Vista Village regarding the 410-409 Alberto Way Project and its environmental review.

Please confirm receipt.

Thank you,
Rachel

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May 4, 2017

*Via Electronic Delivery*

**RE: Comments on the EIR prepared for the 401-409 Alberto Way Project**

Dear Ms. Armer and Planning Commissioners:

On behalf of the Alberto Way Neighbors: Los Gatos Commons, Pueblo de Los Gatos, Las Casitas and Bella Vista Village, thank you for the opportunity to comment on the adequacy of the EIR prepared for the above named Project.

I have reviewed the EIR and the associated reports prepared for the Project, including engineering expert Peter Geissler's March 31, 2017 report and the addendum to his report that will be submitted to you today, that detailed the numerous and grave errors and omissions in the analysis of the Project's direct and indirect impacts. In my professional opinion, having successfully litigated similar cases, the EIR fails to adequately analyze the Project's direct and indirect impacts related to traffic, hydrology, flooding, run off, seismic/liquefaction, and health and safety and fails to propose adequate mitigation or consider alternatives to the Project that would substantially reduce or avoid these impacts.

The EIR must evaluate a project's likely secondary or indirect impacts along with its direct impacts. (*El Dorado Union High School District v. City of Placerville* (1983) 144 Cal.App.3d 123; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) Analysis should include social and economic effects that could lead to physical environmental impacts. (*Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433.) The amount of discussion and analysis for an environmental impact evaluated in an EIR should be proportional

to its severity and the probability of occurrence and correspond to the degree of specificity involved in the project being evaluated. (Guideline §15146.)

Mr. Geissler's reports provide ample foundation for the Planning Commission to find that the analysis conducted for the Project is inadequate and incomplete and fails to divulge the severity of the Project's direct and indirect impacts such that the EIR's conclusions and the reports it relies upon are not supported by substantial evidence. The EIR fails to conform to CEQA's requirement to function as a full disclosure document and an environmental alarm bell that puts the public and decision-makers on notice regarding the Project's environmental effects so that adequate mitigation and alternatives may be fairly considered prior to the Project's adoption. (*Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020; *County of lnyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; Guideline §15151. " . . . the preparation of an EIR is the key to environmental protection under CEQA, . . ." *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 82; §21151.)

Mr. Geissler demonstrates that the Project's impacts are substantially more severe than have been acknowledged and the feasibility of important mitigation measures and alternatives that have not been considered as required by CEQA. (Public Resources Code §21166(c); Guideline §15162(a)(3.) An EIR's analysis of environmental impacts must be sufficient to provide lead agencies with information that will enable them to make a decision that "intelligently takes account of environmental consequences." (*San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) Here, the EIR fails to provide the information needed to account for the environmental consequences of the Project, including the foreseeable indirect impacts to neighboring properties. The EIR therefore cannot be certified as proposed and should be revised and re-circulated for comment prior to further consideration of the Project.

Abuse of discretion in certifying an EIR is assessed in two separate prongs, each of which presents an issue of law based on the administrative record. The sufficiency of EIR *content* is reviewed as to whether it was prepared "in the manner required by law" within statutory and regulatory requirements. The sufficiency of the EIR's *conclusions* is then reviewed for substantial evidence. *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 427, 435 ("A Court's task is to determine 'whether the administrative record demonstrates any legal error … *and* whether it contains substantial evidence" supporting the agency's findings; *Association of Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1391; *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215.

Here, the EIR is insufficient under both prongs; it neither provides the required content and its conclusions of no impact are not supported.

Mr. Geissler's expert analyses and determinations provide, *inter alia,* the following.

- The ground floor to groundwater elevation provides unsafe conditions, therefore the Project's impacts have not fully acknowledged and adequate mitigation has not been proposed.

- There is no logical basis for the claim that the site is not susceptible to liquefaction in the event of strong shaking due to a nearby earthquake and therefore the Project's impacts have not been fully acknowledged and adequate mitigation has not been proposed.

- ENGEO's assertion that seasonal fluctuations in groundwater mimic the effects of construction dewatering is false. Seasonal fluctuations in the depth of groundwater can cause foundation settlement but not differential foundation settlement. By contrast, construction dewatering induces differential foundation settlement. Cracked slabs are associated with differential foundation settlement not uniform settlement.

- ENGEO's analysis of health and safety impacts is incorrect; ENGEO used an outdated map dated 1991. The more recent 2002 map shows that the proposed development is located within the Fault Rupture Hazard Zone and the Liquefaction Zone.

- Due to Differential Foundation Settlement a mat slab foundation cannot be uniformly supported by subgrade soils subject to liquefaction in the event of strong shaking due to a nearby earthquake unless the mat foundation exceeds 4' in thickness. Subsequent structural cracks allow massive influx of groundwater.

- Percolation analysis was based on the performance of a 1' thick garage slab floor subject to liquefaction in the event of strong shaking due to a nearby earthquake which would allow the influx of approximately 500 gallons per minute into the underground garage. This amount of water leakage cannot be controlled by the use of the Project's proposed sump pumps and is inadequate to ensure the public's safety.

- The permitting of an underground garage in an area that is subject to the inundation of floodwaters in the event of an upstream dam failure

represents unnecessary and unreasonable risk to health and safety.

- Leniham Dam is located adjacent to the Fault Rupture Hazard Zone. Strong shaking in the Earthquake Fault Rupture Hazard Zone is likely to cause the earthen dam to fail. The 2012 Terra / GeoPentech report does not take into account the close proximity between Leniham Dam and the Earthquake Fault Rupture Hazard Zone. Therefore, ENGEO's unfounded reliance upon the findings and conclusions of the 2012 Terra/GeoPentech Leniham report represents a failure to comply with the standard of care of the engineering profession.

- ENGEO stated, " . . . the construction of a subsurface garage will not dramatically impede groundwater flow." Geissler Engineering pointed out that the construction of a subsurface garage necessarily impedes groundwater flow; the flow of groundwater is diverted around the underground parking garage. There is an increased level of groundwater on the upstream side of the underground parking garage and a decreased level of groundwater on the downstream side of the underground parking garage which leads to cracked slabs in neighboring building. This is an indirect impact that must be analyzed in the EIR.

- A 12-inch thick slab floor is too flexible to span over areas of soil subsidence caused by liquefaction and too weak to prevent cracking. In comparable situations in San Francisco where liquefaction causes soil subsidence, 48-inch thick mat slabs are proposed. If the top of slab of the underground garage is located below the groundwater then the influx of groundwater into the cracked underground parking structure, water floods the damaged and submerged underground garage leading to health and safety impacts.

**Alternatives**

The EIR also failed to: consider a reasonable range of alternatives that would significantly reduce or avoid the Project's impacts; identify an environmentally superior alternative other than the No Project alternative, and; identify alternatives considered and excluded from EIR analysis or to provide the reasons for their rejection. (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta* II) 52 Cal.3d 553, 569; Guideline §15126.6(b). Where no alternatives are deemed feasible, the EIR is required to disclose the reasons why possible alternatives were found infeasible and did not do so. (*Laurel Heights Improvement Association v. UC Regents* (*Laurel Heights I*) (1988) 47 Cal.3d 376, 405.) The EIR failed to consider alternate sites as required by both public and private development projects. (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 574-575; *Citizens of Goleta Valley v. Board of Supervisors* (*Goleta I*) (1988) 197

Cal.App.3d 1167, 1179-1180. EIRs "must consider a reasonable range of alternatives to the project, or to the location of the project.")

An EIR must consider a "range of reasonable alternatives." *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553; *Residents AdHoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274; Guideline §15126.6(c). The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned"; *San Bernardino Valley Audubon Society v. County of San Bernardino, supra,* 155 Cal.App.3d at 750-751; Guideline §§15126.6(c), (f). Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Public Resources Code §21061.1; Guideline §15364.)

- Increased costs of an alternative do not equate to economic infeasibility: "[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta I*) (1988) 197 Cal.App.3d 1167, 1181; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.)

Here, considering the Project's unacknowledged impacts in the issue areas described herein, the EIR did not consider a reasonable range of alternatives that took into account these impacts and there is no information in the record that could credibly provide the basis for finding that such alternatives are infeasible based upon economic infeasibility. Since the EIR found that the Reduced Project Alternative meets most Project objectives and should be considered as a feasible Project alternative, it is clear that a range of alternatives that would meet most objectives could easily be configured to reduce or completely avoid the Project's impacts related to the hydrology and seismic issues that have been raised by Mr. Geissler and concerned area residents. The EIR should be revised and re-circulated to provide an adequate alternatives analysis and to identify an environmentally superior alternative, other than the No Project alternative.

**Traffic**

The EIR failed to adequately respond to and incorporate mitigation measures proposed by the Santa Clara Transportation Authority. "[C]omments from responsible experts or sister agencies … that cause concern that the agency may not have fully evaluated the project" may not be ignored. (*Berkeley Keep Jets over the Bay Committee v. Board of Port Cmr's.* (2001) 91 Cal.App.4th 1344, 1367 quoting *Cleary v. County of Stanislaus*, (1981) 118 Cal.App.3d 348, 357.)

For the foregoing reasons, and as articulated in the reports of Mr. Geissler, incorporated herein by reference, the EIR should not be certified as complete.

Thank you for your consideration,

Rachel Mansfield-Howlett