Planning for Success.

FINAL
ENVIRONMENTAL IMPACT REPORT

401 – 409 ALBERTO WAY

SCH# 2015122041

PREPARED FOR

Town of Los Gatos

June 29, 2016

EXHIBIT 15

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

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FINAL EIR

401 – 409 Alberto Way

SCH# 2015122041

PREPARED FOR

Town of Los Gatos
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1.0
INTRODUCTION

1.1 PURPOSE AND ORGANIZATION

The Town of Los Gatos (hereinafter "the Town"), acting as the lead agency, determined that the proposed 401-409 Alberto Way Project (hereinafter "proposed project") might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the Town had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project. The Draft EIR was circulated for public review between Friday, April 29, 2016 and Monday, June 13, 2016, and public comment was received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This Final EIR has been prepared to address comments received during the public review period and, together with the Draft EIR, constitutes the complete 401-409 Alberto Way Project EIR. This Final EIR is organized into the following sections:

- Section 1 contains an introduction to the Final EIR.
- Section 2 contains written comments on the Draft EIR, as well as the responses to those comments.
- Section 3 contains the revisions to the text of the Draft EIR resulting from comments on the Draft EIR.
- Section 4 contains the mitigation monitoring program.

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2.0
COMMENTS ON THE DRAFT EIR

2.1 CEQA REQUIREMENTS

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

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. A copy of each correspondence received during the public review period for the Draft EIR is presented on the following pages. Numbers along the left-hand margin of each comment letter identify individual comments to which a response is provided. Responses are presented immediately following each letter. Where required, revisions have been made to the text of the Draft EIR based on the responses to comments. These revisions are included in Section 3.0, Changes to the Draft EIR.

2.2 COMMENTS ON THE DRAFT EIR AND RESPONSES

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

- Joseph Gemignani (May 3, 2016)
- (Los Gatos Resident) (June 8, 2016)
- Joseph Gemignani (June 8, 2016 – comment at public hearing)
- Raymond Toney (June 11, 2016)

- Peggy Ellett (June 11, 2016)
- Carol Rosenberg (June 11, 2016)
- Marietta Riney (June 13, 2016)
- Terrence McMahon (June 13, 2016)
- Valley Transportation Authority (June 13, 2016)
- California Department of Transportation (June 13, 2016)
- LP Acquisitions (June 13, 2016)

Jennifer Armer

From: Joseph Gemignani <josephtheweatherman@gmail.com>
Sent: Tuesday, May 03, 2016 10:31 AM
To: Jennifer Armer
Subject: Alberto Way Project Public Comment

Hi Jennifer,

1 I like this project on Alberto Way. For me it improves the look of this area significantly. Please let the appropriate people in the town know my feelings.

Thank You,

Joseph

Response to Comment Letter #1 (Joseph Gemignani)

The commenter expressed support for the proposed project. The comment does not address the project's Draft EIR and, therefore, no additional response is required.

From: [redacted] (Los Gatos Resident)
Sent: Wednesday, June 08, 2016 1:13 PM
To: 'planning@losgatosca.gov'
Subject: **********Upset neighbor - Very against the proposal for the new construction and building on 401-409
Alberto Way **********

To the Planning Commission:

1 I am very upset and 100% against the building and construction proposed for 401- 409 Alberto Way. I don't believe I will be able to attend the meeting today so I wanted to email you my following grievances that I have towards this construction project. I cannot leave my dog alone because of her health issues, and I don't have sitter for her.

My parents and my family have been residents of Los Gatos since I was 5, and I have been a homeowner and resident at [redacted] since 1992. I went to Van Meter, Fisher JR High, and Los Gatos High School.

2 I am very upset because there will be constant and a tremendous increase in traffic which will require a lot of extra time to get to and from my house and to the freeway and anywhere in Los Gatos or anywhere in general. The traffic is already very bad and has increased over the years in Los Gatos. Sometimes, especially in the day or from~ 5PM through ~7PM, it takes 10 + minutes to travel to downtown LG or to my Vet, etc. in Los Gatos from my home when it should only take about 3 minutes. The construction will create traffic jams to get on to the freeway or to try to return to or leave our houses which will require more time waiting at the lights, etc. and which will affect all residents in Los Gatos. This will be very dangerous for the emergency vehicles such as ambulances and the fire department who help and serve residents with health concerns, especially the elderly residents that live in the Senior Condo complex on Alberto Way.

3 I am also extremely upset about the fact that there will be constant banging and noise that the construction will create. I work all day through the late evening and into the early morning every day until at least 430AM or 5AM at my house, and I need to be able sleep in the morning until about 11AM with constant banging from the construction, it will be extremely hard to sleep and will be very disturbing to me, my dog, and all of neighbors and their dogs, cats, and families (with lots of kids). I also need to be able to make important work calls from home since I work out of my home so the constant banging from the construction will make it hard to have any important work calls. The constant banging will be detriment to the my health and peace of mind; it will contribute to an inability to sleep, constant noise which will create a lot of anxiety for me and my neighbors, their families and their dogs and cats.

Sometimes I have migraines /headaches and /or repeated extreme neck pain sometimes for 3 days with some breathing issues (related to chemicals and smoke), and I am very concerned that about the added noise and stress from the construction projects will make my headaches and neck pain more prevalent and worse in intensity without the ability to rest when I need to or the banging may trigger additional episodes.

4 It will be very dangerous to try to cross the street on foot to walk my dog or to walk in general – trying to avoid the construction trucks (and extra traffic) that do not typically come to our street. We have a lot of children (many very young children) who are residents on Alberto Way and especially at 435 Alberto Way, and there are 100s of elderly and retired individuals who live on Alberto Way in the Senior Citizen condos that will be in danger walking on the sidewalk, the street, and crossing the streets or driving, and also many elderly residents on Alberto way individuals have to walk because they can no longer drive, and there are a lot of residents that walk (with or without their dogs), etc. We all will have a significant amount of potential danger that we would not have because of construction, the extra traffic and additional people travelling to our street.

5 I am also concerned about workmen coming to our quiet residential neighborhood for safety reasons; being a single lady, I don't want folks driving into our neighborhood who are not residents which definitely includes construction workers who are typically men. There is already a lot of crime on the street (a lot of car break-ins, and some property thefts) and the construction will bring in unwanted individuals, which could and will most likely lead to an increase in crime.

6 I believe this construction project will bring down our property values with the construction, traffic, noise pollution, etc. People will not be able to sell or rent out their units since no one will want to buy or rent near this huge proposed construction project. There is already limited street parking on Alberto Way so the extra vehicles on the street will make it very difficult for residents and their guests to enjoy the quality of life and conveniences that they have been enjoying related to enjoying a quiet and peaceful life, parking near their homes for convenience, being able to travel on a timely basis in their cars, walking without worrying about getting run over by construction trucks and the extra traffic associated with this project, etc.

7 Additional, you can't use mixed commercial / residential or commercial zoning properties for comparables for real estate or mortgage matters or transactions (part of the appraisals, etc.) with residential condos or townhouses /PUDs (our existing housing units on Alberto); therefore, a future newly finished condos at 401 - 409 (which I believe are included in this project) won't help anyone's residential property values as some people erroneously think it will.

8 There will also be nails and other sharp objects that could puncture our tires which could provide a safety hazard, unfair costs, and extra unexpected time inconveniences, which could lead to an emergency situation if we can't get to a medical or veterinary office or hospital, especially if residents only have 1 car per family or household or if they are the only one home. (I only have 1 car.) I have a dog who has a lot of health problems and older parents, and I need to be able to get to the Vet or possibly to help my parents (who also live in Los Gatos) ASAP at times.

I absolutely don't think it is fair to have such a horrible disturbance. The residents that live on Alberto Way should have the right and opportunity to rest and have a quiet peaceful home life and work life like the rest of the people do in Los Gatos.

Please call me if you have any questions.

You have permission to read this email at the planning meeting tonight, but please don't read my name, my unit number or phone number out loud at the meeting. You can say which complex I live at in general - 435.

Thanks for your time, understanding, and consideration. Please don't let Shane Arters, LP Acquisitions and /or any other parties related to the proposed construction project 401 – 409 Alberto way, proceed forward.

Thanks,

[redacted]

Response to Comment Letter #2 (Los Gatos Resident)

1. The commenter expresses general discontent with the proposed project. The comment does not an environmental issue and, therefore, no response is required.

2. The commenter expresses concern regarding traffic impacts (increases in traffic and emergency vehicle access). No specific comment is made concerning the analysis or conclusions in the Draft EIR and the commenter is directed to Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts, of the Draft EIR, which address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). The analysis in the Draft EIR indicates that traffic impacts would be less than significant.

3. The commenter expresses concern related to construction noise on the site and surrounding area from the proposed project. No specific comment is made concerning the analysis or conclusions in the Draft EIR. A noise and vibration assessment was prepared and included as Appendix G to the Draft EIR. Noise impacts are also addressed in Section 3.9 Noise of the Draft EIR, which finds that although temporary noise levels during construction would increase above current ambient noise levels at nearby residences, construction activities associated with the proposed project would be subject to Town Municipal Code requirements and that construction noise resulting from project construction would be less-than-significant.

4. The commenter expresses concern with pedestrian safety in the vicinity of the project site with construction and operation of the proposed project. No specific comment is made concerning the analysis or conclusions in the Draft EIR. The commenter is directed to Section 3.11 Transportation and Traffic of the Draft EIR, which addresses impacts to pedestrians and pedestrian facilities in the vicinity of the project site. The proposed project would affect use of the sidewalk in front of the project site during some phases of construction, but the proposed project would not affect sidewalks on the east side of Alberto Way. The transportation impact analysis prepared for the Draft EIR recognizes pedestrian facilities in the vicinity of the project site could be improved. The project would replace the attached sidewalks along the project frontage with sidewalks separated by a landscaped planting area, thus improving the pedestrian environment along Alberto Way. The project applicant would be required to pay the Town's transportation impact fee. However, no significant impacts to pedestrians or pedestrian facilities are identified in the Draft EIR.

5. The commenter expresses concern regarding the influx of construction workers into the project site area during construction of the proposed project. No specific comment is made concerning analysis or conclusions in the Draft EIR. As this comment does not raise an environmental issue, no response is necessary.

6. The commenter expresses concern regarding the proposed project's potential to impact property values in the project site's vicinity, the impact no street parking, and questions the general neighborhood compatibility of the proposed project with the surrounding area. The proposed project would remove up to eight on-street parking spaces in front of the project site and the hotel, but would not affect parking spaces near homes. All necessary parking for the proposed project would be accommodated within the project site. No specific comment is made concerning analysis or conclusions in the Draft EIR. As these comments do not raise an environmental issue, no further response is required.

7. Although the comment is unclear, it is understood that the commenter is concerned with potential use of the site with a residential use. No specific comment is made concerning analysis or conclusions in the project's Draft EIR. However, the commenter is directed to Section 2 Project Description of the Draft EIR which describes proposed use of the site for commercial use and not residential use.

8. The commenter expresses a variety of concerns regarding overall neighborhood compatibility, increase in hazards and safety concerns, and emergency vehicle access on Alberto Way. No specific comment is made concerning analysis or conclusions in the Draft EIR. However, the commenter is directed to Sections 3.7 Hazards and Hazardous Materials, 3.10 Public Services, 3.11 Transportation and Traffic, and 4.0 Cumulative Impacts for discussions of related topics. In these sections, potential impacts of the proposed project are found to be either less-than-significant or reduced to a less-than-significant level with the application of mitigation measures.

Town of Los Gatos Planning Commission Meeting, 6/8/2016, Member of Public Comments

1 Joseph Gemignani: Commenter expressed support for the project and identified it as a net positive for the Town. Commenter believes applicant and architect have proposed a project which "looks like Los Gatos" and believes the proposed project would be an improvement to the site compared to existing building.

Response to Comment Letter 3 (Joseph Gemignani)

Comment letter 3, for purposes of this EIR, is not a comment letter but a transcription of a comment made by a member of the public at the Town of Los Gatos Planning Commission Meeting held on June 8, 2016. This public meeting allowed members of the public to comment on the Draft EIR in a public forum. The commenter expressed support for the proposed project. The comment does not raise an environmental issues and, therefore, no response is required.

From: Raymond Toney [mailto:raymond.toney2@verizon.net]
Sent: Saturday, June 11, 2016 10:47 AM
To: Planning
Subject: Alberto Way development

1 Sirs: This is totally unacceptable due to safety issues for the current residents on Alberto Way. Alberto Way is a single two lane street which has parking on both sides of the street, reducing the driving lanes so that it is difficult to drive with another car coming in the opposite direction. The current occupancy of the homes and offices on Alberto Way overburdens the street with no other exits or emergency escapes in the event of a major fire or other problem. The only other exit is a steep fire lane which is kept locked and blocked. This project is only one of the major developments in line for approval on Alberto Way. Raymond M. Toney, homeowner residing at 453 Alberto Way, #241. Los Gatos, Ca. 95032

Response to Comment Letter 4 (Raymond Toney)

The commenter expresses concern regarding traffic impacts (increases in traffic and emergency vehicle access) and the adequacy of Alberto Way and its emergency egress. According to the transportation impact analysis, Alberto Way has a pavement width of 34 feet, with five parking spaces in front of the project site and three parking spaces on the east side in front of the hotel. The transportation impact analysis recommends these parking spaces be removed, and the project plans show three lanes (including a left turn lane) at the intersection of Alberto Way and Los Gatos – Saratoga Road. The proposed project would eliminate the current narrow lanes. The emergency access referred to in the letter is paved and connects to Bella Vista Avenue. No specific comment is made concerning analysis or conclusions in the project's Draft EIR and the commenter is directed to Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts, of the Draft EIR which address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). Analysis in the Draft EIR indicates that traffic impacts would be less than significant.

From: Peggy Ellett [mailto:pellett48@yahoo.com]
Sent: Saturday, June 11, 2016 11:01 AM
To: Planning
Subject: Proposed Development

1 As a resident of Los Gatos Commons, I must object to the proposed development. The resultant traffic snarl for all residents would be beyond horrific. Do you have plans to widen Alberto Way or is it your intention to leave us to fend for ourselves against the onslaught? Do you seriously not care about the impact this will have on our daily lives not to mention the potential impact on access for emergency services?

Peggy Ellett
443 Alberto Way
Unit B219
Los Gatos, CA 95032
360-931-7995

Response to Comment Letter 5 (Peggy Ellet)

The commenter expresses concern regarding traffic impacts (increases in traffic and emergency vehicle access). No specific comment is made concerning analysis or conclusions in the project's Draft EIR and the commenter is directed to Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts, of the Draft EIR which address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). Analysis in the Draft EIR indicates that traffic impacts would be less than significant.

From: Carol Rosenberg [mailto:carol_rosenberg@sbcglobal.net]
Sent: Saturday, June 11, 2016 3:35 PM
To: Planning
Subject: Alberto Way Comments

1 Regarding the proposed expansion of the office park at 401-409 Alberto Way, to replace the existing three-building park with two buildings and 390 parking spaces. Such an expansion would drastically negatively impact the environment of this mostly residential street. Alberto way, a two lane street, already has limited parking. Tearing down the present building and replacing them would entail many months of construction, resulting in congestion, noise, air pollution, destruction of plant life, and danger of accidents.

Carol Rosenberg
451 Alberto Way, #D253
Los Gatos, CA 95032

Response to Comment Letter 6 (Carol Rosenberg)

The commenter expresses general concern with the proposed project's compatibility with the surrounding area, including parking, congestion, noise, air pollution, impacts to plants, and hazards. No specific comment is made concerning analysis or conclusions in the Draft EIR. However, the commenter is directed to Sections 3.2 Air Quality, 3.3 Biological Resources, 3.7 Hazards and Hazardous Materials, 3.9 Noise, 3.11 Transportation and Traffic, and 4.0 Cumulative Impacts which address environmental impacts of the proposed project and how these impacts are concluded to be either less than significant or less than significant with the application of mitigation measures.

From: Marietta Riney [mailto:mariettariney@gmail.com]
Sent: Monday, June 13, 2016 8:04 AM
To: Planning
Subject: Alberto Way development

1 I live at the Los Gatos Commons Condos on Alberto Way and I urge the planning commission to listen and consider the concerns of all the residents regarding the proposed development at the corner of Alberto Way and Hgwy 9. This expansion of the use of this property , with the increase in traffic at this location, will negatively affect all the property owners ability to access and egress their residence. This is a 1lane street each way with parking on both sides of a winding street. The recent development of the Satellite medical facility and the renovation of the Best Western property, plus the opening of the 57 Grill restaurant have already taxed the daily flow of traffic onto Alberto Way and the residential areas farther down the street.

The Los Gatos Commons is a senior age restricted condo complex. This means that we have frequent EMS response teams that require an unimpeded approach to our complex. You are aware that there is this one short street that is the only way in or out for 2 town home complexes, 2 condo complexes, an office complex at the end of the street, and the previously mentioned hotel, restaurant, and medical facility. The demolition phase and construction phase at this intersection will be a nightmare, not to mention the resulting increased traffic if this development were to be built.

Please take this information into consideration.

Marietta Riney
449 Alberto Way #240
Los Gatos CA. 95032

Response to Comment Letter 7 (Marietta Riney)

The commenter expresses concern regarding traffic impacts (increases in traffic and emergency vehicle access). No specific comment is made concerning the analysis or conclusions in the Draft EIR and the commenter is directed to Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts, of the Draft EIR which address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). Analysis in the Draft EIR indicates that traffic impacts would be less than significant. Regarding the restaurant and the hotel, the Grill 57 restaurant is re-use of an existing building and construction activities for the hotel on Alberto Way renovated an existing hotel instead of constructing a new one. Therefore, vehicle trips associated with these uses already were occurring on Alberto Way. Lastly, the Satellite Health offices appear to have been occupied since 2013, thus this development would likely not be considered new development on Alberto Way.

The traffic report considered the vehicle trips associated with these relatively new and/or renovated projects into account when evaluating the project's impact on traffic operations. The proposed project, along with the cumulative projects, would result in less-than-significant traffic impacts.

Jennifer Armer

From: Terrence McMahon <terrymcm@comcast.net>
Sent: Monday, June 13, 2016 9:42 AM
To: Planning; Jennifer Armer
Cc: raymond.toney2@verizon.net; Cindie McMahon; Mr.,and,Mrs. Stephenson Stephenson; Maka McMahon

Subject: Objections to Project 401-409 Alberto Way EIR

Dear Planning Commission and Ms. Armer,

I write to raise objections and serious concerns over Project 401-409 Alberto Way.
My wife and I have owned 449 Alberto Way Unit C139 in Los Gatos Common for approximately 10 years. My wife's parents, Bud and Dori Stephenson, have lived in the unit the entire time . 1
Even without the dramatic increase in square footage, parking and traffic this project promises, Alberto Way (a dead end, single access street) is already over burdened with existing parking and traffic.

Some of the dangerous impacts of this project include:

1) This project TRIPLES the amount of commercial square footage on this parcel.

2) This project adds under ground parking with a huge total of 390 parking spaces, a substantial increase.

3) Alberto Way is already a narrow street, that with allowed parking on both sides, is so restricted that moving vehicles traveling in opposite directions can barely pass, if at all. The project's drastic increase in traffic will make passage and access to Highway 9 near impossible.

4)This large project creates a very DANGEROUS situation for Los Gatos senior citizens.
With the use and parking density increases of this project, emergency vehicles will have an impossible task of serving the needs and gaining access to The Los Gatos Commons where hundreds elderly Los Gatos citizens have lived for years. The needs of our senior citizens appear to have been over looked.
This development creates a situation ripe for a medical disaster for our seniors.

5) Alberto Way is dead end, single access point street that is the only access to The Commons and all the other residents in this already very dense area. This project geometrically increases all the critical access problems to the entire Alberto Way community.

Please do not allow this project to endanger the citizens already living on and around Alberto Way.

Sincerely,

Terrence P. and Cynthia L. McMahon
15237 Alma Jo Court
Monte Sereno, California
95030
Owners of Unit C139
449 Alberto Way
Los Gatos, California
95032

Response to Comment Letter 8 (Terrence McMahon)

The commenter expresses general disapproval of the proposed project and questions the project's compatibility with the existing surrounding area. The commenter also expresses concern regarding traffic impacts (increases in traffic, impacts to parking, and emergency vehicle access). No specific comment is made concerning analysis or conclusions in the project's Draft EIR and the commenter is directed to Section 3.11 Transportation and Traffic, and Section 4 Cumulative Impacts, of the Draft EIR which address traffic and circulation impacts of the proposed project (including access to Alberto Way during construction activities). Analysis in the Draft EIR indicates that traffic impacts would be less than significant. As noted in the Draft EIR, the proposed project would not result in significant congestion on Alberto Way or at the intersection of Alberto Way and Saratoga Los Gatos Road.

SANTA CLARA
Valley Transportation Authority

June 13, 2016

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

Attention: Jennifer Armer

Subject: City File No.: EIR 14-001 / 401-409 Alberto Way

Dear Ms. Armer:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 92,800 square feet of office use at the intersection of Los Gatos-Saratoga Road and Alberto Way. We have the following comments.

Pedestrian Accommodations

1 The current pedestrian accommodations along the project frontage consist of approximately 5-foot attached sidewalks with landscaping placed behind the sidewalk. The Site Plan and Landscaping Plan included in the DEIR (Figures 3 & 7) indicate that a buffer strip would be added between pedestrians and automobiles along the project's Alberto Way and Los Gatos-Saratoga Road frontages, and the buffer on Alberto Way would include new street trees. VTA commends the project sponsor for including these improvements to the pedestrian environment. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway. In addition, VTA recommends that the Town work with the applicant to include street trees in the buffer strip between pedestrians and automobiles along the project's Los Gatos-Saratoga Road frontage.

2 The corner of Alberto Way and Los Gatos Saratoga Road adjacent to the project site has a wide turning radius which encourages higher auto speeds and reduces pedestrian comfort and safety. VTA recommends squaring off this corner or otherwise reducing the speed of right turns, and providing other safety features such as high-visibility crosswalks at this intersection.

Bicycle Accommodations

3 VTA is pleased that the amount of bicycle parking spaces (total of 40) provided exceeds the recommended amounts specified in the VTA Bicycle Technical Guidelines and that "Showers and Lockers" are included in both buildings, according to the Site Plan (DEIR, Figure 3). However, the location of the bicycle parking spaces is not shown in the Site Plan. VTA supports bicycling as an important transportation mode and conveniently located bicycle parking for the project. Thus, VTA recommends that the project materials reflect the location of such spaces.

For more information on bicycle systems and parking, please see the VTA Bicycle Technical Guidelines, which may be downloaded from http://www.vta.org/bike_information/bicycle_technical_guidelines.html.

4 VTA supports the recommendations in the TIA for the project to include a bike box at the stop-bar of the shared left-through lane on the southbound leg of the Alberto Way/Los Gatos-Saratoga Road intersection, and contribute to the Town's Complete Streets project on Los Gatos-Saratoga Road to improve conditions for cyclists as part of the required traffic impact fee for the project (TIA, pg. 46).

5 Alberto Way/SR 9/SR 17 Ramp Improvement
In November 2015, VTA and Town of Los Gatos staff corresponded regarding planned improvements to the SR 9/SR 17 ramp along this project's boundary. The TIA analyzed traffic volumes on this ramp and concluded that it would operate below capacity under both Project Conditions and Cumulative Conditions (TIA, pg. 32). VTA requests that the Town continue to coordinate with VTA and Caltrans on any proposed improvements. VTA also suggests that the Town and Caltrans consider moving the start of the HOV lane on the ramp downstream, away from the pedestrian crossing, to allow for a single-lane pedestrian crossing of the ramp.

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

Sincerely,

Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

LG1502

Response to Comment Letter 9 (Valley Transportation Authority)

1. The commenter commends the proposed project's inclusion of pedestrian-oriented improvements along the project site's frontage with Alberto Way. The commenter recommends that the Town work with the project applicant further regarding the planting of street trees along this frontage. The comment does not raise an environmental issue and, therefore, no response is required.

2. The commenter recommends consideration of an off-site improvement in the form of squaring of the corner at the intersection of Alberto Way and Los Gatos Saratoga Road. The comment does not address analysis or conclusions in the project's Draft EIR and, therefore, no additional response is required. The recommended design detail will be reviewed during the project's building permit process.

3. The commenter acknowledges the proposed project's inclusion of bicycle parking spaces and facilities, but notes that the location of bicycle parking spaces is not identified on project site plans. This comment is acknowledged and the requirement for bike parking spaces on the project site will be a condition of project approval, with the final location of bike parking to be determined during the project's building permit process. The comment does not address analysis or conclusion in the project's Draft EIR, or raise a new environmental issue, and, therefore, no additional response is required.

4. The commenter expresses support for the proposed project's inclusion of off-site bicycle facility improvements. The comment does not raise any environmental issues and, therefore, no response is required.

5. The commenter acknowledges on-going planning regarding planned improvements to the State Route 9/State Route 17 ramp along the project site's boundary and suggests continued cooperation between VTA (the commenter), the Town, and Caltrans. The commenter notes page 32 of the transportation impact analysis that the traffic volumes on this ramp are below the capacity limits under existing, project, and cumulative conditions and therefore, the project would not have a significant effect on the operations at this ramp.

   The commenter also suggests the Town and Caltrans consider moving the start of the HOV lane on the ramp downstream, away from the pedestrian crossing, allowing for a single-lane pedestrian crossing of the ramp. The commenter is referring to a future ramp metering project proposed for this location. The proposed project is not required to add an HOV lane and would not cause wider than a single-lane pedestrian crossing of the ramp.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
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June 13, 2016

SCLVAR063
SCL/VAR/PM VAR
SCH# 2015122041

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

Dear Ms. Armer:

401-409 Alberto Way Office Development Project – Draft Environmental Impact Report

1 Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's State Transportation Network (STN), in which we seek to reduce statewide vehicle miles traveled (VMT) and increase non-auto modes of active transportation. Caltrans plans to increase non-auto mode shares by 2020 through tripling bicycle, and doubling both pedestrian and transit. Also, these targets support the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. Our comments are based on the Draft Environmental Impact Report (DEIR). Please also refer to the previous comment letters on this project and incorporated herein.

Project Understanding

The proposed project is located immediately adjacent to the northbound on-ramp from State Route (SR) 9/Los Gatos Saratoga Road to SR 17 in the northeast quadrant of the interchange. It would demolish the existing 93,500 square-foot (sf) general office complex and replace it with a 93,500 sf general office complex. Access to the project site would be provided via two driveways located on Alberto Way.

Lead Agency

As the lead agency, the Town of Los Gatos (Town) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Traffic Impacts

2 1. This development will add trips greater than one percent of capacity on southbound SR 17 during AM and PM peak hours, so will significantly impact the STN and require mitigation. For example, the northbound (NB) SR 17/Saratoga Los Gatos Road diagonal on-ramp and the southbound (SB) SR 17/Saratoga Los Gatos Road loop on-ramp have existing ramp metering equipment installed and are to be further metered in the future with metering rates typically between 240 and 900 vehicles per hour. These additional trips will significantly impact the capacities of these ramps.

3 2. A closed circuit television (CCTV) camera, ramp metering, and other traffic monitoring are installed in the area of the Saratoga Los Gatos Road (SR 9) on-ramp to NB SR 17. The proposed development has the potential to impact these installations, particularly the conduit which runs to the service connections at Alberto Way. Please refer to the As-Built plans for EA 150264, 151364, and other relevant EAs and field verify locations of the installations and connections, as existing conditions may have changed (e.g., the recent Bridge Rail Replacement Project, EA 1A3404).

Vehicle Trip Reduction

4 Caltrans encourages the City to locate future housing, jobs, and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional VMT and traffic impacts.

1. Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. Suggested TDM strategies include working with the Santa Clara Valley Transportation Authority (VTA) to decrease headway times and improve way-finding on bus lines to provide a better connection between the project and regional destinations and providing:

   - Secured bicycle storage facilities.
   - Fix-it bicycle repair station(s).
   - Bicycles for employee uses to access local resources.
   - Amenities, access and connections, incorporate wide sidewalks.
   - Showers, changing rooms and clothing lockers.
   - 10 percent vehicle parking reduction.
   - Carpool and clean-fuel parking spaces.
   - Transportation and commute information kiosk.
   - Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
   - Nearby walkable amenities.
   - Membership in a transportation management association.
   - Kick-off commuter event at full occupancy.
   - Employee transportation coordinator.
   - Transit subsidies and/or transit passes to all employees.
   - Emergency Ride Home program.

- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Bicycle route mapping resources and incentivize bicycle parking, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents.

These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan.

2. The project will increase pedestrian demand and proposes to reconstruct the curb ramps and sidewalks, as well as stripe a new crosswalk, at the eastbound Saratoga Los Gatos Road to the NB SR 17 on-ramp. Caltrans recommends the new crosswalk consist of high-visibility, ladder-style markings. The project developer should also coordinate with Caltrans and the Town to provide a rectangular rapid flashing beacon at this location, in order to increase motorist awareness of pedestrians crossing the roadway.

3. The project proposes to provide 395 parking spaces, although a development of this scale and scope is required to provide 372 spaces according to the Town's municipal code. In order to discourage driving, thereby reducing VMT and impacts to the STN, we recommend that the project consider a reduction in parking supply. Reducing parking supply can encourage alternate forms of transportation, reduce regional VMT, and lessen future traffic impacts on SR 17, SR 9, and the STN. Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth.

Traffic Impact Fees

Given the project's contribution to area traffic and its proximity to SR 17 and SR 9, the project should contribute fair share traffic impact fees to the planned SR 17 ramp metering, future auxiliary lanes, and other improvements to SR 17 and SR 9 to mitigate these impacts. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

Voluntary Contribution Program

We encourage the City to participate in the VTA's voluntary contribution program and plan for the impact of future growth on the regional transportation system. For example, VTA is interested in studying the SR 17 corridor and securing funding for the study. Contributions by the City funding regional transportation programs would improve the transportation system by reducing congestion and improving mobility on major roadways throughout the San Francisco Bay Area.

Traffic Control Plan

Since it is anticipated that vehicular, bicycle, and pedestrian traffic will be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Traffic Control Plan (TCP) is required to avoid project-related impacts to the STN. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with

9 Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/hq/traffops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project.

For further TCP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:
www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Encroachment Permit

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

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,

Patc

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

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

Response to Comment Letter 10 (California Department of Transportation)

1. The commenter's initial comments acknowledge receipt of the project's Draft EIR, an understanding of the proposed project, and identification of the lead agency. These comments do not raise an environmental issue and, therefore, no response is required.

2. The commenter's statement that the proposed project would add trips greater than one percent of capacity on southbound State Route 17 during AM and PM hours is acknowledged. However, the commenter's statement that this addition of trips would create a significant impact to the State Transportation Network and require mitigation is not clear as it would relate to the analysis and conclusions in the project's Draft EIR. An analysis of impacts to these freeway ramps was included in the project's Draft EIR, Section 3.11 Transportation and Traffic, with a conclusion that impacts would be less than significant. Furthermore, the analysis and conclusions of the project's Draft EIR are based upon a transportation impact analysis which was prepared by Hexagon Transportation Consultants (2016) and peer reviewed by the Town's transportation consultant. As stated in the project's transportation impact analysis: "Per CMP technical guidelines, a freeway segment level of service analysis is required when a project would add trips greater than one percent of a segment's capacity. Although the proposed project would add trips greater than one percent of capacity on southbound SR 17 from Lark Avenue to Los Gatos-Saratoga Road during the AM peak hour, this freeway segment is currently operating at an acceptable LOS D during the AM peak hour. The increase in segment trips would not significantly impact the freeway LOS." No further analysis or mitigation measures are required.

3. The commenter identifies the location of facilities (closed circuit television camera, ramp metering, traffic monitoring facilities, and conduit) within the area of the Saratoga Los Gatos Road on-ramp to northbound State Route 17 and states that the proposed project has the potential to impact these installations. The comment is not clear as to how the proposed project would potentially specifically impact these facilities, nor does the comment address analysis or conclusions included in the project's Draft EIR. Therefore, no further response is required. However, the comment is acknowledged for future consideration by Town staff and decision makers as they work with Caltrans on specific designs for this ramp.

4. The commenter makes suggestions to the City (Town) regarding the location of future development and recommends abidance with Transportation Demand Management (TDM) programs, including coordination with VTA. These comments are acknowledged. TDM measures for the proposed project would be included in conditions of approval for

the proposed. As the comments do not address the project's Draft EIR, no further response is required.

5. The commenter provides recommendations for new pedestrian facilities (crosswalk consisting of high-visibility, ladder-style markings and the installation of a rectangular rapid flashing beacon at the street crossing location). The project proposes pedestrian facility improvements adjacent to the project site and the project applicant would be required to pay a traffic impact fee to the Town, which may be used to fund proposed improvements, such as those suggested by the commenter. The Town has initiated a Complete Streets program for Los Gatos Saratoga Road near the project site. It is noted that the State Route 17 on-ramp is within the jurisdiction of Caltrans. The project's traffic impact assessment does not indicate a deficiency or unsafe condition at this location. Roadway improvements will require Caltrans review and approval at this location and would be further addressed during the project's building permit process.

6. The commenter suggests a reduction in total parking spaces to be provided by the proposed project. The project proposed 395 parking spaces and the Town's municipal code requires 372 spaces at a minimum based on the size and nature of the proposed project. Note that the proposed project also removed eight existing parking spaces on Alberto Way, and will provide 40 bicycle parking spaces as well.

7. The commenter suggests that the project should be required to pay a traffic impact fee, and specifically that portions of the fee should be used for specific improvements to State Route 17 and State Route 9. Section 4.0 Cumulative Impacts, of the project's Draft EIR identifies that funds from the project's required traffic impact fee could be used for improvements related to State Route 9 improvements. However, the Town does not have an approved fee schedule at this time.

8. The commenter encourages the Town to participate in VTA's voluntary contribution program for the impact of future growth on the regional transportation system. The comment does not raise an environmental issues and therefore, no response is required.

9. The commenter identifies that a Traffic Control Plan, meeting the approval of the commenter (Caltrans) would be required to be prepared for the proposed project. As identified in the project's Draft EIR, Section 3.11 Transportation and Traffic, the Town requires a Traffic Control Plan be prepared for projects to control construction traffic and facilitate flow of traffic during construction phases of projects. Therefore, the proposed project would be required to prepare a Traffic Control Plan as suggested by the commenter. As the comment does not specifically address analysis or conclusions provided in the project's Draft EIR, no further response is required.

10. The commenter advises that any work or traffic control that encroaches onto the State right-of-way would require an encroachment permit issued by the commenter (Caltrans). The comment is acknowledged and the proposed project would be required for the proposed project. As the comment does not specifically address analysis or conclusions provided in the project's Draft EIR, no further response is required.

LP ACQUISITIONS
REAL ESTATE DEVELOPMENT

June 13, 2016

Jennifer Armer, AICP, Associate Planner
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: 401-409 Alberto Way Draft EIR - State Clearinghouse Number 2015122041

Dear Ms. Armer:

1 Thank you for the opportunity to submit comments on the above-referenced 401-409 Alberto Way Project Draft Environmental Impact Report ("Draft EIR"). We appreciate the Town's thorough review of LP Acquisitions' proposed office development and submit the following comments regarding the Draft EIR's analysis of the above-referenced project for the Town of Los Gatos' ("Town") consideration.

Background

Our property consists of an approximately 2.15-acre parcel located in the northwest corner of Los Gatos Saratoga Road and Alberto Way (the "Site"). The Site is bordered by a wooded strip of land and an on-ramp to northbound State Route 17 to the west, a multi-family residential development to the north, and multi-family housing, commercial space, a hotel and restaurant are located to the east across Alberto Way. As the Draft EIR explains, we are proposing to demolish the existing 31,000 square foot office buildings and replace them with two new two-story office buildings, totaling 91,965 square feet, over a two-level, below-grade parking garage (the "Proposed Project"). The Proposed Project is designed to provide the type of high-quality, Class A office space that will attract businesses seeking "A" space to stay in Los Gatos or relocate to Los Gatos (see *Revised February 10, 2016 Letter of Justification* attached to this letter as **Attachment A**).

General Comments

2 We have designed our Project so that the proposed development is sensitive to the surrounding neighborhood and addresses each and every potential impact up front as part of the Project. Consistent with this goal, the Draft EIR concludes that the Proposed Project would not result in *any* significant environmental impacts.

We noted that the Draft EIR included a review of alternatives to the Proposed Project, perhaps because EIRs often describe a range of reasonable alternatives to a Proposed Project. According to Chapter 6 in the Draft EIR, the alternatives considered in the analysis must (1) "feasibly attain" most of the basic objectives, and (2) avoid or substantially lessen any of the

2 significant effects of the proposed project. It is our understanding that the purpose of an EIR alternatives analysis is to determine whether there is a feasible way (other than the Proposed Project) to achieve the basic objectives of a project while avoiding or lessening significant impacts.

In light of our understanding of the purpose of an EIR alternatives analysis, we have two concerns about the Draft EIR's analysis of alternatives which we would like to highlight for your consideration.

First, we thought that an EIR was meant to identify alternatives that avoid or substantially lessen significant environmental impacts of the Project. As the Draft EIR concludes, there are *no* significant effects of the Proposed Project. Since there are no significant impacts, we are unclear as to why an alternatives analysis was even included in the Draft EIR. Since the Town prepared an alternatives analysis in any event, it would be helpful if the EIR were revised to clarify that the alternatives analysis contained in Chapter 6 was provided for *informational purposes only*, because the Proposed Project did not result in any significant impacts warranting identification of an alternative which would substantially lessen the Project impacts. For example, the EIR could include an introductory paragraph on page 6-2 stating that the alternatives analysis is being provided for *informational purposes* only and/or to aid in understanding how effects that are already identified as less than significant could be minimized further.

3 Secondly, regarding the Draft EIR's identification of alternatives, we note that the EIR included alternatives which would not achieve the basic project objectives. Although the Draft EIR notes this is the case as to both No Project Alternatives, the Draft EIR did not provide any explanation as to whether the Reduced Project Alternative achieved the Proposed Project's objectives. On page 6-7, the description of the Reduced Project Alternative does not discuss how the reduced total commercial square footage number was derived and on what basis the evaluation has been made.

4 For example, on page 6-9, the Draft EIR lists all 11 of the Project objectives and concludes on page 6-10 that the Reduced Project Alternative is consistent with *all* of them. Then the EIR indicates that the Reduced Project Alternative conceptually meets most, if not all of the project objectives, and "it is conceivable that this alternative could be considered feasibly compatible with proposed site plans and design for the proposed project," even with a reduction in square footage. The Draft EIR does not explain how the Town reached this conclusion.

In fact, for the first five Project objectives and the tenth objective, the Reduced Project Alternative would only partially meet the specified project objective. While the site would be redeveloped with a smaller project, the cost of all of the high-quality architecture and design features would be spread over a smaller amount of square footage thereby making these improvements costlier than the Project would experience with its greater square footage. Regarding the sixth through eighth objectives, while the Proposed Project will be able to fund the installation of pedestrian oriented space, groves of trees and enhanced bicycle and pedestrian connectivity, such features will be limited on the property under the Reduced Project Alternative. Additionally, the redevelopment of the property may not fully realize a net positive fiscal impact

4 to the Town and School Districts. Therefore, the Reduced Project Alternative would not attain most of the project objectives, and it would not be considered a feasible alternative.

5 We request that the Town revise the Draft EIR to further explain the purpose of the alternatives analysis and why the Proposed Project does not require such an analysis under CEQA. Moreover, we request that the Town revise the EIR to explain that the Reduced Project Alternative would not actually meet most of the basic project objectives, and thus, would not be considered feasible. For this reason, the Proposed Project should be considered environmentally superior.

In addition, we note the following specific comments concerning general revisions, project description and environmental effects.

Specific Comments

We identified the following specific comments on the EIR for your consideration.

Summary

6 Page S-7: The Draft EIR is thorough in its analysis of the Project's potential environmental impacts. In order to assist the public in understanding the issues raised by agencies and the public during the environmental review process, the Town might want to identify in the Final EIR the areas of controversy noted by the public such as height, bulk, massing, and traffic as indicated in the NOP comment letters contained in the Draft EIR appendix.

7 Page S-8: Consistent with our general comments noted above, we request that the Town consider adding a comment to the Summary of Alternatives indicating that the Project does not trigger an alternatives analysis under CEQA because the Project does not generate any significant impacts, and that the Town included the alternative analysis for *informational purposes*.

8 Page S-8: We would ask that the Town consider including an explanation of the reasoning for the selection of the reduced project as an alternative as the analysis contained in Chapter 6 did not provide any rationale for this alternative nor did it explain how the alternative meets the Project objectives.

9 Page S-9: We request that the "Environmentally Superior Alternative" discussion be revised to explain why the reduced project is considered environmentally superior, when it expressly states that "no alternatives to the proposed project, *nor the Proposed Project itself*, would result in significant and unavoidable adverse environmental impacts" (emphasis added). Please see our comments regarding page S-8.

Project Description

10 Page 2-10: The second sentence should be revised to state, "areas designated."

11 Page 2-11: We note that the Project Description does not discuss how to treat ancillary features of the buildings that exceed the 35-foot height limit that applies to the main structure. As you know, Municipal Code Section 29.10.090 allows exceptions to the height restrictions. Additionally, this Municipal Code Section allows towers, spires, and similar architectural features to exceed the 35-foot height limit provided those areas are inaccessible to human activity or storage. Consistent with Section 29.10.090, the spire area will be closed off at the second floor ceiling such that the spire will neither be accessible, habitable nor visible from the interior of the building. Thus, tenants in the buildings will be unable to access or use the spire from inside the building. We request that the Town update the EIR with respect to height to acknowledge that the buildings will comply with the Municipal Code, as only the minimal building entrance features exceed the 35-foot height limit and would not be used for human activity or storage.

12 Page 2-23: Section 2.4 appears to first note that the original Project design was inconsistent with the General Plan policies for keeping with the small town character and appropriately blending and harmonizing with the established area, but that the Project was redesigned to meet these polices. We recommend that the Town include a more thorough description of the Project features that were changed. The Final EIR also should take into consideration the findings of the Town's outside consultant, Larry Cannon based on his review of the redesigned Project as Mr. Cannon's analysis explains how the revised Project features conform to the General Plan.

13 Page 2-24: Regarding the EIR Uses and Approvals, the term "Approval of EIR" should be changed to "Certification of EIR and approval of the proposed project."

Environmental Effects

14 Page 3-2: The Town may wish to include in the Regulatory Setting section, Municipal Code Section 29.10.090 which addresses height limits and exceptions to such building height limits since the Project is consistent with that section.

15 Pages 3-8, 3-10 and 3-11: We noted that the height of the building entry features was not addressed per Municipal Code Section 29.10.090. The entry features are slightly in excess of the 35-foot height limit by 4.5 feet. The proposed buildings are consistent with the Municipal Code building height limitations as discussed above.

16 Page 3-9: Please see our comments above regarding the Project design revisions (Page 2-23) and how the revisions better reflect the character of Los Gatos.

17 Page 3-29: The Draft EIR discusses General Plan Policy ENV-12.2 which discusses consideration of alternatives in environmental review documents; however, this policy is not relevant to this Project because the Project does not result in any "adverse" impacts.

18 Page 3-30: The Draft EIR discusses the CEQA Air Quality Guidelines and states that "the quantitative thresholds for criteria pollutant do not apply to the plan level analysis." Since the EIR greenhouse gas analysis and Air Quality analysis appear to follow the Bay Area Air Quality Management District Guidelines (see e.g., page 3-98), we believe a more accurate description of the approach is to clarify that the EIR conducted a project-level analysis.

19 Page 3-175: The Transportation and Traffic section discusses the level of service at the intersection of Alberto Way and Los Gatos Saratoga Road and concludes that it would operate at an acceptable LOS B with or without the proposed Project. Since the Project would not result in significant impacts, we request that the Town revise the Draft EIR to clarify that Mitigation Measure T-1 would not be required as a CEQA mitigation measure or as a measure to address traffic operations. We request that the Town revise the Draft EIR to clarify that the Applicant has voluntarily agreed to implement Mitigation Measure T-1 even though it is not a required measure. We suggest that the statement be modified to state, "Although not required to improve level of service or to reduce a significant impact to a less-than-significant level, the Applicant has voluntarily agreed to Mitigation Measure T-1."

20 Page 3-177: The same revision should be made to Mitigation Measure T-2.

We concur with the Draft EIR's conclusions that the Proposed Project will not result in any significant impacts. We appreciate the opportunity to submit comments on the 401-409 Alberto Way Draft EIR, and look forward to the Town's approval of the 401-409 Alberto Way Project in the near future. Please notify me of the availability of the Final EIR when the Town releases the document, and please feel free to contact me if you have any questions or need further information regarding our comments.

Sincerely,

LP Acquisitions
Real Estate Development

By Shane Arters

Shane Arters

cc: Randy Lamb

ATTACHMENT A

LP ACQUISITIONS
REAL ESTATE DEVELOPMENT

July 23, 2015
REVISED October 5, 2015
REVISED February 10, 2016

Ms. Kendra Burch, Chair
Los Gatos Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: Letter of Justification

Dear Ms. Burch:

Included in this letter is the justification for the efforts of LP Acquisitions to redevelop the 2.15-acre site known as 401-405 Alberto Way (APN 529-23-018), located at the northwest corner of Los Gatos-Saratoga Road (Highway 9) and Alberto Way. Our Justification Letter includes the response to the comments we received at both the Conceptual Development Advisory Committee ("CDAC") review, as well as the Town Staff comments received during the Technical Project Review meetings held on August 19, 2015 and October 28, 2015. Particular emphasis has been afforded to describe the manner in which our project complies with the Town's 2020 General Plan, as well as the Sustainability Plan (2012).

Our proposed project includes the demolition of the three, three-story, wood-framed office structures (~30,000 square feet), as well as all appurtenant site improvements and replacement with two new, steel frame, 2-story buildings totaling 91,965 square feet. Parking for employees and visitors will be provided on two levels of underground parking (383 subterranean parking spaces) and seven (7) surface parking spaces. Site development would include an onsite employee amenity area, visitor parking, new landscaping and a variety of energy efficient and sustainable interior and exterior building elements. As described in the paragraphs that follow, development of the site will fully comply with all applicable Town General Plan Goals and Policies, as well as applicable standards and guidelines established by the Municipal Code.

The designed building land coverage is 49.6%, below the 50% land coverage allowed by the Mixed-Use Commercial land use designation. The maximum height will be 35 feet, complying with the Mixed-Use Commercial Land Use Designation (2020 General Plan).

The building use will be dedicated to professional office use. Hours of operation will generally be from 7am to 6pm. Given the proposed building square footage, we anticipate no more than 1 employee per 250 sf of usable space on site at any given time. Because the tenant mix has not been finalized, office hour shift details are not currently available; however, given the types of professional office space users

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we are targeting, we expect the hours of operation, including any employee shifts would be limited between 7am to 6pm.

Site development would require demolition of all existing site improvements.

The project neither proposes nor requires a General Plan Amendment and Planned Development. The project complies with the Zoning for the property in all respects. The project does not require any variance or exception to any rule, code or regulation and meets all requirements for the zoning code related to lot coverage, set-back, heights and other requirement of the zone. This request is for approval of a Conditional Use Permit (required by Town Code) and Architecture and Site Application materials (attached), which are required for the construction of the buildings.

Background:

LP Acquisitions is a wholly owned subsidiary of Lamb Partners, which has developed over 800,000 square feet of commercial and office buildings in Santa Clara County since 1998. We have taken great interest in the West Valley Class A office Market, specifically Los Gatos. Our goal is to provide quality commercial projects to neutralize the very low vacancy rates and high demand for Class A office space in the Los Gatos area. Our proposed project is consistent with the Town's objective of promoting economic vitality and business diversity in Los Gatos.

Initially, we met with Town Planning Staff and various CDAC Committee Members to better understand the site zoning and uses which might be sensitive to current Town conditions. During our CDAC meeting, the Committee Members provided valuable feedback on the following four (4) areas related to compatibility with the Los Gatos 2020 General Plan and Zoning: Traffic, Building Height and Size, Transportation Demand Management Plan, and Community Outreach. We took great care in discussing these items with the Committee Members and we have provided details below to address their concerns.

In addition to these initial meetings, during the last 12 months we have successfully completed our due diligence process, engaged the Town Planning Staff and Public Works in two (2) technical review meetings to address Staff comments. We have met with various Planning and Public Works Staff and a couple of the Town's key planning review consultants (including Larry Cannon, Town Consulting Architect). The purpose of these meetings were to clarify and confirm the proposed architectural concepts and treatment of offsite conditions and to address specific technical concerns.

Lastly we recently participated in a kick-off meeting organized by Town Planning Staff for the initiation of the California Environmental Quality Act (CEQA) Review process. Though our project does not trigger preparation of a full Environmental Impact Report (EIR), we voluntarily agreed to preparation of an EIR with the intent of providing the community with an opportunity to review a more rigorous and comprehensive environmental assessment of our proposed project than would otherwise be prepared.

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All of the information below was requested by CDAC members and we have taken great care to show that we are in compliance with the Los Gatos General Plan 2020. We conclude this letter with a discussion of the benefits to the community.

Office Market Research Statistics for Los Gatos:

- The size of the commercial office market in Los Gatos is approximately 1,560,860 square feet, of which 655,340 square feet is Class A Office.
- The current Class A vacancy in the West Valley is 1.75%.
- The current Class A vacancy in Los Gatos is 1.43%.
- Below is the historical vacancy rate for Los Gatos from January 2011 to present

*Colliers International – February 9, 2016 West Valley Availability Report (see attached "Monthly Snapshot")

Project Compatibility with the Los Gatos 2020 General Plan and Zoning:

- **Land Use:**
  The proposed project has been designed in conformance with the Town of Los Gatos Zoning requirements. Proposed site coverage, height limitations and parking requirements all meet the Town zoning requirements. We are requesting no special considerations, variances, exceptions or amendments as part of this application.

  Specific applicable goals/policies in the 2020 General Plan include:

  LU-1.2 Ensure that new development preserves and promotes existing commercial centers consistent with the maintenance of a small-town atmosphere and image.

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

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

- **Community Design Element:**
  The existing buildings on the site were constructed in the mid 1960's and have outlived their usefulness in terms of energy efficiency and sustainability, and they do not meet the current building code requirements for seismic safety and accessibility. The proposed project will bring to the area new state of the art Class A office buildings, incorporating recycled and sustainable building materials and energy efficient operational systems. The architecture has utilized building materials, exterior finishes and design features that compliment not only the surrounding land uses, but draw from the architecture of the Town's most recognizable and important buildings. The stone veneer and canopy incorporated into the first floor helps to ground the buildings and break up the height of the structures. The second floor provides functional balconies and natural/earth-toned building materials and colors allowing for a seamless blend with the buildings' surroundings. These architectural features as well as the clay roof tile with saw-cut wood rafters are consistent with the architectural features and character found in other nearby commercial and residential structures. The Hotel Los Gatos (210 E. Main St.) and both Palo Alto Medical Foundation buildings located at 15400 Los Gatos Blvd and 15720 Winchester Blvd are examples of this architectural style.

  Importantly, the buildings have been set back to the rear of the site, opening the front of the site to an area of enriched landscaping, pedestrian activity and employee use. By providing underground parking, visitor parking on the street level is kept to a minimum, further enhancing the pedestrian experience as compared to existing conditions.

  To respond to Town Staff comments, and in respect of our immediate property owners and businesses, a Shadow Study was prepared as part of this resubmittal, please refer to Sheet A3.32. Based on the shade and shadow analysis, no impacts to adjacent property owners would result.

  As a result of the attention we have afforded to these high quality design elements, the proposed architecture will respect the small town feel desired by the Town through a combination of building articulation, scale and building setbacks, and landscape treatments. (Refer to Sheets A1.01, A3.01, A3.02, A3.11a, A3.11b, L0.1, and L0.2).

  Redevelopment of this site will also provide a more desirable building type needed to attract and retain today's high tech and professional office users (i.e. larger floor plates, operationally sustainable/functional buildings, energy efficient systems and onsite employee amenities). 98% of the parking for the project will be below grade leaving more of the site available for

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landscape, open space and employee amenity/leisure space. Site lighting will be largely accomplished with bollard pedestrian lights, wall sconces, and soffit lighting, thereby meeting the night-lighting safety needs and minimizing lighting impacts to the neighboring sites. Our goal is to create an interactive pedestrian orientated space that is attractive to future employees and visitors to the site.

Specific applicable goals/policies in the 2020 General Plan include:

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

- CD-1.1 Building elements shall be in conformance with those traditionally in the neighborhood.
- CD-1.2 New structures, remodels, landscapes and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.
- CD-1.3 Buildings, landscapes, and hardscapes shall follow the natural contours of the property.
- CD-1.4 Development on all elevations shall be of high equality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

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

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

- CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.
- CD-3.4 Encourage the use of landscaping such as trees, large shrubs, and trellised vines to mitigate the effects of building mass, lower noise, and reduce heat generation.
- CD-3.5 All landscaping shall be carefully reviewed to ensure that it is aesthetically pleasing, compatible with its neighborhood and natural environment, and water conserving.
- CD-3.7 Roof mounted mechanical equipment shall be screened and such screening shall be considered as part of the structure for height limitations.

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

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

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CD-16 Promote and protect view sheds and scenic resources.

- **Transportation Element:**
  The property is ideally located for ingress/egress to Los Gatos-Saratoga Road and Highway 17, with the northbound on-ramp to Highway 17 adjacent to the site. Hexagon has performed a full traffic impact study (TIA) with direction from Los Gatos Public Works for the proposed project. Briefly, the report presents the following conclusions:

  - During the daily AM and PM peak-hour, trips generated by the proposed project had no significant impact on traffic operations. The report concludes that no mitigation improvements are needed at the intersections studied in the traffic analysis.
  - Specifically, inside the am/pm peak timeframes, all intersections studied would operate at acceptable levels of service under all studied scenarios.
  - As stated in the Hexagon Report, though the proposed project does not trigger any CEQA-related impacts, it is noted that the intersections on Los Gatos-Saratoga Road at Santa Cruz Avenue and at University Avenue experience longer queues and delays on certain LOS calculations indicated. Thus, the proposed project includes certain roadway improvements to help alleviate existing operational delays. These improvements are identified and shown on Figure 12 which is attached to this letter.

With the addition of these few improvements and overall design of the proposed project, the intent of the following goals/policies of the 2020 General Plan would be met.

Specific applicable goals/policies in the 2020 General Plan include:

TRA-2.4	New development shall minimize the number of driveway openings and curb cuts.
TRA-2.6	Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash container shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.
TRA-3	To prevent and mitigate traffic impacts from new development (all policies under Goal TRA-3).
TRA-5	To ensure that Los Gatos streets are safe for all users, including drivers, cyclists and pedestrians.
TRA-9.6	Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community (e.g. bicycle lockers/racks, showers, dedicated van-pool or car-pool parking areas, dedicated shuttle services, innovative bus shelter designs).

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TRA-13 To provide adequate parking for existing and proposed uses, and to minimize impacts on surrounding residential neighborhoods.

TRA-13.3 Require adequate parking in commercial areas so as not to impact or affect adjacent residential properties.

- **Environmental and Sustainability Element:**
  The project will promote the appropriate use of local, native plants in its landscaping. It will promote the efficient use of water, and will minimize the amount of storm water runoff.

  Development of the proposed project would include low-water use landscape and plant materials to control sun and wind exposure, and to provide employee amenity spaces that are both functional and aesthetically inviting. The core and shell of the office structure would be designed with the goal of achieving the standards for Leadership in Energy and Environmental Design (LEED) certification based on current LEED standards.

  Specific applicable goals/policies in the 2020 General Plan include:

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

  ENV-5 To protect and preserve watersheds and water quality.

  ENV-6 To conserve the water resources of the Town and promote the efficient use of water to ensure an adequate support of the Town's plant and wildlife populations as well as human populations.

  ENV-9 To minimize the amount of storm water runoff, as well as to protect and improve the water quality of runoff.

  ENV-10 To promote recycling and reuse as well as reduction in demand.

  ENV-12 To conserve the air resources of the Town and maintain and improve acceptable air quality in Los Gatos.

  ENV-13 To promote a sustainable community that protects environmental resources and the climate to prevent negative impacts to future generations.

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

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

- **Los Gatos Sustainability Plan (2012):**

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Sustainability measures including energy efficiency and alternative transportation facilities will be provided in accordance with Los Gatos standards. The framework for solar energy and solar hot water systems installation will be provided and fixtures will be chosen according to efficiency requirements. The project will be designed to meet Cal Green standards and go beyond the Town's requirements to attain LEED gold certification.

Additional measures from the Los Gatos Sustainability Plan addressed by the project include support for pedestrians, bicyclists and transit facilities and programs such as a fixed route shuttle, school pool program and a vehicle circulation, parking and idling reduction program. The development includes solar orientation and solar ready features to promote renewable energy generation. Energy efficiency features such as programmable thermostats, energy-efficient indoor and outdoor appliances and lighting are also included. The project will meet water use and efficiency requirements to include water efficiency retrofits and water conservation pricing. A thorough Construction Waste Management plan will address construction waste diversion from the project and promote salvaged, recycled-content and local construction materials. The wide array and level of sustainability measures included in the proposed project would meet the full intent of the applicable goals/policies in the 2012 Sustainability Plan as noted below.

Specific applicable goals/policies in the 2012 Sustainability Plan include:

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

a. Require all new buildings, excluding single-family homes, to include a principal functional entry that faces a public space such as a street, square, park, paseo or plaza, in addition to any entrance from a parking lot, to encourage pedestrian foot traffic.
b. Require new projects, excluding single-family homes, to include pedestrian or bicycle through-connections to existing sidewalks and existing or future bicycle facilities, unless prohibited by topographical conditions.
c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips.
d. Design and implement affordable traffic-calming measures on specific streets to dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.
e. Implement transit access improvements through sidewalk/crosswalk safety enhancement and bus shelter improvements.

TR-4 Bicycle Facilities and Programs. Provide for new bicycle facilities and programs through the following:

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

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TR-6 Vehicle Circulation, Parking and Idling Reduction Programs. Support trip reduction and the use of electric vehicles through the following:

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

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

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

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

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

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

EC-10 Heat Gain Reduction. Require all new development and major rehabilitation (i.e. additions or remodels of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area) projects to incorporate any combination of the following strategies to

reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shade within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29, open grid pavement system; and parking spaces underground, under deck, under roof , or under a building. Any roof used to shade or cover parking must have an SRI of at least 29.

WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirement s include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater.

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

SW-3 Salvage, Recycled-Content and Local Construction Materials. Encourage the use of salvaged and recycled-content materials and other materials that have low production energy costs for building materials, hard surfaces, and non-plant landscaping. Require sourcing of construction materials locally, as feasible.

- **Conditional Use Permit Findings:** The redevelopment of the project site into a more sustainability designed, operated and functional office space is both essential to the well-being of the Town of Los Gatos, its residents and employers, as it is desirable to the Community as a whole. The current site was not designed with sustainable practices in mind, and has long surpassed its functionality as a desirable office environment. The proposed uses would not be detrimental to the public health, safety, or general welfare of the Town, and in fact, quite the opposite, will result in an improved condition over the currently built environment. As demonstrated through the project architectural elements, engineering details, and environmental sustainability practices highlighted herein, the property is designed to be in harmony with the various elements of the General Plan (as described above), and in fact implements many of those same policies.

- **Neighborhood Outreach:**
  We initiated our Neighborhood Outreach Meetings and Open House on September 28th and September 30th, 2015, and followed up with additional outreach meetings on October 14th and 21st, November 17th and then again on January 5th and 6th. We met onsite with the adjacent homeowner associations and key stakeholders (the names and addresses of those that were

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notified are attached to our resubmittal). We envision this as an iterative process, and will be holding future meetings to update the neighbors as we proceed through the entitlement process. This process naturally began with extensive communication with the onsite tenants. Our outreach program includes notification of the meetings, an overview of meeting formats, when and where information will be provided, team members that will be present and a request for neighbors to attend so that we can seek their input. In addition, these initial meetings and our planned community neighborhood follow-up meetings provides specific information on the project's features, components and amenities in order to elaborate on the benefits that redevelopment of the site facilitates.

- **Benefits to the Community**

  From an environmental perspective, the building designs will provide a more energy efficient and healthy environment for prospective tenants. Upgraded and energy efficient buildings will assist in further reducing the current carbon footprint by minimizing energy load, enhancing the number of large shade trees, modernizing energy operations/systems, increasing the amount of landscaped space and improving irrigation efficiency. We will be providing the type of high-quality, Class A office space that will attract businesses seeking "A" space to stay in Los Gatos or relocate to Los Gatos. This will help enrich both the retention and diversity of local jobs offered in Town.

  By redeveloping the site, we will provide for a significantly higher property tax base, which benefits both the Town of Los Gatos, but also (importantly), the Los Gatos School Districts.

  We will provide a Transportation Demand Management (TDM) plan to maximize alternative mode split options, reduce dependence on single-occupant vehicle and to encourage use of pedestrian/bicycle/ride-share programs. Additionally, this state of the art office complex will reward tenant employees which use public transportation to and from work by providing the following: 1) subsidize the cost of transit passes (details to be provided when a tenant is secured); 2) make available designated carpool/vanpool parking and garage area storage for up to 99 bicycles; and 3) provide shower and locker areas for pedestrians and cyclists.

Respectfully,

Shane Arters

Shane Arters
Principal & COO

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Response to Comment Letter 11 (LP Acquisitions)

1. The commenter provides a brief introduction and background overview of the project. As the comments do not raise an environmental issue, no response is required. The commenter has included an attachment to this comment letter which is a Letter of Justification for the proposed project which was previously submitted to the Town. The attachment does not address the Draft EIR or raise any environmental issues.

2. The commenter (the project applicant) questions the need for an alternatives analysis in the Draft EIR. The applicable sections of the CEQA statute are provided below, followed by specific responses to the comment.

   CEQA Section 15126.6(a) requires that an EIR describe "a range of reasonable alternatives to the project, or to the location of any project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no iron-clad rule governing the nature or scope of the alternatives to be discussed, other than the rule of reason."

   Section 15126.6(b) states, "because an EIR must identify ways to mitigate or avoid the significant effect that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project even if these alternatives would impede, to some degree, the attainment of the project objectives, or would be more costly."

   Section 15126.6(c) describes the selection process for a range of reasonable alternatives as, "the range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed."

   Section 15126.6(e) requires the analysis of a No Project Alternative. The analysis must discuss the existing condition, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved. The No Project Alternative is the circumstance under which the project does not proceed and wherein the existing

environmental setting is maintained. The analysis also must discuss the environmental effects resulting from what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on the existing CUP conditions. If the Environmentally Superior Alternative is the No Project Alternative, the EIR shall also identify an Environmentally Superior Alternative among the other alternatives (CEQA Section 15126.6(e)(2)).

For these reasons cited above, an EIR is required by CEQA statute to include an alternatives analysis. The primary purpose of any EIR is to provide information to the public and decision makers. The project's Draft EIR alternatives analysis identifies that no significant and unavoidable impacts have been identified for the proposed project. However, the proposed project would result in environmental impacts. Regardless, as discussed above, CEQA requires the lead agency to consider potential alternatives in an EIR that may meet project objectives while avoiding or substantially reducing environmental impacts.

3. The commenter questions how the reduced commercial square footage for the Reduced Project Alternative in the project's Draft EIR was established and where in the Draft EIR this is identified. On page 6-7 of the Draft EIR it is stated: "this alternative considered a reduction of total development of square footage by approximately one-third of the proposed project's increased commercial square footage for the site." Town staff and the Town's EIR consultant concluded this to be a reasonable reduction in commercial square footage as an alternative to the proposed project. Moreover, the Draft EIR states that this alternative would conceivably achieve most of the proposed project's objectives. As noted, per CEQA Guidelines section 15126.6(a): "there is no ironclad rule to governing the nature or scope of the alternatives to be discussed other than the rule of reason." Town staff and the Town's EIR consultant concluded this alternative to be a reasonable alternative.

4. The commenter states that page 6-10 of the project's Draft EIR identifies the Reduced Project Alternative as being "consistent with all" of the project objectives as were identified by the project applicant and listed in the project's Draft EIR. It is acknowledged that Page 6-10 states that the Reduced Project Alternative would be consistent with all of the project objectives. However, the paragraph continues and should be taken into consideration as well. The conclusion further states that conceivably, the Reduced Project Alternative "could meet" the majority of the objectives of the proposed project. The conclusion of the Draft EIR is that although the alternative would not result in the commercial square footage by the project proponent for the site, the alternative could conceptually meet most, if not all, of the project objectives, and that the majority of site design components would appear to be feasible at a reduced total square footage for the site. As previously identified in Response Number 3, there is no ironclad rule to governing the nature or scope of the alternatives to be discussed other than the rule of reason. In this instance, the Draft EIR reflects an opinion of

Town staff and the Town's EIR consultant. However, it is acknowledged that the project applicant can state their objection to an alternative, and provide reasons why that alternative may not meet the project objectives and that it may not be feasible for financial or technical reasons which would not have been known to the Town staff or Town's EIR consultant at the time of preparation of the project's Draft EIR. However, these are not CEQA topics to be considered in an EIR. Therefore, the commenter's request for changes in the Draft EIR to be made claiming the Reduced Project Alternative as not meeting most of the project objectives or not being feasible are not justified.

5. As discussed above, the alternatives analysis in the Draft EIR is adequate and will not be revised.

6. The commenter's suggestion to further highlight areas of concern noted during the public review of the project's Draft EIR is acknowledged. However, the commenter's suggestion is already incorporated into the project's Draft EIR at the introductory section within the discussion of environmental setting and impacts (Section 3-1 Aesthetics and Section 3-11 Transportation and Traffic). Therefore, no changes to the Draft EIR are required.

7. Refer to Response Number 2 above in reference to the requirement for an EIR to include an analysis of alternatives.

8. Refer to Responses Number 2 and 3 above in reference to a discussion of the Reduced Project Alternative.

9. Refer to Response Numbers 2, 3, 4, and 5 above regarding the require for an EIR to include an analysis of alternatives, a discussion of the Reduced Project Alternative, and discussion of selection of the Reduced Project Alternative as the environmentally superior alternative.

10. Although the comment refers to page 2-10 of the Draft EIR, it is assumed the page in question is in fact page S-2. The textual error on this page is acknowledged, as well as the same textual error on page 2-2. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR.

11. The comment is acknowledged that the Draft EIR neglected to specify that the front entry to each of the proposed new commercial buildings includes a spire above the main entrance which exceeds the otherwise maximum 35-foot roof level. The Town of Los Gatos Municipal Code 29.10.090 does allow exceptions to height restrictions for uses established within the code allowing for towers, spires, and other architectural features to exceed maximum building height provided that these areas are inaccessible to human activity or storage. As clarified by the comment, these proposed spire areas would be closed off such that these areas would not be accessible, habitable, or visible from the interior of the building. Therefore, the spire areas would not be used for human activity or storage and

would be in compliance with Municipal Code 29.10.090. As identified in Response Number 15 below, text reflecting the spire areas has been included in Section 4.0 Changes to the Draft EIR. The identification of this clarification to characteristics of the proposed project which would be in compliance with the Town's Municipal Code does not alter the conclusions of the impact analysis of any environmental topic included in the project's Draft EIR. However, it is noted that Town decision makers will ultimately have approval authority for the exception allowing the exceedance of the standard height limit on the site.

12. In September 2015, the Town's project design review consultant, Mr. Larry Cannon of Cannon Design Group, conducted an initial review of the proposed project based on initial project design plans submitted to the Town for review. Mr. Cannon's initial comments regarding the proposed project at the time included the following statements: "The proposed design of this project seems quite large in scale with not much effort made to blend into that context…The relationship of the building's design, scale and character to their smaller scale neighbors seems further exacerbated by the tall entry and window features on both buildings…It is also limited by the relative small offsets in the wall planes…There are also some awkward relationships between the first and second floor elevations of Building A…My feeling is that the scale and character of these buildings is not very suitable for this site…My recommendation is to ask the applicant to look at the building designs again with the goal of making them more sympathetic to their surroundings." For these reasons, the Draft EIR concluded that the original project design for the site would be considered generally inconsistent with General Plan policies related to keeping a small town character and appropriately blending and harmonizing a site with its surrounding area.

    In March 2016, Cannon Design Group, again acting as the Town's project design review consultant, reviewed revised design plans for the project. In this review, Mr. Cannon stated: "The design has been greatly refined…I believe the design is well done and sympathetic to the other uses and structures in the immediate neighborhood." Changes between the original project design and the revised project design included adding horizontal features and second floor balconies at the line between the first and second floor of Building A to break up the visual effect of uninterrupted two-story walls. For these reasons, the Draft EIR concluded that the project was redesigned in a manner which would be considered more compatible with and appropriate to its surrounding area.

13. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR.

14. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR.

15. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR.

16. Refer to Response Number 12 above.

17. Refer to Response Number 2 above in reference to the requirement for an EIR to include an analysis of alternatives.

18. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR.

19. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR. However, it is noted that the project's Draft EIR did not identify this impact as a significant impact requiring mitigation to reduce an impact to a less-than-significant level.

20. The comment is noted. See changes to text in Section 4.0 Changes to the Draft EIR, which corrects this text in the Draft EIR. However, it is noted that the project's Draft EIR did not identify this impact as a significant impact requiring mitigation to reduce an impact to a less-than-significant level.

3.0
CHANGES TO THE DRAFT EIR

3.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132 requires that a Final EIR contain either the Draft EIR or a revision of the Draft EIR. This Final EIR incorporates the Draft EIR by reference and includes the revisions to the Draft EIR, as presented on the following pages.

3.2 CHANGES MADE

This section contains text, tables, and/or graphics from the Draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text (*italic*) precede each revision.

Page S-2, Summary. (*The following change in text has been made to Page S-2 of the Draft EIR*.)

The Town of Los Gatos General Plan (General Plan) land use element identifies the project site as Mixed-Use Commercial. Areas ~~designed~~ designated as Medium Density Residential are located north and east of the project site and areas designated as Mixed-Use Commercial are located east and south of the project site.

Page 2, Project Description. (*The following change in text has been made to Page 2 of Section 2.0 Project Description*.)

The Town of Los Gatos General Plan (General Plan) land use element identifies the project site as Mixed-Use Commercial. Areas ~~designed~~ designated as Medium Density Residential are located north and east of the project site and areas designated as Mixed-Use Commercial are located east and south of the project site.

Page 24, Project Description. (*The following change in text has been made to Page 24 of Section 2.0 Project Description*.)

~~Approval~~ Certification of EIR and approval of the proposed project.

Page 3-2, Aesthetics. (*The following additional text has been added to Page 3-2 of Section 3.1 Aesthetics.*)

Height Restriction Exception. Section 29.10.090 of the Town's Municipal Code specifies exceptions to height restrictions. Towers, spires, elevator and mechanical penthouses, cupolas, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances which are not used for human activity or storage may be higher than the maximum height permitted by the zone. The use of tower elements or similar structures to provide higher ceiling heights for habitable space shall be deemed as a use intended for human activity and is therefore not exempt from the maximum height restrictions of a zone.

Page 3-8, Aesthetics. (*The following additional text has been added to the second paragraph under the sub-title of Analysis, Impacts and Mitigation on page 3-8 within Section 3.1 Aesthetics*.)

The entry features of Building A and Building B would include a spire area above each entrance of four and a half feet above the 35-foot maximum building height normally allowed for the site per Town zoning. However, Section 29.10.090 of the Town's Municipal Code specifies exceptions to height restrictions. Towers, spires, elevator and mechanical penthouses, cupolas, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances which are not used for human activity or storage may be higher than the maximum height permitted by the zone. The use of tower elements or similar structures to provide higher ceiling heights for habitable space shall be deemed as a use intended for human activity and is therefore not exempt from the maximum height restrictions of a zone.

Page 3-10, Aesthetics. (*The following additional text has been added to the paragraph under the sub-title of Height on page 3-10 within Section 3.1 Aesthetics. This additional text does not alter the conclusion that the proposed project would result in less-than-significant impacts to scenic vistas*.)

The entry features of Building A and Building B would include a spire area above each entrance of four and a half feet above the 35-foot maximum building height normally allowed for the site per Town zoning. However, Section 29.10.090 of the Town's Municipal Code specifies exceptions to height restrictions. Towers, spires, elevator and mechanical penthouses, cupolas, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances which are not used for human activity or storage may be higher than the maximum height permitted by the zone. The use of tower elements or similar structures to provide higher ceiling heights for habitable space shall be deemed as a use intended for human activity and is therefore not exempt from the maximum height restrictions of a zone.

Page 3-12, Aesthetics. (*The following additional text has been added to the paragraph under the sub-title of Building Height on page 3-11 within Section 3.1 Aesthetics. This additional text does not alter the conclusion that the proposed project would result in less-than-significant impacts to changes in visual character of the project site*.)

The entry features of Building A and Building B would include a spire area above each entrance of four and a half feet above the 35-foot maximum building height allowed for the site per Town zoning. However, Section 29.10.090 of the Town's Municipal Code specifies exceptions to height restrictions. Towers, spires, elevator and mechanical penthouses, cupolas, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances which are not used for human activity or storage may be higher than the maximum height permitted by the zone. The use of tower elements or similar structures to provide higher ceiling heights for habitable space shall be deemed as a use intended for human activity and is therefore not exempt from the maximum height restrictions of a zone.

Page 3-30, Air Quality. (*The following change in text has been made to the second paragraph of page 3-30 within Section 3.2 Air Quality*.)

The quantitative thresholds for criteria pollutants apply to the ~~plan~~ project level of analysis in this EIR~~, but would apply to future development projects within the project site, and~~ are ~~provided here for reference~~

Page 3-170, Transportation and Traffic. (*The following change in text has been made to the impact statement of page 3-170 within Section 3.11 Transportation and Traffic.)*

THE PROJECT WOULD CONTRIBUTE TO TRAFFIC WHICH MAY CONFLICT WITH APPLICABLE PLANS AND POLICIES REGARDING PERFORMANCE OF THE CIRCULATION SYSTEM AT A PROJECT LEVEL (LESS THAN SIGNIFICANT ~~WITH MITIGATION~~)

Page 3-175, Transportation and Traffic. (*The following change in text has been made to the first paragraph of page 3-175 within Section 3.11 Transportation and Traffic.)*

~~However, in order to ensure that potential impacts remain less than significant, Mitigation Measure T-1 would be required.~~ Although not required to improve level of service or to reduce a significant impact to a less-than-significant level, the applicant has agreed to Mitigation Measure T-1.

Page 3-177, Transportation and Traffic. (*The following change in text has been made to the sixth paragraph of page 3-177 within Section 3.11 Transportation and Traffic.)*

Although not required to improve level of service or to reduce a significant impact to a less-than-significant level, the applicant has agreed to Mitigation Measure T-2 ~~below is recommended~~.

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4.0
MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

4.2 MONITORING PROGRAM

The basis for this monitoring program is the mitigation measures included in the project EIR. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached monitoring program, which begins on the following page, is proposed for monitoring the implementation of the mitigation measures. This monitoring program contains all appropriate mitigation measures in the EIR.

4.3 MONITORING PROGRAM PROCEDURES

The Town of Los Gatos Community Development Department is responsible for coordination of the monitoring program. The Community Development Department is responsible for completing the monitoring program and distributing the monitoring program to the responsible individuals or agencies for their use in monitoring the mitigation measures.

Each listed responsible individual or agency is responsible for determining whether compliance with mitigation measures contained in the monitoring program has occurred. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring program with evidence of compliance to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring program should not be returned to the Community Development Department.

The Town of Los Gatos Community Development Department will review the monitoring program to ensure that appropriate mitigation measures and additional conditions of project approval included in the monitoring program have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals, permit issuance, and/or permit sign-off.

If a responsible individual or agency determines that non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the Town of Los Gatos.

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Mitigation Measure	Implementation	Responsibility	Timing and Monitoring
3.2 Air Quality			
AQ-1. Final plans for the proposed buildings on the site shall be amended to include a requirement for low NO_X heating systems to be installed in new buildings on the site.	Required as a Condition of Approval	Director of Community Development and Building Official	Ensure these measures are incorporated into project plans Monitoring prior to and during construction
AQ-2. Final plans shall be amended to include a requirement for the installation of at least four electric charging stations prior to occupancy, with parking restricted to electric or plug-in hybrid vehicles, and at least one handicapped space shall be provided with access to a charging station.	Required as a Condition of Approval	Director of Community Development	Ensure these measures are incorporated into project plans Monitoring prior to and during construction
AQ-3. The project contractor shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The project contractor shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties. Basic dust control measures: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads shall be limited to 15 mph; e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and	Required as a Condition of Approval	Director of Community Development	Ensure these measures are incorporated into project plans Monitoring during construction

Mitigation Measure	Implementation	Responsibility	Timing and Monitoring
f. The project contractor shall designate a "disturbance coordinator" responsible for responding to any local complaints regarding dust complaints. The project contractor will post a publicly visible sign with a contact telephone number for the disturbance coordinator. The disturbance coordinator shall respond and take correction action for any complaint received with 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph; h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and i. Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.			
3.3 Biological Resources			
BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance/construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities. If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared to	Required as a Condition of Approval	Directors of Community Development and Parks and Public Works	Prior to issuance of any grading permit Ensure these measures are incorporated into project plans Monitoring prior to and during construction

Mitigation Measure	Implementation	Responsibility	Timing and Monitoring
determine and clearly delineate an appropriately-sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits. To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.			
3.4 Cultural Resources			
CR-1. Prior to the issuance of a grading permit, the project's grading plan shall indicate the requirement for a qualified archaeologist to be present at all times during grading and excavation activities on the project site. If archaeological resources are uncovered, work will not continue until the resources have been removed and/or recorded. The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs shall be the responsibility of the developer(s).	Required as a Condition of Approval	Director of Community Development and Parks and Public Works	Prior to issuance of grading permit Ensure these measures are incorporated into project plans Monitoring prior to and during construction
CR-2. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the	Required as a Condition of Approval	Director of Community Development	Ensure these measures are incorporated into project plans Monitoring prior to and during construction

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Mitigation Measure	Implementation	Responsibility	Timing and Monitoring
human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs shall be the responsibility of the developer(s).			
3.7 Hazards			
HAZ-1. Prior to any demolition activities on the project site, an asbestos and lead-based paint survey shall be performed to determine if any additional waste removal activities would be required. The selected project contractor shall implement all site specific measures and recommendations identified within the site's asbestos and lead-based survey. Compliance with the asbestos and lead-based paint survey during site demolition activities shall be demonstrated to the satisfaction of the Town Engineer.	Required as a Condition of Approval	Director of Community Development	Prior to any demolition activities Ensure these measures are incorporated into project plans Monitoring prior to and during construction
3.11 Transportation and Traffic			
T-1. Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to implement improvements for the restriping of Alberto Way to include a dedicated right-turn lane and a shared left-through lane. Costs for these improvements will be determined by the Town's traffic consultant.	Required as a Condition of Approval	Director of Parks and Public Works Department	Prior to issuance of building permit Ensure these measures are incorporated into project plans

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Mitigation Measure	Implementation	Responsibility	Timing and Monitoring
T-2 Prior to the issuance of a building permit for construction of the proposed project on the site, the applicant shall enter into a construction agreement with the Town of Los Gatos to provide a bike box on Alberto Way at the intersection with Los Gatos-Saratoga Road, as well as the detached sidewalks with a landscape buffer on Alberto Way along the project site frontage, and on the north side of Los Gatos-Saratoga Road between Alberto Way and the State Route 17 northbound on-ramp.	Required as a Condition of Approval	Director of Parks and Public Works Department	Prior to issuance of building permit Ensure these measures are incorporated into project plans
T-3 Off-site improvement plans shall show that parking on southbound Alberto Way between the two project driveways shall be prohibited to ensure sight distance is not obscured.	Required as a Condition of Approval	Directors of Community Development and Parks and Public Works	Ensure these measures are incorporated into project plans

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