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DRAFT EIR

375 KNOWLES DRIVE RESIDENTIAL PLANNED DEVELOPMENT

SCH No. 2013082020

Planned Development Application

PD-13-002

General Plan Amendment

GP-13-001

PREPARED FOR

Town of Los Gatos

November 25, 2013

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A LAND USE PLANNING & DESIGN FIRM

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SUMMARY

CEQA REQUIREMENTS

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

PROPOSED PROJECT

Location and Setting

The project site consists of land owned by the applicant near the corner of Knowles Drive and Capri Drive in the Town of Los Gatos, and identified as Assessor's parcel number 406-28-039 (formerly a portion of Assessor's parcel number 406-28-032). The land was formerly owned by the County of Santa Clara. The project site is situated west of Winchester Boulevard and north of State Route 85 at the northern end of the Town of Los Gatos, near the Town's border with the City of Campbell.

Current Site Use and Planning Designations

The 3.34-acre project site is essentially level. The project site contains a former, and currently vacant, County Health Department office building, an associated storage shed, and parking lot. The project site has 25 trees within the site and another 34 trees extend partially into the site along property lines. Local electrical power/telephone lines run near the northern boundary of the project site. The project site has a *Town of Los Gatos 2020 General Plan* land use designation of Public and is zoned O - Office, reflecting the past use for health offices

Project Description

The proposed project is a Planned Development, which is inclusive of a General Plan Amendment (Public to Office Professional), and a Zone Change (O - Office to O:PD Office with Planned Development overlay).

Tentative Map and Architectural Site applications would follow approval of the Planned Development. The residential subdivision would result in development of 45-unit single family detached units, inclusive or six below market price (BMP) units. There would be access to the proposed project from both Knowles Drive and Capri Drive via a private roadway, and the residences would be arranged in clusters of four to seven units on a series of courts. The main private roadway would be 20 to 24 feet wide and the courts would be 16 to 20 feet wide. Parking would be provided in individual two-car garages, 12 private on-site parking stalls, and seven street parking stalls on Capri Drive.

Existing site improvements and trees are proposed for removal. Construction is anticipated to take place over a period of one to two years.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

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

Significant Project Impacts

Project-level significant impacts are anticipated in the following areas:

- Aesthetics (Potential for Tree Damage if Trees are Retained)
- Biological Resources (Potential Disturbance of Nesting Birds)
- Greenhouse Gas Emissions and Climate Change (Inconsistency with Greenhouse Gas Emissions Plan)
- Cultural Resources (Potential Adverse Change to Archaeological Resources)
- Cultural Resources (Potential Disturbance of Human Remains)
- Noise (Noise in Excess of Standards)
- Noise (Construction Noise)

Table S-1 Significant Impacts and Mitigation Measure Summary

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
Aesthetics	Potential for Tree Damage if Trees are Retained	AES-1	<p>Trees designated for retention shall be identified on the project plans. All trees to be retained, including those located off-site and adjacent to the project site, shall be protected from inadvertent damage by construction equipment during project construction. The following protection measures shall be implemented:</p> <ul style="list-style-type: none"> a. wrap trunks of protected trees with protective materials and provide protective fencing at least six feet from the trunk; b. no grading shall be permitted within the fenced tree protection areas, and if the resulting adjacent grading is higher or lower than natural grade at the tree trunk, adequate permanent drainage and root protection shall be provided; c. prohibit soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping or storage of materials under the drip line of trees; 	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>d. bridge or tunnel under major roots where exposed. Roots should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment. Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly;</p> <p>e. if limbs are to be cut from trees, pruning shall be accomplished to preserve an balanced tree form, and in accordance with the International Society of Arboriculture’s Best Management Practices for Tree Pruning and ANSI A300 specifications; and,</p> <p>f. additional measures as listed in Section 5 of the Arborist Report prepared for the project.</p>	
Biological Resources	Disturbance of Nesting Birds	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	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>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.</p> <p style="padding-left: 40px;">If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall be prepared to determine and clearly delineate an appropriately-sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.</p>	

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p>	
Greenhouse Gas Emissions and Climate Change	Inconsistency with Greenhouse Gas Emissions Plan	GHG-1	<p>The applicant shall submit a New Solar Homes Partnership reservation application package for a minimum of 23 of the houses within the proposed project, prior to issuance of building permits. Supporting paper work shall be submitted to the Building Official for verification of participation. Prior to occupancy, the applicant shall submit documentation of completion from either the California Energy Commission or the electric utility company.</p>	NO
Cultural Resources	Potential Adverse Change to Archaeological Resources	CR-1	<p>The following language shall be incorporated into the Planned Development Ordinance and included in all permits associated with earth moving activities at the project site:</p> <p>In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are</p>	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			discovered, the contractor shall stop work within 50 meters (about 160 feet) of the find until the find can be evaluated by a qualified archaeologist. If the find is determined to be significant, notification shall be made and appropriate mitigation measures shall be developed and implemented with the concurrence of the lead agency.	
Cultural Resources	Potential Disturbance of Human Remains	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 until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98.	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>	
Noise	Noise in Excess of Standards	NOI-1	<p>The project plans shall include a noise barrier along the west property lines of Lots 42, 43, 44, and 45. The project plans shall include a noise barrier along the project site boundary east of Private Drive 1 for approximately 180 feet northward from Knowles Drive. The project plans shall include a noise barrier along the south boundary of Lot 45, and between houses on Lots 38, 39, and 40. These noise barriers shall be no less than nine feet in effective height, with at least two feet of height obtained through berming of the underlying</p>	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>ground, to reduce apparent wall height. The project plans shall include a noise barrier along the project site boundary south of Private Drive 1 for approximately 100 feet west of Capri Drive, and a noise barrier along the north property line of Lots 4, 5, and Private Drive 2. The project plans shall include a noise barrier between houses on Lots 1, 2, 3, and 4, and between the house on Lot 4 and the northern property line. These noise barriers shall be no less than five feet in height. The noise barriers shall be constructed solidly over the face and at the base, with no openings or gaps between barrier materials or the ground. Suitable materials for barrier construction shall have a minimum surface weight of three pounds per square foot (such as one-inch thick wood, masonry block, concrete, or metal). Noise barriers shall match building architecture.</p>	
Noise	Construction Noise	NOI-2	<p>The applicant shall observe the following construction noise attenuation measures and practices:</p> <ul style="list-style-type: none"> • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; • Prohibit all unnecessary idling of internal combustion engines; 	NO

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<ul style="list-style-type: none"> • Utilize “quiet” models of air compressors and other stationary noise sources where feasible technology exists; • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses; • Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses; • Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. A notice shall be sent to residential addresses within 100 feet of the project site boundaries with information on the construction schedule, including how each construction phase relates to potential noise levels; • Designate a "disturbance coordinator" responsible for responding to any local complaints about 	

Environmental Topic	Description of Impact	Mitigation Measure Number	Mitigation Measure	Significant Residual Impact?
			<p>construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule; and</p> <ul style="list-style-type: none"> Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials, unless noise monitoring indicates that suitable noise levels may be attained at residential property lines by other methods. 	

Source: EMC Planning Group Inc. 2013

Significant Cumulative Effects

Significant cumulative impacts are anticipated in the following areas, but all are mitigated to a less than cumulatively considerable level by Town policies and/or mitigation measures presented in Section 3.0 Environmental Effects:

- Aesthetics (Potential for Tree Damage if Trees are Retained)
- Biological Resources (Potential Disturbance of Nesting Birds)
- Cultural Resources (Potential Adverse Change to Archaeological Resources)
- Cultural Resources (Potential Disturbance of Human Remains)
- Noise (Noise in Excess of Standards)

Significant Unavoidable Impacts

The proposed project would not result in any significant and unavoidable impacts. All impacts from the proposed project can be mitigated to a less than significant level.

GROWTH INDUCING EFFECTS

The project site is partially vacant land within an area that is almost completely developed with urban uses. The proposed project would not induce growth in the area, because the area is already developed.

AREAS OF CONTROVERSY

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. The lead agency is not aware of any controversial issues relating to the proposed project.

SUMMARY OF ALTERNATIVES

Project alternatives are presented, discussed, analyzed and compared in Section 5.0 Alternatives. The following project alternatives were analyzed:

- Alternative 1: No Project
- Alternative 2: High Density Residential Project
- Alternative 3: Office Development

No Project Alternative

The “no project” alternative assumes that the existing 7,670 square-foot building would be re-occupied with a medical office use, and the vacant portions of the project site would remain undeveloped.

High Density Residential Project Alternative

The “High Density Residential Development” alternative would result in development of 82 residential units on the project site, the Town’s estimate of maximum residential site buildout. The gross density would be 24.5 units per acre. The General Plan land use designation would be amended to Office Professional, and a Planned Development zoning overlay would be applied.

Office Development Alternative

The “Office Development” alternative would include 70,000 square feet of office space in a one to two-story building, the Town’s estimate for office build-out of the project site at a floor area ratio of about 0.5. Half of the office space is assumed to be medical office and half is assumed to be general office. The General Plan land use designation would be amended to Office Professional.

Comparison of Alternatives

The “no project” alternative is superior in all but one environmental topic area, compared to the proposed project.

The two remaining alternatives both have multiple topic areas in which they are worse than the proposed project, and at least one topic area in which they are better than the proposed project. Most notably, both the “High Density Residential Development” alternative and the “Office Development” alternative would eliminate the proposed project’s noise impact.

In comparing the two remaining alternatives, the “Office Development” alternative is superior in terms of using less water, having no significant noise impact, and not generating students for schools that are at capacity. The “Office Development” alternative is inferior to the “High

SUMMARY

Density Residential Development” alternative in that it would result in significant traffic impacts. The “Office Development” alternative meets the Town’s objective to re-develop the project site, but does not meet the applicant’s objectives of developing housing on the project site. The “High Density Residential Development” alternative meets both Town and applicant objectives. In balance, the “Office Development” alternative is the second best alternative after the “no project” alternative.

[Table 19, Project Alternatives Summary](#), in Section 5.0 Alternatives, presents the impact level for each issue area for each alternative.

1.0 INTRODUCTION

1.1 REPORT ORGANIZATION

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

- ES Executive Summary**, presented earlier, provides an overview of the proposed project and key environmental issues, as well as a listing of all environmental impacts and mitigation measures presented in the EIR.
- 1.0 Introduction** provides basic information on EIRs, the California Environmental Quality Act (CEQA), and the determination to prepare an EIR.
- 2.0 Project Description** provides information on the regional and local setting for the proposed project, and a description of the proposed project.
- 3.0 Environmental Effects** presents the setting as applicable to each environmental issue area addressed, analysis of the environmental effects of the proposed project, and mitigation measures to avoid or reduce environmental effects.
- 4.0 Cumulative Effects** presents the proposed project's effects in the context of the combined effects resulting from build-out of the *Town of Los Gatos 2020 General Plan*.
- 5.0 Alternatives** presents the environmental effects of variations of the proposed project or alternatives to the proposed project.
- 6.0 Other CEQA Topics** presents additional information required in EIRs.
- 7.0 Documentation** provides a bibliography of sources referenced in the EIR, a list of persons contacted, and a list of report preparers.

1.2 PURPOSE AND STANDARDS

Authorization and Purpose

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

Lead Agency

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

Scope of Analysis

This draft EIR has been prepared by the lead agency to evaluate the environmental consequences of the proposed 375 Knowles Drive Residential Planned Development (hereinafter “proposed project”). The scope of this draft EIR has been determined based on the lead agency’s knowledge and understanding of the proposed project and its context, and on input from responsible agencies through the Notice of Preparation comment process described below. This draft EIR has been prepared as a project EIR, as described in CEQA Guidelines section 15161.

Preparation Standards and Methods

This draft EIR has been prepared by EMC Planning Group under contract to the Town of Los Gatos in accordance with CEQA and its implementing guidelines, as those were in effect at the time the draft EIR was released for public review. This draft EIR has been prepared using available information from private and public sources noted herein, as well as information generated by EMC Planning Group and technical consultants through field investigation. This draft EIR will be used to inform public decision-makers and their constituents of the environmental impacts of the proposed project.

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

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

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

1.3 EIR AND PUBLIC COMMENT PROCESS

Notice of Preparation

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

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

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

Based upon the decision to prepare an EIR, the Town of Los Gatos prepared and distributed an NOP for a 30-day comment period from August 6, 2013 to September 4, 2013 in accordance with CEQA Guidelines section 15082. The comment period was extended for the Santa Clara Valley Transportation Authority because their mailing was delayed. Written responses to the NOP were received from the following agencies:

- California Department of Transportation (September 3, 2013)
- California Public Utilities Commission (September 4, 2013)
- Santa Clara Valley Transportation Authority (September 9, 2013)

The California Office of Planning and Research assigned State Clearinghouse Number 2013082020 to the proposed project. The NOP and responses to the NOP received from responsible agencies are contained in [Appendix A](#).

Public Comment Process

In accordance with CEQA Guidelines section 15105, the draft EIR is available for a 45-day public comment period, during which any person or organization may provide comments on the content of the draft EIR to the lead agency. The lead agency will respond in the final EIR to any comment that raises a valid environmental concern. The dates of the public review period and means of providing comment are provided on the Notice of Completion form distributed with the draft EIR. Additional information on the proposed project or the review process can be obtained from the Town of Los Gatos Community Development Department during regular business hours at the contacts provided on the inside title page of this draft EIR. Information on the public review period can also be found on the Office of Planning and Research website: <http://www.ceqanet.ca.gov/QueryForm.asp>. The EIR is available on the Town of Los Gatos website: www.losgatosca.gov/375Knowles.

Public Hearings

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

1.4 TERMINOLOGY USED IN THE EIR

Characterization of Impacts

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

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

Abbreviations and Acronyms

BMP	Best Management Practices or Below Market Price housing unit
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNEL	Community Noise Level Equivalent
CNPS	California Native Plant Society
dBA	Decibels
Dnl	Day-Night Noise Levels
EIR	Environmental Impact Report
GHG	Greenhouse Gasses

1.0 INTRODUCTION

LID	Low Impact Development
LOS	Level of Service
LU	General Plan Chapter for Land Use
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
ROG	Reactive Organic Gasses
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Travelled
VOC	Volatile Organic Compounds

PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

Project Site Location

The project site consists of land owned by the applicant near the corner of Knowles Drive and Capri Drive in the Town of Los Gatos, and identified as Assessor's parcel number 406-28-039 (formerly a portion of Assessor's parcel number 406-28-032). The land, along with an adjacent parcel located at the corner of Knowles Drive and Capri Drive, was formerly owned by the County of Santa Clara. The project site is situated west of Winchester Boulevard and north of State Route 85 at the northern end of the Town of Los Gatos, near the Town's border with the City of Campbell, which runs along West Parr Avenue. [Figure 1, Location Map](#), identifies the project location. [Figure 2, Assessor's Parcel Map](#), shows the land included in the project site.

Project Vicinity Existing Conditions

The project site is located within the greater San Jose metropolitan area, and most land in the project vicinity has been developed. Adjacent to the project site on the southeast (the corner of Knowles Drive and Capri Drive), is the former County Courthouse building, which is currently unused, but owned by El Camino Hospital. Offices are located immediately north of the project site, and farther north are high density residences and a community hall. To the northwest are high density residences, accessed from West Parr Avenue. West of the project site are a portion of the Los Gatos campus of El Camino Hospital and other medical offices. On the south side of Knowles Drive are single family residences and duplexes, which are accessed via Capri Drive and Vasona Avenue. On the east side of Capri Drive is the Vasona Station shopping center, which is accessed from Winchester Boulevard, Knowles Drive, and Division Street. [Figure 3, Project Vicinity](#), shows the existing land uses near the project site. [Figure 4, Project Vicinity Photographs](#), shows representative photographs of the surrounding area.

Project Site Existing Conditions

The 3.34-acre (145,490 square-foot) project site is essentially level with a slight slope to the north-northeast. The project site contains a former County Health Department office building, an associated storage shed, and parking lot. The office building is one-story high and has a floor area of about 7,670 square feet. The office building was constructed in about 1970 and occupied until about 2004. The northern portion of the project site has been undeveloped since an orchard was removed from the entire project site in the late 1950s (Treadwell and Rollo 2013a). The project site has 25 trees within the site and another 34 trees extend partially into the site along property lines. Local electrical power/telephone lines run near the northern boundary of the project site. Much of the project site was covered in mulch, during site visits in August 2013. [Figure 5, Project Site Conditions](#), shows land use on the project site. [Figure 6, Project Site Photographs](#), shows photographs of the existing on-site conditions.

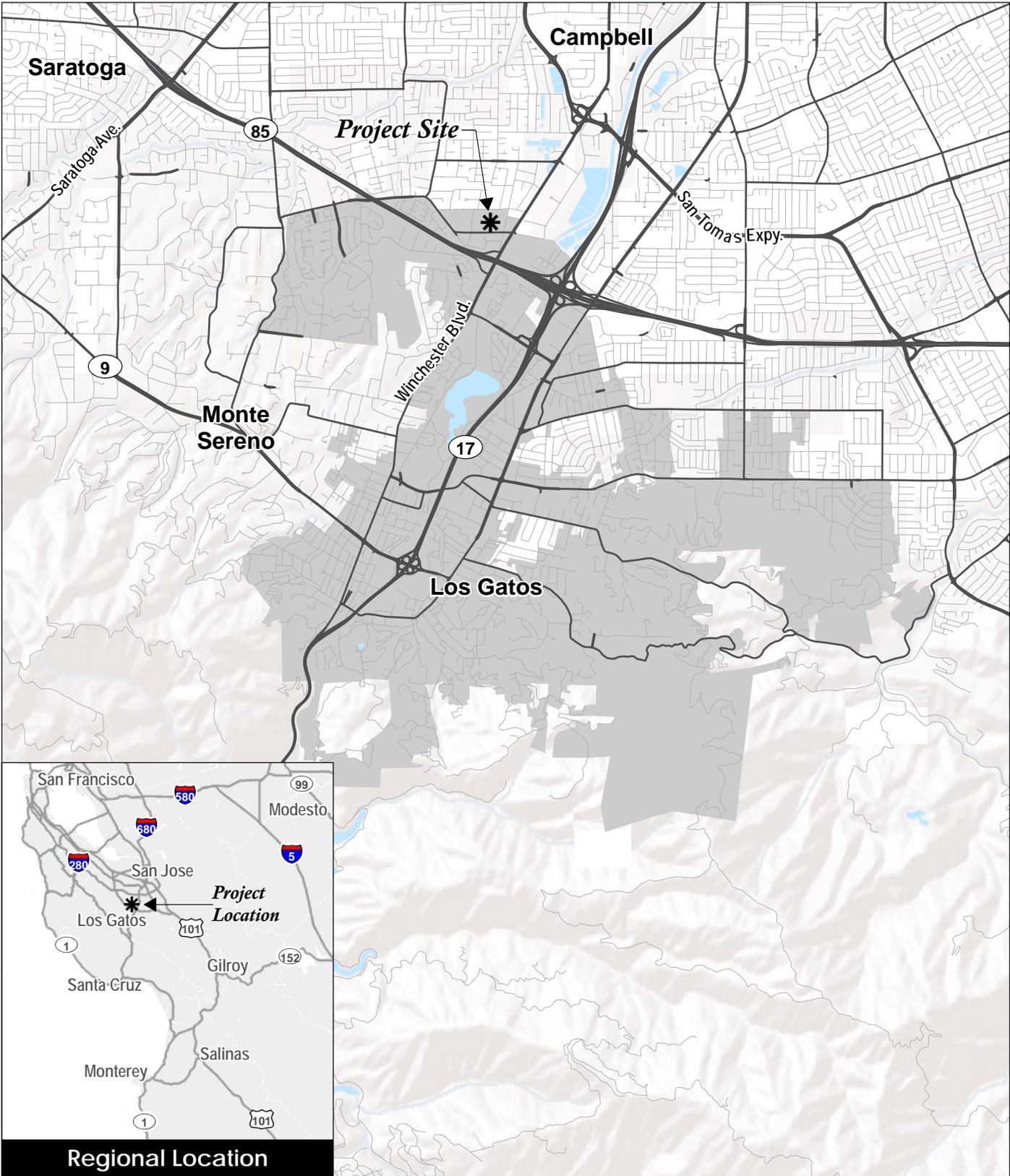
Project Site and Vicinity Planning Designations

The project site has a *Town of Los Gatos 2020 General Plan* land use designation of Public and is zoned O - Office, reflecting the past use for health offices (and a County Courthouse on the adjacent parcel).

The *Town of Los Gatos 2020 General Plan* land use designation for the land to the north and west is Office Professional and for the land to the northwest the land use designation is Medium Density Residential. The *Town of Los Gatos 2020 General Plan* land use designation for the land to the south is Low Density Residential and Medium Density Residential, and for the land to the east the land use designation is Neighborhood Commercial.

The zoning for the land to the north and west is O - Office, and for the land to the northwest the zoning is R-1:8:PD - Single-Family Residential with Planned Development Overlay. The zoning for the land to the south is R-1:8 Low Density Residential and RM 5-12:PD - Multi-Family Residential, and for the land to the east the zoning is C-1 - Neighborhood Commercial.

[Figure 7, Land Use Designations](#), shows the General Plan land use designations for the project site and vicinity.

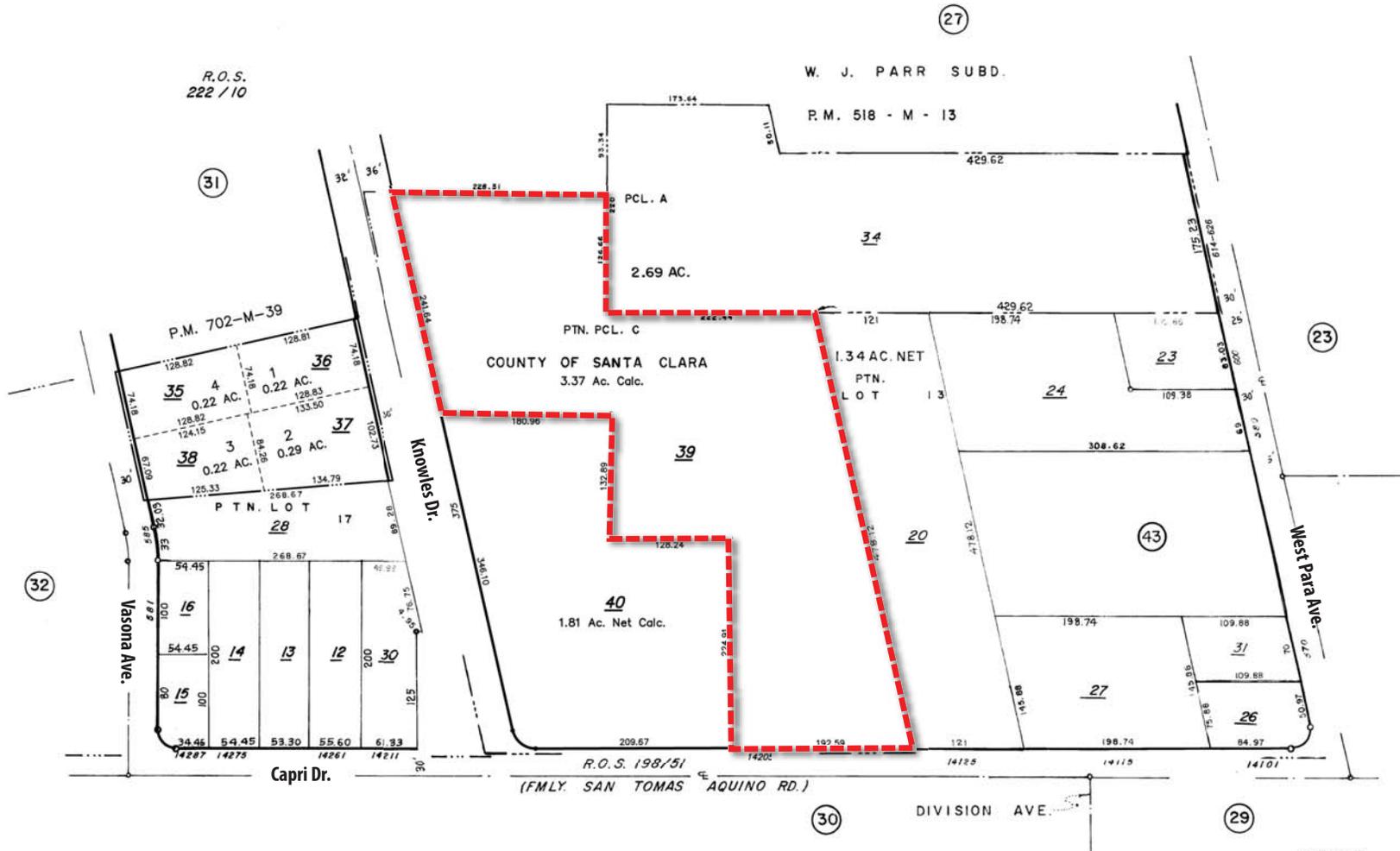


Source: ESRI Streetmap North America 2010

Figure 1
Location Map



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TAP DET. MAP 97
 LAWRENCE E. STONE — ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2013-2014



not to scale

Project Site

Source: County of Santa Clara Office of the Assessor 2013



Figure 2
 Assessor's Parcel Map

375 Knowles Drive Residential Planned Development EIR

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Source: Google Earth 2012

Figure 3
Project Vicinity



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① High density residential units to west



② El Camino Hospital Physical Performance Institute



③ Houses along the southern end of Capri Drive



Project Site



④ Office building and house north of the project site



⑤ Former County Courthouse



⑥ Vasona Station Shopping Center

Source: Google Earth 2012



Figure 4 Project Vicinity Photographs

375 Knowles Drive Residential Planned Development EIR

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0 100 feet

 Project Site

Source: Google Earth 2012



Figure 5
Project Site Conditions

375 Knowles Drive Residential Planned Development EIR

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① Parking lot and former medical office



② Former medical office



③ Site viewed across former County Courthouse parking lot



 Project Site



④ Northern vacant area



⑤ Trees near Capri Avenue (tree numbers 58 and 59)



⑥ View into site from side of former County Courthouse

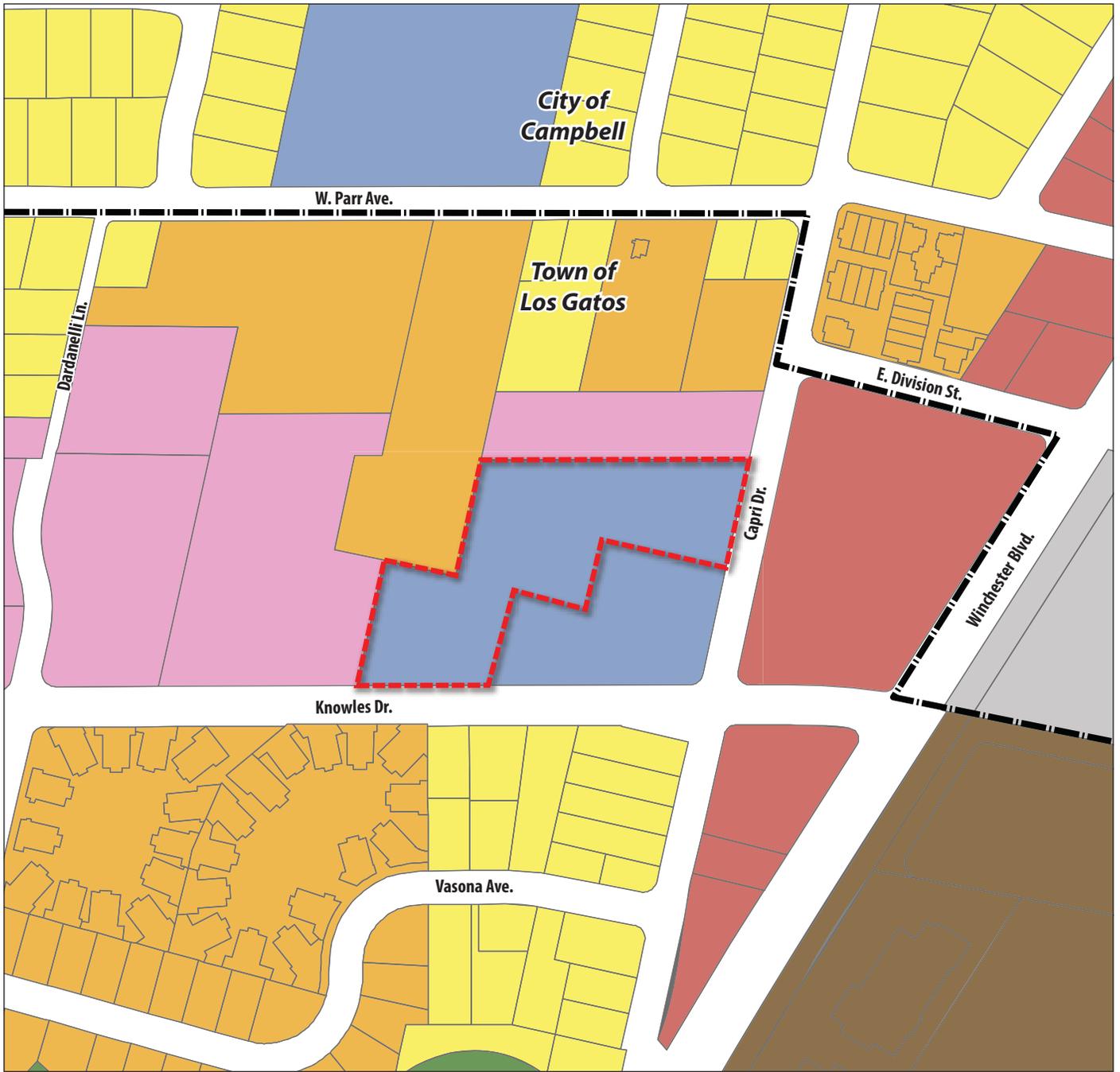
Source: Google Earth 2012



Figure 6
Project Site Photographs

375 Knowles Drive Residential Planned Development EIR

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Legend

-  Project Boundary
-  City Limits

General Plan Land Use*

- | | | |
|--|--|--|
|  Low Density Residential |  Office |  Park |
|  Medium Density Residential |  Commercial | |
|  High Density Residential |  Public | |

*Note: For the purposes of this figure, the general plan land use designations for each jurisdiction has been generalized to its closest actual designation. Actual land use designations in each City may slightly differ.



Source: County of Santa Clara 2012, Town of Los Gatos 2008, City of Campbell 2001

Figure 7

Land Use Designations

375 Knowles Drive Residential Planned Development EIR



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2.2 PROJECT DESCRIPTION

Background

The County Health Department used to occupy the office building on the project site and the County Superior Court used to occupy the building on the adjacent property. These uses were re-located, and the County sold the properties as surplus. The buildings remain vacant and unused.

Project Overview

The proposed project is a Planned Development, which is inclusive of a General Plan Amendment (Public to Office Professional), and a Zone Change (O - Office to O:PD Office with Planned Development overlay). Tentative Map and Architectural Site applications would follow approval of the Planned Development. The residential subdivision would result in development of 45-unit single family detached units, inclusive of six below market price (BMP) units.

Project Approvals and Design

This section describes the proposed approvals that the applicant is seeking from the Town of Los Gatos, and describes the design of the proposed project. Refer to Section 2.4 EIR Uses and Approvals for a summary list of all agency approvals for which the EIR would be used.

General Plan Amendment

The Planned Development includes a General Plan amendment from Public to Office Professional. Residential uses may be an allowed use under this zoning designation through approval of a Planned Development or a Conditional Use Permit. Any other compatible uses, including those authorized in any other district within the Town, may be permitted where authorized by a Planned Development overlay zone.

Planned Development and Re-zone

The project site is zoned O - Office, which is intended to provide a buffer between commercial and residential uses. Residential uses are allowed in the O - Office zone district with a conditional use permit. The zoning for the project site would be amended to add a Planned Development overlay to both allow the proposed residential uses and permit exceptions to the development standards. Town Code Section 29.80.080 states that the intent of the Planned Development overlay is:

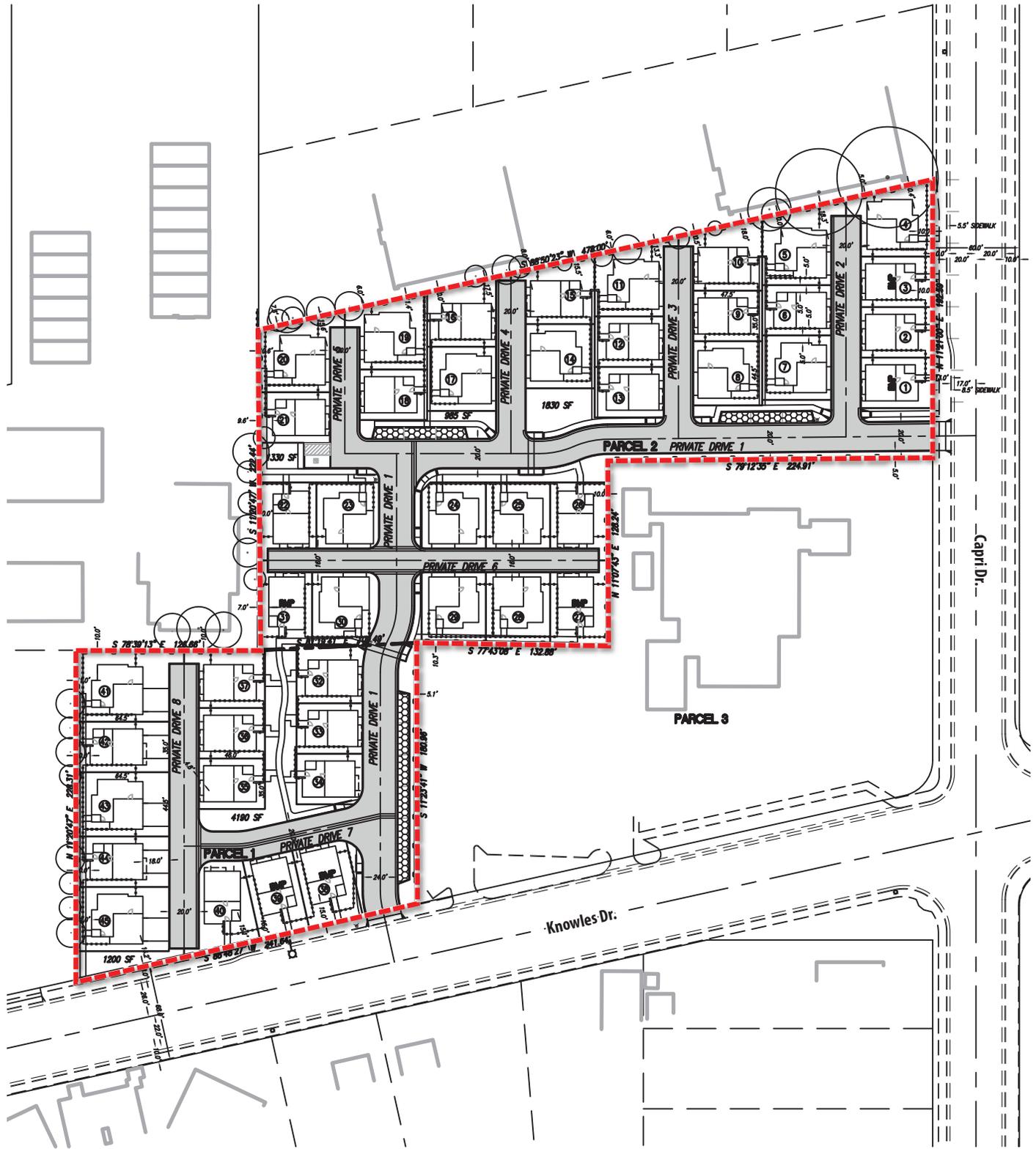
... to provide for alternative uses and developments more consistent with site characteristics than are allowed in other zones, and so create an optimum quantity and use of open space and encourage good design. The PD zone permits establishment of a single use or the integration of several uses not ordinarily possible only if use and development is in compliance with a complete development plan showing relationships of the use or uses to each other, to the district as a whole, and to surrounding areas.

The development plan for a Planned Development must include the following components: land uses plan; site plan; schematic architectural elevations; phasing (if applicable); lot lines and easements; land area tabulation; floor area; off-street parking; grading plans; signage plans; and covenants. The Town may request additional information germane to the proposal. The proposed development plans were prepared by Charles W. Davidson Company and are included in [Appendix B](#). The site plan for the Planned Development is discussed in the following section, in context of the future tentative map.

Subdivision

Following approval of the Planned Development (inclusive of a General Plan amendment), a tentative map would be submitted to subdivide the project site into 45 residential lots, 10 common lots for landscaping, and a private street. The 45 proposed detached single family units would include six BMP units. The gross density of the proposed project would be about 13.5 units per acre. Excluding the BMP units, the density would be 11.7 units per acre. Exclusion of the BMP units from density calculation is allowed by the *Town of Los Gatos 2020 General Plan* (see Action HOU-1.1).

There would be access to the proposed project from both Knowles Drive and Capri Drive via a private roadway, and the residences would be arranged in clusters of four to seven units on a series of courts. The main private roadway would be 20 to 24 feet wide and the courts would be 16 to 20 feet wide. Parking would be provided in individual two-car garages, 12 private on-site parking stalls, and seven street parking stalls on Capri Drive (provided for the benefit of the proposed project, but also available for use by the general public). Private open space and common area landscaping would be provided. Storm drainage would flow to existing drain lines in Knowles Drive and Capri Drive. [Table 1, Proposed Site Coverage](#), summarizes the site coverage as shown on the submitted site plan. [Figure 8, Site Plan](#), shows the proposed layout for the development. Refer also to the complete development plans, presented in [Appendix B](#).



Source: Charles W. Davidson Co. 2013

Figure 8
Site Plan



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Table 1 Proposed Site Coverage

Feature	Acres	Percent Coverage
Buildings and Driveways	0.97	29.06
Private Streets and Common Parking	0.89	26.77
Landscaping	0.76	22.78
Private Open Space	0.50	14.83
Common Open Space	0.22	6.56
Total	3.34	100.00

Source: Charles W. Davidson Company 2013

Architectural Site Review

The proposed project would also require approval of Architectural Site applications for each of the new residences. The application includes conceptual building elevations, floor plans, and landscaping plans. The proposed residential units would be two and three stories tall, with between 1,647 and 1,908 square feet of living space plus a two-car garage of 441 to 540 square feet. The conceptual architectural elevations show stucco exterior walls with some of the walls highlighted with rock façade. The low to medium-pitched roofs feature a short overhang (most with corbels), and clay tile or shingles. The windows are shown with grids, and some windows have decorative shutters. Landscaping plans show a variety of trees, shrubs, groundcovers, and lawn. Refer to the development plans in [Appendix B](#) for additional information.

Project Construction

The existing building and shed would be demolished and removed, and the existing pavement would be removed. Trees and any other remaining site features would be removed and the site graded. Several trees at the periphery of the project site may be preserved. Existing utilities would be removed and new underground utilities and pipe systems would be installed. New above-ground infrastructure, including streets and sidewalks, would be constructed. Residential units would be constructed and final site improvements, such as landscaping, would be installed. Project construction may be phased through the filing of more than one final map. Off-site improvements include utility connections within the adjacent streets, construction of the off-site parking spaces on Capri Drive, and sidewalk improvements on Capri Drive and Knowles Avenue.

Construction of the proposed project is anticipated to occur over a period of approximately one to two years, including demolition and grading (one month), underground utilities (three weeks), paving of project roadways (two weeks), footing excavation and underground utilities (two months), and construction of the homes (12 to 18 months). Approximately seven trucks per day over a one month period would be used to haul dirt onto the project site.

2.3 PROJECT OBJECTIVES

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

Applicant Objectives

Develop 39 market rate residential units and six below market price residential units.

Town Objectives

The Town's primary objective is the re-development of land formerly owned and occupied by Santa Clara County for a health services office.

2.4 EIR USES AND APPROVALS

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

Local Agency

- Town of Los Gatos (Lead Agency)
 - Planned Development (PD 13-002);
 - General Plan Amendment (GPA-13-001) from Public to Office Professional;
 - Rezone (Office to Office with Planned Development Overlay);
 - Subdivision; and
 - Architectural Site Review.

Regional Agency

- Regional Water Quality Control Board (Responsible Agency)
 - National Pollutant Discharge Elimination Permit

3.0

ENVIRONMENTAL EFFECTS

3.1 AESTHETICS

The *Town of Los Gatos 2020 General Plan EIR* concluded that buildout of the *Town of Los Gatos 2020 General Plan* would result in less than significant aesthetic impacts (Final EIR page 2-6), with implementation of the *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Development of the project site was considered in this determination. No comment letters pertaining to aesthetics were submitted in response to the NOP.

Environmental Setting

The project site is visible from Knowles Drive and Capri Drive. The project site is largely empty, with a vacant one-story former medical office building, parking lot, and landscaping along Knowles Drive; and trees and shrubs in a few locations elsewhere within the project site and along portions of the project site perimeter. The former medical office is a single-story flat-roofed structure. Exposed aggregate concrete panel walls are separated by vertical windows. Two of the most visually-notable trees on the project site are a California pepper tree and a southern magnolia located near Capri Drive. A concentration of about 20 trees is located near the former medical office. A large portion of the project site is covered with mulch, with mulch forming large piles in some places.

Adjacent properties are developed with residences, commercial buildings, and offices. Development on adjacent properties is one, two, or three stories in height. No particular architectural style, massing, or other characteristic dominates the area or provides consistency within the project vicinity. For purposes of discussion, four areas surrounding the project site have been identified and each of these is described in the following sections. [Figure 9, Visual Context](#), delineates these areas and shows photographs of adjacent uses that establish the visual character of the project vicinity.

Medical Offices – Knowles Drive –West of the Project Site

The El Camino Hospital's Physical Performance Institute, west of the project site, is the dominant building in this area, and other medical offices are adjacent. Most of the medical buildings are two stories tall with generous landscaping on the street frontage. The architecture and colors of the hospital building and medical offices is variable. The hospital building is a two-story building with stucco walls. The walls are divided horizontally and broken by large windows, openings, and articulation of the wall plane. The false roof is shingled with a large overhang. Although the portion of the hospital campus nearest the project site is one of several parking lots serving the medical uses, buildings and landscaping are the dominant visual element along the Knowles Drive frontage. The other medical offices are two stories tall with painted siding and a second story balcony that provides a strong horizontal element.

Also within the Knowles Drive area is the former courthouse building at the corner of Knowles Drive and Capri Drive. The former courthouse is a one-story flat-roofed structure with panel walls painted gray and beige. The former courthouse includes a large parking lot to the west, and a lawn and landscaping toward the Knowles Drive and Capri Drive frontages. The entire former courthouse site is currently enclosed with chain link fence.

Commercial Area – Winchester Boulevard – East of Capri Drive and the Project Site

A small shopping center, Vasona Station, is located at the corner of Winchester Boulevard and Knowles Drive, east of the project site. The shopping center consists of an L-shaped one-story building with parking to the front. The shopping center backs up to Capri Drive adjacent to the project site. The view of the shopping center from the project site is of the rear wall of the commercial building with rear service doors, a red-tiled roof, and parking/loading area. The Capri Drive frontage is landscaped with trees, shrubs, and groundcovers. Also in this area are a two-story restaurant and a newly-constructed two-story office building at the northwest and southwest corners of the intersection. Stucco walls and red tiled roofs are the dominant architectural features of most buildings in this area.

Office/Residential Area – North of Project Site

A pair of one-story office buildings is located immediately north of and adjacent to the project site, and most of the remaining buildings are multi-family residences. Residential buildings up to three stories tall are located in this area. All of the buildings in this area, including those adjacent to the project site on Capri Drive, back to the project site, with landscaping between the buildings and the project site. Both architecture and the overall neighborhood character are variable within this area. Architecture ranges from three-story geometric and highly articulated residential structures to cottage styles. Most of the neighborhood is dominated by tree cover, but some areas have a much more urban feel.



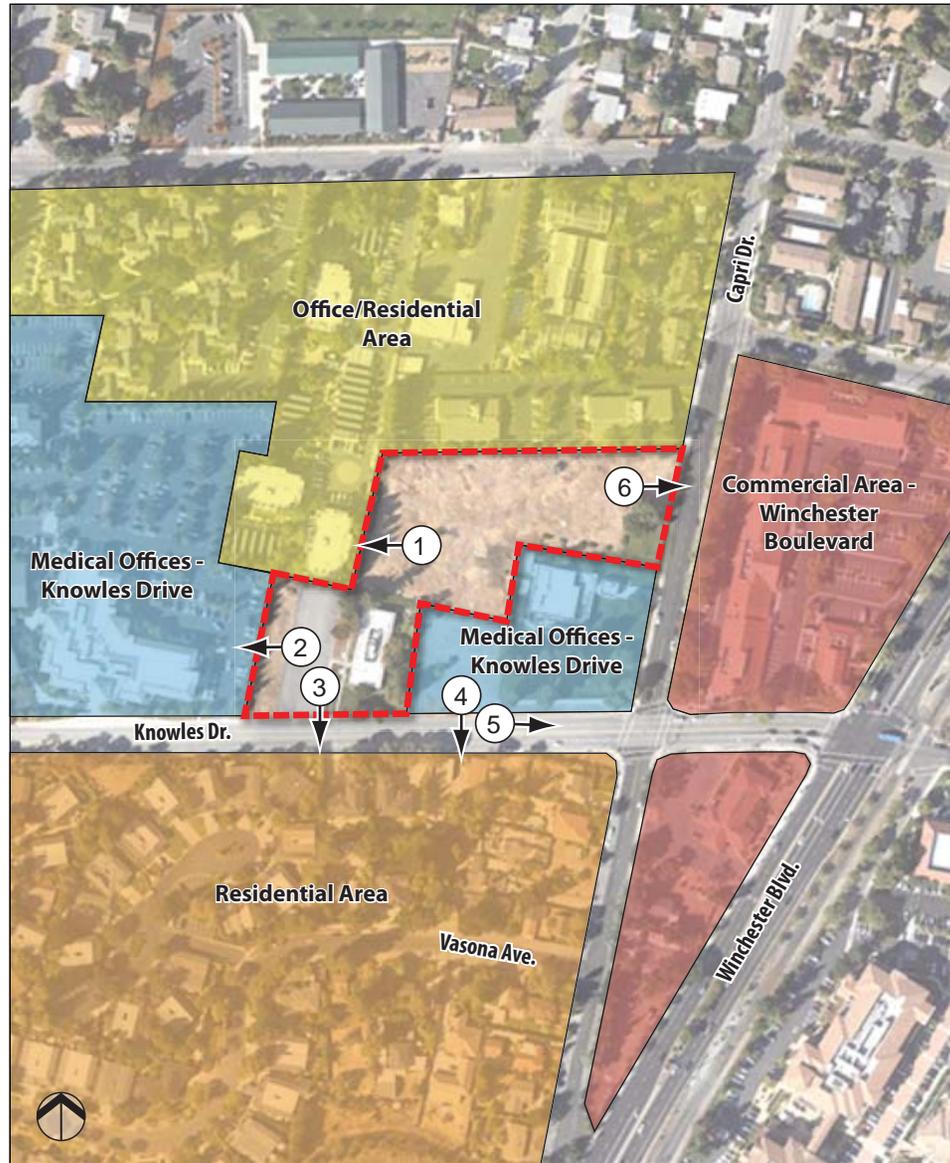
① Adjacent high density residential



② Adjacent hospital building



③ Typical fence and roofs south of Knowles Drive



Project Site



④ House on south side of Knowles Drive



⑤ Knowles Drive in front of former County Courthouse



⑥ Back of shopping center facing project site

Source: Google Earth 2012



Figure 9
Visual Context
 375 Knowles Drive Residential Planned Development EIR

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Residential Area –South of Project Site

This area is located southwest of the intersection of Knowles Drive and Capri Drive, and consists primarily of one-story single-family and duplex houses. The homes nearest Capri Drive are older and typically on larger (formerly rural) lots, and the homes to the west are newer duplexes on standard suburban lots. A six-foot tall wooden fence and trees dominate the view from the project site; only a few of the houses' roofs are readily visible from the project site. Residences in this area are primarily bungalow, ranch, or a similar architectural style.

Policy and Regulation

Town of Los Gatos 2020 General Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CD-2.3 A maximum total floor area for new subdivisions and planned developments shall be set as part of the approval process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CD-16.2 Encourage the use of scenic easements to preserve viewsheds.

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

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

- a. Building architecture (in keeping with the surrounding neighborhood)
- b. Mass and scale
- c. Utilities
- d. Landscaping
- e. Streets and sidewalks
- f. Signage
- g. Lighting
- h. Historical significance
- i. Accessibility to the disabled
- j. Siting/Orientation

- k. Materials and color
- l. Functionality
- m. Energy efficiency
- n. Ridgeline preservation
- o. Tree preservation
- p. Open space preservation

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

Policy HOU-2.5 All approvals of residential development proposal of three or more units shall include a finding that the proposed development is consistent with the Town's Housing Element and addresses the Town's housing needs as identified in the Housing Element.

Town of Los Gatos Infill Development Policy

The infill development policy was adopted by the Town through Resolution 1993-62. The policy requires infill development to positively contribute to the surrounding community and to fit within the context of the surrounding development.

Town of Los Gatos Single-and Two-Family Residential Design Guidelines

The Town of Los Gatos adopted residential design guidelines in 2008 to ensure high quality architecture and building site design. *Town of Los Gatos 2020 General Plan Policy CD-17.3* establishes a framework for Town procedures and standards for aesthetic review of proposed projects. Design guidelines most applicable to the proposed project are presented below. The selection includes the several sets of design principles, but focuses on the building design policies, since the project site is not within an established neighborhood, and individual building design has more importance in this location than neighborhood context.

General Design Principles

Encourage a diversity of architectural styles consistent with the neighborhood context.

Design to blend into the neighborhood rather than stand out.

Reinforce prevailing neighborhood development patterns.

Design street setbacks with sensitivity to the predominant street front character.

Maintain home entries with a strong visual connection to the street.

Avoid garages and carports that dominate a home's street frontage.

Relate a structure's size and bulk to those in the immediate neighborhood.

Utilize roof forms and pitches similar to those in the immediate neighborhood.

Design with architectural integrity on all sides of the structure.

Relate auxiliary structures to the style and detail of the main house.

Use materials that are consistent or compatible with the neighborhood.

Use quality materials and workmanship.

Select colors to blend with the neighborhood.

Preserve mature landscaping whenever possible.

Design structures to be energy and water efficient and which take maximum advantage of renewable energy resources, where appropriate.

General Neighborhood Design Principles

Residential development shall be similar in mass, bulk and scale to the immediate neighborhood. Consideration will be given to the existing FAR's, residential square footages and lot size in the neighborhood.

House entries shall be similar in orientation and scale to other homes in the immediate neighborhood.

Garages and paved driveways used for parking shall be similar to what is most common for other homes in the immediate neighborhood.

Mature landscaping should be preserved if at all possible.

Pursuant to Town Code, the front yard shall be landscaped and the amount of impervious surface limited.

General Building Design Principles

Selected architectural styles shall be compatible with the surrounding neighborhood, acknowledging that some neighborhoods have a variety of architectural styles and that diversity contributes to the Town's unique character.

Design features, proportions and details shall be consistent with the architectural style selected.

Materials and design details shall be suitable to the neighborhood and consistently used on all sides of the house and any accessory structures.

Garages shall be subservient to entries and ground floor living spaces.

Projects should be designed to conserve energy and water, and the use of renewable energy resources for heating, cooling and lighting should be maximized.

Materials should be used to reduce the consumption of nonrenewable resources and improve air quality.

Building Design Policies

3.2.1 Select an architectural style with sensitivity to the surrounding neighborhood.

3.2.2 Design for architectural integrity.

3.3.1 Develop the house plans and elevations together.

3.3.2 Height and bulk at front and side setbacks.

3.3.3 Provide visual relief for two story walls.

3.4.1 Limit the prominence of garages.

3.4.2 Minimize the visual impact of larger garages.

3.4.3 Integrate garage doors into the design with appropriate details.

3.5.1 Unify roof pitches.

3.5.2 Avoid excessive roof form complexity.

3.5.3 Relate roof overhangs to the architectural style and to the surrounding neighborhood.

3.5.4 Design dormers with attention to the architectural style and the neighborhood.

3.6.1 Provide a clear expression of entry.

3.6.2 Design home entries with sensitivity to the architectural style.

3.6.3 Design entries with sensitivity to the surrounding neighborhood.

3.6.4 Entry details are encouraged.

3.7.1 Arrange windows in patterns and groupings consistent with the architectural style and surrounding neighborhood.

3.7.2 Match window types and proportions to the architectural style and to the surrounding neighborhood.

3.7.3 Match window materials to the architectural style and to the surrounding neighborhood.

3.7.4 Design the windows with attention to matching the traditional details of the architectural style.

3.7.5 Special window shapes and styles should be used sparingly.

3.8.1 Use high quality materials.

3.8.2 Select materials that are sensitive to the surrounding neighborhood.

3.8.3 Use traditional detailing.

3.8.4 Materials changes [at inside corners].

3.10.1 Porches and Entries [traditional design].

3.10.2 Balconies [fit to style].

3.10.3 Brackets [extend to supported element].

3.10.4 Chimneys [appropriate design].

3.10.5 Roof flashing and vents [match roof].

3.10.6 Skylights [fit to design if dormers won't work].

3.11.1 Minimize shadow impacts on adjacent properties.

3.11.2 Minimize privacy intrusions on adjacent residences.

3.11.3 Design and plan for energy efficiency.

3.11.4 Solar Panels [fit to design].

3.11.5 Minimize exterior lighting impacts on neighbors.

Town of Los Gatos Tree Protection Ordinance

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

The trees protected by this division are:

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

(6) All trees which have a four-inch or greater diameter (twelve and one-half inch circumference) of any trunk and are located on a vacant lot or undeveloped property.

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

Sec. 29.10.0990. Standards of review [abridged].

Each application for a tree removal permit required by this division shall be reviewed using the following criteria:

(5) In connection with a proposed subdivision of land into two (2) or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.) The tree removed shall be replaced in accordance with the standards in section 29.10.0985 of this Code. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this Code.

(6) The retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent. In such a case, the removal shall be conditioned upon replacement in accordance with the standards in section 29.10.0985 of this Code.

Town of Los Gatos Landscaping Requirements

Town Code section 29.10.055 requires landscaping in yards fronting on streets. Town Code Chapter 26 establishes requirements for water-efficient landscaping.

Standards of Significance

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

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- substantially degrade the existing visual character or quality of the site and its surroundings;
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis and Mitigation

No Impact: Effects on a Scenic Vista

The *Town of Los Gatos 2020 General Plan* does not identify scenic vistas from the vicinity of the project site. Scenic vistas are identified in relation to views of the Santa Cruz Mountains from north-south roadways within the Town. There are some modest views of the Santa Cruz Mountains from the project site, but most are blocked by intervening existing development. The proposed project would not affect scenic vistas.

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

The only officially-designated state scenic highway in the region is State Route 9, which is 2.25 miles south of the project site. State Route 17, from State Route 9 south to State Route 1 is eligible for scenic highway designation, but is not officially-designated. This section of State Route 17 begins 2.5 miles south of the project site. The project site is not visible from either of these state highways. The nearest State highway is State Route 85, located about 750 feet south of the project site. The project site is not visible from State Route 85 and State Route 85 is not designated as a scenic highway (California Department of Transportation 2013). Therefore, the proposed project would not damage scenic resources within a State scenic highway.

Less than Significant Impact: Degradation of Visual Character

The proposed project would significantly alter the existing character of the 3.34-acre project site, replacing generally vacant land with residential structures and streets. However, the proposed project is an infill project and would fit within the visual character of the surrounding urban areas. Therefore, the effects on visual character would be less than significant. Refer to the discussion of consistency with general plan policies, below.

Less than Significant Impact: Substantial Light or Glare

Town of Los Gatos 2020 General Plan Policy CD-3.2 requires that lighting for new development be designed to minimize glare, light spill onto neighboring properties, and light pollution of the night sky. The proposed project would have street lighting and exterior building lighting characteristic of residential development. The impact related to light or glare would be less than significant.

Less than Significant Impact with Mitigation: General Plan Inconsistency

The *Town of Los Gatos 2020 General Plan* includes numerous policies related to aesthetics, as presented in the Policy and Regulation section. In addition, many of the *Town of Los Gatos 2020 General Plan* aesthetics policies are implemented through the Town's design guidelines, also summarized in the Policy and Regulation section. General Plan consistency is considered in light of both the policies and the guidelines. Many of the Town's Residential Design Guidelines address the relationship of new development to the existing neighborhood in which it would be built. The project site is adjacent to a mix of commercial and residential uses, many of which have back fences or rear elevations facing the project site. The medical uses to the west, the former courthouse building, and office and residential uses to the north provide a low level of neighborhood context to the project site. Therefore, the neighborhood context-related guidelines are less critical to analysis of the proposed project compared to a project that is more integrally positioned within an established neighborhood.

Consistency with Architectural Policies. The applicant has submitted floor plans and sample building elevations, showing the conceptual design of houses proposed adjacent to both Knowles Drive and Capri Drive. The project site has a frontage of about 240 feet along Knowles Drive, and about 190 feet along Capri Drive (for comparison, the former courthouse has a frontage of about 350 feet along Knowles Drive and 230 feet along Capri Drive). The proposed residences would be two stories tall (18 units) and three stories tall (27 units), with the third floor of a smaller size and generally set back from the lower stories. The site plan shows the residences set back from the Knowles Drive property line by about 15 feet and from the Capri Drive property line by about 10 feet. The elevations indicate the use of three similar Mediterranean architectural styles, all featuring stucco wall finishes (with rock façade accents), tiled roofs with short overhangs, and shuttered square or arched windows.

The proposed residences would meet most of the policies and guidelines regarding architecture. For example, the residences would feature traditional and consistent architectural details, accentuate front entries while minimizing the visibility of garages, and utilize consistent and relatively simple rooflines. The plans do not include chimneys or skylights, and the integration of energy-efficient features is not indicated. The plans were reviewed by the Towns Consulting Architect for compliance with the Residential Design Guidelines.

Consistency with Neighborhood Context Policies. The proposed project is on a site with minimal neighborhood context. The adjacent uses fronting on streets are institutional or office uses, rather than residential uses, thus providing minimal context for applying the neighborhood-oriented policies and guidelines to a residential project. The nearest houses front on Capri Drive, about 100 feet north of the project site, and these vary in type, size, and style. Many nearby residences back to the street (to the south side of Knowles Drive) or to the project site (multi-family units located off West Parr Avenue). Farther to the north, as well as within the neighborhood south of Knowles Drive, the residential neighborhoods are dominated by mostly older single-story ranch houses and bungalows, but these are some distance away from the project site, and not directly visible from the streets fronting the project site. To a large degree, the proposed project would establish the residential character for the neighborhood. Therefore, the policies regarding neighborhood context are not considered relevant to the proposed project - and are not addressed here.

Consistency with Tree and Landscape Policies. The Town's landscape and tree preservation policies are included under Goal CD-3 and Goal CD-4, and reiterated in the Town's Residential Design Guidelines. Preservation of existing trees and planting of new trees and landscaping are encouraged. The Town's Tree Protection Ordinance provides specific regulation for trees. Any tree with a trunk over four inches in diameter is considered a protected tree. For subdivisions, protected trees must be retained unless findings can be made that the tree cannot be saved through alternative designs. The proposed project would remove 25 trees on the project site that

meet the Town's definition of protected tree. These trees are listed and described in [Table 2, Proposed Tree Removal](#). An arborist report, which evaluates the condition of the trees, is included as [Appendix C](#). About half the trees proposed for removal (13 of 25) are in locations not proposed for buildings or streets, and some of these might feasibly be retained. Additional trees within proposed lots could potentially be retained with shifts in the site plan. The Town's tree ordinance requires replacement of trees that are removed. The number of replacement trees is based on the canopy size. Implementation of the Town's Tree Ordinance would reduce potential effects of tree removal to a less than significant level.

Construction of the proposed project could result in physical or aesthetic damage to on-site or neighboring trees. Damage could occur in the form of cutting tree roots, compacting root zone soils, scarring of tree trunks, or excessive or un-even trimming. Damage could result in declining health or death of trees, or prolonged unsightliness. This would be a significant impact. Implementation of the following mitigation measures would reduce this impact to a less than significant level.

Mitigation Measure

AES-1. Trees designated for retention shall be identified on the project plans. All trees to be retained, including those located off-site and adjacent to the project site, shall be protected from inadvertent damage by construction equipment during project construction. The following protection measures shall be implemented:

- a. wrap trunks of protected trees with protective materials and provide protective fencing at least six feet from the trunk;*
- b. no grading shall be permitted within the fenced tree protection areas, and if the resulting adjacent grading is higher or lower than natural grade at the tree trunk, adequate permanent drainage and root protection shall be provided;*
- c. prohibit soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping or storage of materials under the drip line of trees;*
- d. bridge or tunnel under major roots where exposed. Roots should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment. Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly;*
- e. if limbs are to be cut from trees, pruning shall be accomplished to preserve an balanced tree form, and in accordance with the International Society of Arboriculture's Best Management Practices for Tree Pruning and ANSI A300 specifications; and,*
- f. additional measures as listed in Section 5 of the Arborist Report prepared for the project.*

Table 2 Proposed Tree Removal

Tree Number/Name	Trunk/Canopy	Condition	Situation on Site Plan
12 Zelkova	15 in. 30 ft.	Fair	House Lot 36
13 Zelkova	13 in. 40 ft.	Poor	Open area in front of Lot 36
14 Zelkova	14 in. 30 ft.	Fair	Open area between Lot 36/Lot 37
15 Holly Oak	19 in. 35 ft.	Fair	Open area in front of Lot 37
16 Coast Redwood	10 in. 15 ft.	Fair	Open area in front of Lot 32
17 Coast Redwood	31 in. 35 ft.	Good	House Lot 32
18 London Plane Tree	11 in. 20 ft.	Fair	Open area near project street
19 London Plane Tree	17 in. 35 ft.	Fair	Open area near project street
20 Southern Magnolia	9 in. 15 ft.	Fair	Street
21 Chinese Pistache	12 in. 35 ft.	Fair	Street
22 Chinese Pistache	12 in. 45 ft.	Fair	Street
23 Hollywood Juniper	Multi 15 ft.	Fair	Street
24 Southern Magnolia	14 in. 20 ft.	Poor	Street
25 London Plane Tree	10 in. 35 ft.	Poor	Open area near project street
26 London Plane Tree	20 in. 50 ft.	Fair	Open area near project street
27 Hollywood Juniper	Multi 30 ft.	Fair	House Lot 38
28 Chinese Pistache	9 in. 30 ft.	Fair	Street
29 Chinese Pistache	12 in. 30 ft.	Good	Open area Lot 38
30 Yew Pine	5 in. 5 ft.	Fair	Open area in front of Lot 34
37 Coast Live Oak	7 in. 15 ft.	Fair	Open area Lot 21
55 Chinese Pistache	6 in. 20 ft.	Fair	House Lot 4
56 Chinese Pistache	9 in. 25 ft.	Good	Open area in front of Lot 3
57 Deodar Cedar	5 in. 15 ft.	Good	House Lot 2
58 Calif. Pepper Tree	33 in. 60 ft.	Fair	Open area between Lot 1/Lot 2
59 Southern Magnolia	31 in. 40 ft.	Fair	House Lot 1

Source: Arbor Resources 2013, Charles W. Davidson Co 2013, sheets C1.1 and C2.1

Note: Numbers refer to arborist report; tree size and condition as assessed in the arborist report.

A conceptual landscape plan is provided. Landscaping would cover about three-quarters of an acre (about 23 percent of the project site) and consist of a variety of trees, shrubs, and groundcovers planted within the private street lots and common lots. The most significant of the common open space lots from a visual standpoint would be located along Knowles Drive near the hospital. The most visible trees proposed are Chinese pistache along both the Knowles Drive and Capri Drive frontages. Most of the proposed plantings are drought tolerant. The proposed project landscape plans provide for landscaping in compliance with the Town's landscaping requirements.

3.2 AIR QUALITY

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would be inconsistent with clean air planning efforts because projected vehicle miles traveled would increase at a greater rate than population growth. The *Town of Los Gatos 2020 General Plan* would result in a significant and unavoidable impact on air quality, and the Town Council adopted a statement of overriding considerations. No comment letters pertaining to aesthetics were submitted in response to the NOP.

Environmental Setting

Air Basin Characteristics and Climate

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

Winds in the Santa Clara Valley are greatly influenced by the terrain and temperature gradients. The prevailing winds flow roughly parallel to the Santa Clara Valley's northwest-southeast axis. A north-northwesterly sea breeze flows through the Santa Clara Valley during the afternoon and

early evening, and a light south-southeasterly flow occurs during the late evening and early morning. In the summer, the southern end of the Santa Clara Valley sometimes becomes a “convergence zone,” when air flowing from the Monterey Bay gets channeled northward into the southern end of the Santa Clara Valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with winter storms (Bay Area Air Quality Management District 2010).

Criteria Air Pollutants and their Effects on Human Health

The six most common and widespread air pollutants of concern, or “criteria pollutants,” are ground level ozone, nitrogen oxides, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, volatile organic compounds are a key contributor to the criteria pollutants because they react with other substances to form ground level ozone. In general, criteria pollutants are pervasive constituents, such as those emitted in vast quantities by the combustion of fossil fuels. The common properties, sources, and related health and environmental effects of these pollutants are summarized in [Table 3, Common Air Pollutants](#). The primary pollutants of concern in Santa Clara County include ozone, carbon monoxide, and particulate matter 10 and 2.5 microns or less in size (Bay Area Air Quality Management District 2010).

Ozone. Ground level ozone is produced by chemical reactions, which are triggered by sunlight, involving nitrogen oxides and reactive organic gasses. Since ozone is not directly emitted to the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant. Ozone is a seasonal problem, occurring roughly from April through October.

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

Reactive Organic Gasses (Ozone Precursor). Reactive organic gasses, also known as volatile organic compounds, are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal.

Nitrogen Oxides (Ozone Precursor). Most nitrogen oxides are created during combustion of fuels. Nitrogen oxides are a major contributor to ozone formation. Nitrogen dioxide is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations.

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

Table 3 Common Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone (O ₃)	Created by the chemical reaction between nitrogen oxides and volatile organic compounds in the presence of heat and sunlight. Ground level ozone is the principal component of smog.	<ul style="list-style-type: none"> ▪ Motor vehicle exhaust; ▪ Industrial emissions; ▪ Gasoline vapors; ▪ Chemical solvents. 	<ul style="list-style-type: none"> ▪ Reduced lung capacity; Irritation of lung airways and inflammation; ▪ Aggravated asthma; ▪ Increased susceptibility to respiratory illnesses (i.e. bronchitis).
Reactive Organic Gasses (ROG)	Precursor of ground-level ozone.	<ul style="list-style-type: none"> ▪ Petroleum transfer and storage; ▪ Mobile sources; ▪ Organic solvents. 	<ul style="list-style-type: none"> ▪ Potential carcinogen (e.g. benzene); ▪ Toxic to plants and animals.
Nitrogen Oxides (NO _x)	Group of highly organic gases containing nitrogen in varying amounts. Many nitrogen oxides are odorless and colorless.	<ul style="list-style-type: none"> ▪ Motor vehicles; ▪ Electric utilities; ▪ Industrial, commercial, and residential sources that burn fuel. 	<ul style="list-style-type: none"> ▪ Toxic to plants; ▪ Reduced visibility; ▪ Respiratory irritant.
Suspended and Fine Particulate Matter (PM ₁₀) (PM _{2.5})	Describes particles in the air, including dust, soot, smoke, and liquid droplets. Others are so small that they can only be detected with an electron microscope.	<ul style="list-style-type: none"> ▪ Motor vehicles; ▪ Factories; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Wood burning. 	<ul style="list-style-type: none"> ▪ Aggravated asthma; ▪ Increases in respiratory symptoms; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.

Carbon Monoxide (CO)	Colorless, odorless gas that is formed when carbon in fuel is not burned completely.	<ul style="list-style-type: none"> ▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic. 	<ul style="list-style-type: none"> ▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Reduced mental alertness; ▪ Death (at high levels)
Sulfur Oxides (SO _x)	Sulfur oxide gases are formed when fuel containing sulfur such as coal and oil is burned and when gasoline is extracted from oil, or metals are extracted from ore.	<ul style="list-style-type: none"> ▪ Electric utilities (especially coal-burning); ▪ Industrial facilities that derive their products from raw materials to produce process heat. 	<ul style="list-style-type: none"> ▪ Respiratory illness, particularly in children and the elderly; ▪ Aggravates existing heart and lung diseases.
Lead	Becomes airborne as a component of exhaust following fuel combustion.	<ul style="list-style-type: none"> ▪ Combustion of leaded gasoline. 	<ul style="list-style-type: none"> ▪ Organ, brain, nervous system damage; ▪ Behavioral disorders, ▪ Anemia; ▪ Mental retardation and lowered IQ.

Source: Bay Area Air Quality Management District 2010, Table 1-1

Particulate Matter. Particulate matter is comprised of small, suspended particles, primarily composed of dust particles, nitrates, and sulfates. Particulate matter is classified as under 10 microns (suspended particulate matter or PM₁₀) and under 2.5 microns (fine particulate matter or PM_{2.5}). Suspended particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is suspended particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 microns in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10 microns in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

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

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

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

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

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

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants are pollutants that may be expected to result in an increase in mortality or serious illness or may pose a present or potential health hazard. Health effects include cancer, birth defects, neurological damage, damage to the body's natural defense system, and diseases that lead to death. Toxic air contaminants can be classified as either carcinogens or non-carcinogens. The California Air Resources Board considers an incremental risk of greater than 10 cases per million, over a 70-year exposure period, for the Maximally Exposed Individual to be a significant impact. The ten excess cases per million equates to the possibility of causing 10

additional cancer cases in a population of one million. The ten-in-one-million risk level is used by the Air Toxics “Hot Spots” (AB 2588) program and California’s Proposition 65 as the public notification level for air toxic emissions from existing sources. The United States Environmental Protection Agency (EPA) has established National Emission Standards for Hazardous Air Pollutants, which are applicable to asbestos, beryllium, mercury, vinyl chloride, benzene, arsenic, and radon/radionuclides.

Diesel Emissions. Diesel exhaust is the predominant toxic air contaminant in urban air and is estimated to represent about two-thirds of the cancer risk from toxic air contaminants. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and toxic air contaminants. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter. Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the toxic air contaminants contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Short-term exposure to diesel particulate matter is associated with variable irritation and inflammatory symptoms. Diesel engine emissions are responsible for a majority of California’s estimated cancer risk attributable to air pollution. Diesel particulate matter is a significant fraction of California’s particulate pollution (California Air Resources Board 2005; Bay Area Air Quality Management District 2012a; California Office of Environmental Health Hazard Assessment 2001 a, b).

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

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

Asbestos is also found naturally-occurring in certain rock formations in the California Coast Ranges and elsewhere. Asbestos is the generic term for the naturally-occurring fibrous (asbestiform) varieties of six silicate minerals. These minerals are: chrysotile, tremolite (when fibrous), actinolite (when fibrous), crocidolite (fibrous riebeckite), anthophyllite (when fibrous), and amosite (fibrous cummingtonite-grunerite). Chrysotile is the most common asbestos mineral in California and belongs to the serpentine mineral group. Naturally occurring asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or weathered. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. Weathered asbestos becomes a component of the soil and can migrate downstream. Asbestos-containing rock has sometimes been used for unpaved gravel roads, landscaping, and fill. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations.

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

Pollutant Concentrations Affecting Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, parks, retirement homes, and hospitals. In addition, certain air pollutants, such as carbon monoxide, only have significant effects if they directly affect a sensitive population. The nearest existing sensitive receptors include residences to the north, west, and south of the project site, an elementary school about 600 feet to the north of the project site, and hospital facilities to the west of the project site.

High Traffic Roadways. The California Air Resources Board's *Air Quality and Land Use Handbook* encourages local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes, or daycare centers) near sources of concentrated air pollution. Unlike industrial or stationary

sources of air pollution, siting of new sensitive receptors does not require air quality permits or approval by air districts, but could increase risks of air pollution-related health problems. The risks of exposure to diesel exhaust and potential health effects resulting from prolonged exposure are greater near high-volume freeways. On-road diesel-fueled vehicles contribute about 26 percent of statewide diesel particulate matter emissions, and on a typical urban freeway (truck traffic of 10,000-20,000 per day), diesel particulate matter represents about 70 percent of the potential cancer risk from the vehicle traffic. A separation of 500 feet between high volume freeways and sensitive receptors is recommended. In urban areas a high-volume freeway is defined as having average daily trips greater than 100,000 (California Air Resources Board 2005). Current average daily traffic on State Route 85 near the project site is 105,000 trips (California Department of Transportation 2011). State Route 85 is located about 1,000 feet south of the project site.

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

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce nitrogen oxides and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards are being phased in through 2014. Ultralow sulfur off-road diesel fuel, 15 parts per million (ppm) became standard in 2010, replacing the current 500 ppm fuel. The Tier 4 engines and ultralow sulfur fuels will reduce emissions by up to 65 percent compared to older engines and fuel (United States Environmental Protection Agency 2004). The California Air Resources Board’s Regulation for In-use Off-road Diesel Vehicles establishes a state program to reduce emissions from older construction equipment, which will reduce construction equipment emissions over time.

Other Sources. Other potential sources of concentrated air pollutant emissions potentially affecting sensitive receptors include stationary sources (power and industrial plants, large generators, etc.) and farming operations (chemical sprays). The Air District mapping shows two stationary sources within 1,000 feet of the project site: the Chevron gasoline station at 3405

Winchester Boulevard; and List Labs at 540 Division Street. A stationary source was also identified at El Camino Hospital, and although El Camino Hospital has a building adjacent to the project site, the El Camino Hospital stationary source is located at 815 Pollard Drive, and more than 1,000 feet from the project site (Bay Area Air Quality Management District 2012c).

Regulation and Policy

Federal and State Clean Air Acts

Air quality is regulated on the state and federal level. The Clean Air Act, adopted in 1970 and amended in 1990, set federal standards for air quality. The California Clean Air Act was adopted by the California legislature in 1988 and amended in 1992.

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

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

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

Federal and State Standards for Air Pollutants

Ambient air quality is described in terms of compliance with the federal and state standards. Both the federal and state governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. [Table 4, Federal and State Ambient Air Quality Standards](#), lists federal and state ambient air quality standards for common air pollutants. The state standards generally have lower thresholds than the federal standards, yet both are applicable to the proposed project. When thresholds are exceeded at regional monitoring stations, an “attainment plan” must be prepared that outlines how an air district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods.

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

United States Environmental Protection Agency

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

California Air Resources Board

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

Table 4 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		Federal Standards ²			
		Concentration ³		Primary ^{3,4}		Secondary ^{3,5}	
		ppm	µg/m ³	ppm	µg/ m ³	ppm	µg/ m ³
Ozone	1 Hour	0.09	180	-	-	-	-
	8 Hour	0.07	137	0.075	147	0.075	147
PM ₁₀ ⁶	24 Hour	-	50	-	150	-	150
	Annual	-	20	-	-	-	-
PM _{2.50} ⁶	24 Hour	-	-	-	35	-	35
	Annual	-	12	-	12	-	15
Carbon Monoxide (CO)	8 Hour	9.0	10	9	10	-	-
	1 Hour	20.0	23	35	40	-	-
Nitrogen Dioxide (NO ₂) ⁷	Annual	0.030	57	0.053	100	0.053	100
	1 Hour	0.18	339	100	188	-	-
Sulfur Dioxide (SO ₂) ⁸	Annual	-	-	0.030	See note ¹⁰	-	-
	24 Hour	0.04	105	0.14	See note ¹⁰	-	-
	3 Hour	-	-	-	-	0.5	1,300
	1 Hour	0.25	655	0.075	196	-	-
Lead ^{9,10}	30 Day Average	-	1.5	-	-	-	-
	3 month revolving	-	-	-	0.15	-	0.15
	Calendar Quarter	-	-	See note ¹⁰	1.5	See note ¹⁰	1.5
Visibility Reducing Particles ¹¹	8 Hour	See note ¹¹		No Federal Standards			
Sulfates	24 Hour		25				
Hydrogen Sulfide	1 Hour	0.03	42				
Vinyl Chloride ⁹	24 Hour	0.01	26				

Source: California Air Resources Board 2013a. <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>.

3.0 ENVIRONMENTAL EFFECTS

Notes:

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM₁₀, PM_{2.5}, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
 2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
 3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
 4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
 5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
 6. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
 7. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
 8. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
 9. The California Air Resources Board has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
 10. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
 11. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.
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Bay Area Air Quality Management District

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

Air pollutants of concern in the air basin are ozone, particulate matter (PM₁₀ and PM_{2.5}), and toxic air contaminants (Bay Area Air Quality Management District 2010b).

Air Basin Attainment Status

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

Ambient air quality is monitored at by the Air District at eight locations in Santa Clara County. The ozone and particulate matter standards have been exceeded and therefore the Air Basin does not meet the state ambient air quality standards for these pollutants. The ozone attainment status is currently “non-attainment” and the suspended and fine particulate matter attainment status is currently “non-attainment.” On October 29, 2012, EPA proposed that the Bay Area be re-classified as in attainment for the 24-hour national fine particulate standard. Other criteria pollutants are not considered to have a non-attainment status (Bay Area Air Quality Management District 2010b, 2012a). [Table 5, San Francisco Bay Area Air Basin Attainment Status Designations](#), identifies the current status within the air basin for each criteria pollutant.

Table 5 San Francisco Bay Area Air Basin Attainment Status Designations

Pollutant	State	Federal
Ozone (O ₃)	Non-attainment	Non-attainment
Inhalable Particulates (PM ₁₀)	Non-attainment	Unclassified
Fine Particulates (PM _{2.5})	Non-attainment	Non-attainment ¹
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment

Source: Bay Area Air Quality Management District, 2012b

Note: On October 29, 2012, EPA proposed that the Bay Area be re-classified as in attainment for the PM_{2.5} federal standard.

Air Quality Management Plans

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

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

The Air District has adopted several plans in an attempt to achieve state and federal air quality standards. Because the Air Basin has been designated as a non-attainment area for the national ozone standard since 1998, the Air District has prepared ozone attainment plans in 1999, 2001, and 2005. The 2010 Clean Air Plan updates the Air District's most recent state ozone plan, the 2005 Ozone Strategy, which laid out a comprehensive plan to reduce emissions. The 2010 Clean Air Plan was developed as a multi-pollutant plan; this plan provides an integrated control strategy to reduce ozone, particulate matter, toxic air contaminants, and greenhouse gases. The 2010 Clean Air Plan includes a variety of control measures, many of which are applicable at a regional policy level or are specific to industrial processes. The following 2010 Clean Air Plan control measures are applicable to residential uses. The 2020 Clean Air Plan's summary description of each is included here. Refer to Volume 2 of the 2010 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2010b, Chapter 4 and Volume II).

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

TCM C-2 Implement Safe Routes to Schools and Safe Routes to Transit. Facilitate safe routes to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists.

TCM D-1 Bicycle Access and Facilities Improvements. Expand bicycle facilities serving transit hubs employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.

TCM D-2 Pedestrian Access and Facilities Improvements. Provide funding for projects to improve pedestrian access to transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.

TCM D-3 Local Land Use Strategies. Promote land use patterns, policies, and infrastructure investments that support mixed - use, transit - oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.

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

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

ECM 4 Shade Tree Planting. Promote planting of low - VOC - emitting shade trees to reduce urban heat island effects, save energy, and absorb CO₂ and other air pollutants.

In addition to the 2010 Clean Air Plan, the Air District prepared a fine particulate matter inventory and published *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area* in 2012, for inclusion in the State Implementation Plan (Bay Area Air Quality Management District 2012a).

Town of Los Gatos

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

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

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

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

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

Standards of Significance

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

- conflict with or obstruct implementation of the applicable air quality plan.

A project is considered consistent with the 2010 Clean Air Plan if it supports the primary goals of the 2010 Clean Air Plan, includes applicable 2010 Clean Air Plan control measures, and would not disrupt or hinder implementation of any 2010 Clean Air Plan control measures;

- violate any air quality standard or contribute substantially to an existing or projected air quality violation.

For construction-generated inhalable particulate emissions, the Air District considers implementation of its “Basic Measures” as adequate mitigation of potential short-term air impacts at all sites up to four acres, and additional implementation of its “Enhanced Measures” for sites greater than four acres. “Optional Measures” may be implemented if further emission reductions are deemed necessary by the lead agency;

- result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).

Based on the Air District’s May 2011 *California Environmental Quality Act Air Quality Guidelines* the following thresholds are used in this EIR:

- Nitrogen oxides and reactive organic gasses: 54 pounds/day;
- Inhalable particulate matter: 82 pounds/day;
- Fine particulate matter: 54 pounds/day; and
- Carbon monoxide: A quantitative carbon monoxide impact analysis is required (comparing project emissions to the state standards), if none of the following are met:

Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.

The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

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

- expose sensitive receptors to substantial pollutant concentrations;

Refer to the thresholds for carbon monoxide above. The Air District also recommends the following quantitative thresholds to determine the significance of construction-related and operational emissions of toxic air contaminants from individual project and cumulative sources on cancer and non-cancer health risks (Bay Area Air Quality Management District 2011).

- Increased cancer risk of >10.0 in a million for individual projects and >100 in a million (from all local sources) for cumulative sources;
 - Increased non-cancer risk of >1.0 Hazard Index (chronic or acute) for individual projects and >10.0 Hazard Index (from all local sources) for cumulative sources; and
 - Ambient fine particulate matter increase: >0.3 µg/m³ annual average for individual projects and >0.8 µg/m³ annual average (from all local sources) for cumulative sources;
- create objectionable odors affecting a substantial number of people; or
 - conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

The air quality analysis is based on the guidance in the Air District's May 2011 *California Environmental Quality Act Air Quality Guidelines*. (hereinafter "2011 CEQA Air Quality Guidelines"), which rely on the thresholds within the Options and Justification Report (Bay Area Air Quality Management District 2009). The CEQA Guidelines state that the significance criteria established by the applicable air district may be relied upon to make determinations regarding violations of air quality standards. The 2011 CEQA Air Quality Guidelines were updated in 2012 in response to legal action, and do not currently provide thresholds. The

removal of the thresholds, and accompanying screening tables, was based on the Air District's lack of CEQA review for the adoption of the thresholds; however, the First District Court of Appeal denied the legal challenge in August 2013, and it is assumed that the Air District will now re-insert the thresholds in a further update to their CEQA Air Quality Guidelines. Therefore, the Town, exercising its own discretion as lead agency, has decided for this EIR that the Options and Justification Report establishes thresholds based on substantial evidence and the thresholds are consistent with the thresholds outlined within the 2011 CEQA Air Quality Guidelines. The thresholds have been developed by the Air District in order to attain state and national ambient air quality standards. Therefore, projects below these thresholds would not violate an air quality standard and would not contribute substantially to an existing or projected air quality violation. Town staff believes that these recommendations, which are listed above, represent the best available science on the subject of what constitute significant air quality effects in the Air Basin.

A development project that does not exceed the thresholds presented in Table 3-1 of the Air District's May 2011 Air Quality CEQA Guidelines is considered to have a less than significant impact on air quality.

Analysis and Mitigation

Less than Significant Impact: Conflict with Air Quality Plan

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

- 1) **Support the primary goals of the 2010 Clean Air Plan.** The primary goals of the 2010 Clean Air Plan are to attain air quality standards; to reduce population exposure and protect public health in the Bay Area; and to reduce greenhouse gas emissions and protect the climate. This is considered to have been accomplished if there are no project-level significant impacts, or if significant impacts are mitigated to a less than significant level.

The proposed project is below the screening levels provided in Table 3-1 of the 2011 CEQA Air Quality Guidelines, and therefore, the proposed project would not result in a project-level air quality impact. The proposed project is consistent with this criterion.

- 2) **Include applicable 2010 Clean Air Plan control measures.** There are 55 control measures in the 2010 Clean Air Plan, many of which are applicable only for industrial or regional implementation, and do not apply to residential projects. Eight control measures

(summarized earlier) are potentially applicable to residential projects, although some of these are most applicable at a policy level. The 2011 CEQA Air Quality Guidelines do not state the extent to which a project must be consistent with applicable control measures. The recognized standard for general plan consistency states that a project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. A project need not be in perfect conformity with each and every policy of the general plan if those policies are not relevant or leave the city or county room for interpretation (California Office of Planning and Research 2003, page 164). Project consistency with each of the applicable control measures is discussed below, based in part, on the implementation expectations stated in the 2010 Clean Air Plan. Refer to the Policy and Regulation section above for text summaries of the control measures, or to the 2010 Clean Air Plan for full descriptions (Bay Area Air Quality Management District 2010b, Volume 2).

MSM C-1 Construction Equipment. The proposed project is below the screening level presented in Table 3-1 of the 2011 CEQA Air Quality Guidelines; therefore, construction air emissions are within acceptable levels, and meet the intent of this measure. The proposed project is consistent with this control measure.

TCM C-2. Safe Routes to School. The project site is about one-quarter mile from a charter elementary school and about one-third mile from the local attendance elementary school, a reasonable distance for walking. Sidewalks are available from the project site to the nearest elementary school, and the other elementary school is accessible through the shared elementary school campus. The local attendance middle school is 1.4 miles from the project site a reasonable distance for bicycling. Although the street does not have bicycle lanes, traffic volumes are light, there are no particularly narrow areas or locations with poor sight lines, and the street crosses the State Route 85 freeway without on-ramps, so there is no conflict with freeway traffic. The local attendance high school is 1.5 miles from the project site, a reasonable distance for bicycling. Although the streets do not have bicycle lanes, traffic volumes are light and there are no particularly narrow areas or locations with poor sight lines. The proposed project is consistent with this control measure.

TCM D-1 Bicycle Access. The project site is located on one street that is a planned cross-County bike route and another street with very low traffic volumes that provides a good bicycle route. The project site is also close to Winchester Boulevard, another planned cross-County bike route, and the Los Gatos Creek trail. The proposed project does not interfere with these bike routes. The proposed project is consistent with this control measure.

TCM D-2 Pedestrian Access. The proposed project's internal street is designed for shared use by vehicles and pedestrians. The project frontages have sidewalks, and most of the nearby streets have sidewalks. The sidewalk is not complete at the adjacent former courthouse; prior to re-use of this site, the Town may require completion of the sidewalk. However, adequate pedestrian routes are provided in the areas adjacent to the project site to provide reasonable pedestrian access to adjacent services. The proposed project is consistent with this control measure.

TCM D-3 Local Land Use Strategies. The proposed project, consistent with the *Town of Los Gatos 2020 General Plan*, contributes to an area of mixed land uses that facilitate walking and places higher density residential development close to services. The proposed project is consistent with this control measure.

ECM 2 Renewable Energy. The proposed project does not propose any energy efficiencies, but would be subject to the version of the California Green Building Code and Title 24 Energy Code effective at the time building plans are submitted to the Town. Compliance with these codes would ensure energy-efficient construction.

ECM 3 Urban Heat Island. *Los Gatos 2020 General Plan Policy ENV-13.1* and *Los Gatos Sustainability Plan Policy EC-10* provide similar requirements that would be implemented during construction. Refer to Section 3.7 Greenhouse Gasses. With implementation of the Town's sustainability plan measures, the proposed project would be in consistent with this control measure.

ECM 4 Shade Trees. *Los Gatos 2020 General Plan Policy ENV-13.1* and *Los Gatos Sustainability Plan Policy EC-10* provide similar requirements that would be implemented during construction. The proposed project includes landscape plans that call for landscaping, including shade trees. Additionally, Mitigation Measure AES-1 requires the retention of many of the existing trees on the project site. The proposed project would be consistent with this control measure.

The proposed project is in substantial conformance with the 2010 Clean Air Plan control measures.

- 3) **Not disrupt or hinder implementation of any 2010 Clean Air Plan control measures.** The proposed project does not interfere with any of the above control measures or other control measures presented in the 2010 Clean Air Plan.

Less than Significant Impact: Violation of an Air Quality Standard

The proposed project does not exceed the construction phase screening thresholds in Table 3-1 of the 2011 CEQA Air Quality Guidelines. The threshold for significant construction phase air quality effects is 114 units, far in excess of the proposed project's 45 units. Therefore, the proposed project would have a less than significant impact on construction air quality and no quantification of construction air emissions is necessary.

The proposed project does not exceed the operational screening thresholds in Table 3-1 of the 2011 CEQA Air Quality Guidelines. The threshold for significant operational air quality effects is 325 units, far in excess of the proposed project's 45 units. Therefore, the proposed project would have a less than significant impact on operational air quality and no quantification of operational air emissions is necessary.

Less than Significant Impact: Increase of Non-attainment Criteria Pollutant

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would be inconsistent with applicable clean air planning efforts of the Air District, as projected vehicle miles travelled (VMT) that could occur under the *Town of Los Gatos 2020 General Plan* would increase at a greater rate than population growth. The *Town of Los Gatos 2020 General Plan* includes extensive goals, policies and actions that aim to reduce vehicle reliance and VMT within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional VMT beyond that anticipated in the Air District's clean air planning efforts. As a result, development in Los Gatos would contribute to the on-going air quality emissions that result in non-attainment of ozone ambient air quality standards in the air basin (page 2-6).

The Air Basin is in non-attainment for ozone and particulate matter, and emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM₁₀ or PM_{2.5}) in excess of thresholds would result in the increase in non-attainment criteria pollutants. The proposed project does not exceed the operational screening thresholds in Table 3-1 of the 2011 CEQA Air Quality Guidelines. The threshold for significant operational air quality effects is 325 units, far in excess of the proposed project's 45 units. A project that does not have project level air quality impacts would not result in a cumulative air quality impact. Therefore, the proposed project would have a less than significant impact on operational air quality and a less than significant contribution to cumulative air quality impacts (Bay Area Air Quality Management District 2011, page 4-11).

Less than Significant Impact: Pollutant Concentrations at Sensitive Receptors

The *Town of Los Gatos 2020 General Plan EIR* determined that the region was in compliance with the state carbon monoxide standard and that due to technological improvements, carbon monoxide levels were declining despite increases in vehicle miles travelled. The effects of concentrated carbon monoxide are associated with intersections with large numbers of idling cars and levels of service of LOS E or worse. There are no heavily used or heavily congested intersections adjacent to the project site.

The California Air Resources Board's *Air Quality and Land Use Planning Handbook* recommends that residential uses be located at least 500 feet from freeways due to increased risk from toxic air contaminants and particulate matter. The project site is located about 1,000 feet from State Route 85. Knowles Drive carries about 12,500 trips per day, which represents a cancer risk of 2.1 cases per million at a distance of 50 feet. The cancer risk from traffic on Knowles Drive is significantly below the 10 cases per million threshold.

Two Air District-permitted point emission sources are located within 1,000 feet of the project site. One of these is a gasoline station, located about 600 feet from the project site on Winchester Boulevard. The California Air Resources Board's *Air Quality and Land Use Planning Handbook* recommends a 50-foot separation between residences and gasoline stations, so the separation of the gasoline station and project site is adequate to ensure gasoline station emissions would not pose a health risk at the project site. The other nearby stationary source is a generator located at List Labs, about 750 feet from the project site. This source has an increased cancer risk factor of 30.05 cases per 1,000,000 persons, chronic hazards index of 0.011 and PM_{2.5} factor of 0.007. Using the Air District's multiplier tool for diesel generators, the listed risk factors were adjusted by multiplying by a factor of 0.07 (the reduction factor for a separation of 722 feet). When reduced, the risk factors for List Labs are below the threshold, and the impact is less than significant.

No Impact: Substantial Odors

The proposed residential development would not result in substantial odors. There are no significant odor-producing uses in the vicinity of the project site that could affect proposed sensitive uses.

No Impact: General Plan Inconsistency

Transportation Alternatives (Policy ENV-12.2) Refer to Section 3.13 Transportation and Traffic for discussion of alternative transportation modes and mitigation measures to improve usability of alternative transportation modes.

3.3 BIOLOGICAL RESOURCES

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant biological resources impacts from the build-out of the *Town of Los Gatos 2020 General Plan*. No comment letters pertaining to biological resources were submitted in response to the NOP.

Environmental Setting

Methods

This section is based on a biological reconnaissance field survey conducted by EMC Planning Group biologist and certified arborist Andrea Edwards on August 23, 2013, to document existing plant communities and wildlife habitats, and evaluate the potential for special-status species to occur on the project site. Prior to the site visit, Ms. Edwards reviewed site maps; aerial photographs; database accounts; and scientific literature/project reports describing natural resources in the vicinity. Biological resources were documented in field notes, including species observed, dominant plant communities, and significant wildlife habitat characteristics. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level was noted.

Biological Resources Setting

The project site is situated in the California Floristic Province's San Francisco Bay Area sub-region, which is reasonably well defined by geographic features such as Mount Tamalpais, the Santa Cruz Mountains, and the northern Diablo Range, including Mount Diablo and Mount Hamilton. The sub-region is less well defined by vegetation, encompassing a diversity of plant community types, from wet redwood forest to dry oak-pine woodland and chaparral (Baldwin 2012). The area experiences a Mediterranean-type climate, which can be characterized as having cool, wet winters, and warm, dry summers. Rainfall between the months of April and October is relatively rare, totaling approximately 15 percent of the average annual precipitation of 26.9 inches at the Los Gatos weather station (Western Regional Climate Center 2011).

The project site is situated on the United States Geological Survey's (USGS) San Jose West quadrangle map. Elevations on the flat site range from about 265 to 270 feet. The generally undeveloped project site is surrounded in all directions by dense urban development. It consists mainly of disturbed areas covered in thick mulch layers, with scattered ruderal (weedy) plants present. It also contains a developed parking lot, existing building and shed, and small patches of ornamental landscaping including trees, shrubs, vines, and turf grass.

Plant Communities

No natural plant communities are present on the disturbed, developed, and ornamental (landscaped) site. Scattered ruderal (weedy) plants able to grow through the existing layers of thick mulch or along the edges of the site include mainly non-native field bindweed (*Convolvulus arvensis*) and wild oat (*Avena* sp.). Other non-native plants present include ripgut grass (*Bromus diandrus*), cheeseweed (*Malva parviflora*), wild radish (*Raphanus sativus*), shortpod mustard (*Hirschfeldia incana*), English plantain (*Plantago lanceolata*), puncture vine (*Tribulus terrestris*), and bermuda grass (*Cynodon dactylon*), along with occasional small native coyote brush (*Baccharis pilularis*) shrubs and coast live oak saplings.

Trees

According to the arborist report prepared by the Town's Consulting Arborist (Arbor Resources 2013), 59 trees including 15 different species have been inventoried on and immediately adjacent to the previously developed site. These trees are almost all ornamental landscape trees. There are 32 non-native ornamental landscape trees (composed of 13 different species) and 24 native ornamental landscape coast redwoods (*Sequoia sempervirens*), along with three native coast live oaks (*Quercus agrifolia*).

Wildlife Habitats

The overall quality of wildlife habitats at the previously developed project site is quite low. The site provides only marginally suitable habitat conditions for common, urban-adapted wildlife species because it is surrounded by extensive development, has a high human and domestic animal presence, is highly disturbed, and contains almost no native vegetation. Common species expected to occur on the project site include birds that utilize ornamental landscaped vegetation and human structures for nesting, such as house sparrow (*Passer domesticus*), house finch (*Carpodacus mexicanus*), western scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), and European starling (*Sturnus vulgaris*).

Special-Status Species

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

A search of the CDFW *California Natural Diversity Database* was conducted for the Mountain View, Milpitas, Calaveras Reservoir, Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, and Santa Teresa Hills USGS quadrangles in order to generate a list of potentially occurring special-status species in the project vicinity (California Department of Fish and Wildlife 2013). A USFWS *Endangered Species Program* Threatened and Endangered species list was also generated for Santa Clara County (United States Fish and Wildlife Service 2013). Records of occurrence for special-status plants were reviewed for the nine USGS quadrangles listed above in the CNPS *Inventory of Rare and Endangered Plants* (California Native Plant Society 2013).

Special-Status Plants. Special-status plants generally occur in relatively undisturbed areas and are largely found within unique plant communities and/or habitats such as vernal pools or alkali flats. [Table 6, Special-Status Plants Potentially Occurring in the Project Vicinity](#), shows special-status plant species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. No special-status plant species are expected to occur on the project site due to the lack of suitable habitats.

Special-Status Animals. Special-status animals generally require undisturbed or minimally disturbed habitats. [Table 7, Special-Status Animals Potentially Occurring in the Project Vicinity](#), shows special-status animal species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. No special-status animal species are expected to occur on the project site due to the lack of suitable habitats.

Various bird species may nest in trees and shrubs on and adjacent to the project site, or on the ground. Future construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests.

Table 6 Special-Status Plants Potentially Occurring in the Project Vicinity

Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Alkali milk-vetch (<i>Astragalus tener</i> var. <i>tener</i>)	--/--/1B.2	Alkaline sites in playas, valley and foothill grassland (on adobe clay), and vernal pools; elevation 1-60m.	No suitable habitat present on the site; not expected to occur.
Anderson's manzanita (<i>Arctostaphylos andersonii</i>)	--/--/1B.2	Broadleaved upland forest, chaparral, and North Coast coniferous forest. Known only from the Santa Cruz Mountains. Prefers open sites in redwood forest; elevation 180-800m.	No suitable habitat present on the site; not expected to occur.
Arcuate bush-mallow (<i>Malacothammus arcuatus</i>)	--/--/1B.2	Chaparral, in gravelly alluvium; elevation 80-355m.	No suitable habitat present on the site; not expected to occur.
Ben Lomond buckwheat (<i>Eriogonum nudum</i> var. <i>decurrens</i>)	--/--/1B.1	Chaparral, cismontane woodland, lower montane coniferous forest, and ponderosa pine sand hills; elevation 50-800m.	No suitable habitat present on the site; not expected to occur.
Ben Lomond spineflower (<i>Chorizanthe pungens</i> var. <i>hartwegiana</i>)	FE/--/1B.1	Lower montane coniferous forest; found on Ben Lomond sands and Zayante coarse sands in maritime ponderosa pine sand hills; elevation 120-470m.	No suitable habitat present on the site; not expected to occur.
Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>)	--/--/1B.2	Valley and foothill grassland, and cismontane woodland; sometimes on serpentine; elevation 35-1000m.	No suitable habitat present on the site; not expected to occur.
Bonny Doon manzanita (<i>Arctostaphylos silvicola</i>)	--/--/1B.2	Chaparral, closed-cone coniferous forest, and lower montane coniferous forest. Known only from inland marine Zayante sands in Santa Cruz County; elevation 120-390m.	No suitable habitat present on the site; not expected to occur.
Brittlescale (<i>Atriplex depressa</i>)	--/--/1B.2	Chenopod scrub, meadows, playas, valley and foothill grassland, and vernal pools. Usually in alkali scalds or alkali clay in meadows or annual grassland; rarely associated with riparian, marshes or vernal pools; elevation 1-320m.	No suitable habitat present on the site; not expected to occur.
California seablite (<i>Suaeda californica</i>)	FE/--/1B.1	Marshes and swamps; margins of coastal salt marshes; elevation 0-5m.	No suitable habitat present on the site; not expected to occur.
Caper-fruited tropidocarpum (<i>Tropidocarpum capparideum</i>)	--/--/1B.1	Valley and foothill grassland on alkaline clay; elevation 0-445m.	No suitable habitat present on the site; not expected to occur.
Chaparral harebell (<i>Campanula exigua</i>)	--/--/1B.2	Chaparral (rocky, usually serpentine); elevation 275-1250m.	No suitable habitat present on the site; not expected to occur.

3.0 ENVIRONMENTAL EFFECTS

Species	Status (Federal/State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Chaparral ragwort (<i>Senecio aphanactis</i>)	--/--/2B.2	Cismontane woodland and coastal scrub. Prefers drying alkaline flats; elevation 20-575m.	No suitable habitat present on the site; not expected to occur.
Congdon's tarplant (<i>Centromadia parryi</i> spp. <i>congdonii</i>)	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Known to occur on various substrates, and in disturbed and ruderal (weedy) areas.	No suitable habitat present on the site; not expected to occur.
Contra Costa goldfields (<i>Lasthenia conjugens</i>)	FE/--/1B.1	Wet areas in cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools; elevation 0-470m.	No suitable habitat present on the site; not expected to occur.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m.	No suitable habitat present on the site; not expected to occur.
Hall's bush-mallow (<i>Malacothammus hallii</i>)	--/--/1B.2	Chaparral, some populations on serpentine; elevation 10-550m.	No suitable habitat present on the site; not expected to occur.
Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	--/--/1B.1	Vernal pools. Alkaline depressions, roadside ditches, and other wet places near the coast; elevation 5-45m.	No suitable habitat present on the site; not expected to occur.
Indian Valley bush-mallow (<i>Malacothammus aboriginum</i>)	--/--/1B.2	Chaparral and cismontane woodland; rocky, often burned areas. Prefers granitic outcrops and sandy bare soil; elevation 150-1700m.	No suitable habitat present on the site; not expected to occur.
Lesser saltscale (<i>Atriplex minuscula</i>)	--/--/1B.1	Chenopod scrub, playas, valley and foothill grassland. In alkali sink communities in sandy, alkaline soils; elevation 20-100m.	No suitable habitat present on the site; not expected to occur.
Loma Prieta hoita (<i>Hoita strobilina</i>)	--/--/1B.1	Wet areas on serpentine substrate in chaparral, cismontane woodland, and riparian woodland; elevation 30-860m.	No suitable habitat present on the site; not expected to occur.
Metcalf Canyon jewel-flower (<i>Streptanthus albidus</i> ssp. <i>albidus</i>)	FE/--/1B.1	Valley and foothill grassland. Endemic to Santa Clara County. Relatively open areas in dry grassy meadows on serpentine soils/serpentine balds; elevation 45-245m.	No suitable habitat present on the site; not expected to occur.
Most beautiful jewel-flower (<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>)	--/--/1B.2	Chaparral, valley and foothill grassland, and cismontane woodland; serpentine outcrops, on ridges and slopes; elevation 120-730m.	No suitable habitat present on the site; not expected to occur.
Mt. Hamilton fountain thistle (<i>Cirsium fontinale</i> var. <i>campylon</i>)	--/--/1B.2	Serpentine seeps in chaparral, cismontane woodland, and valley and foothill grassland; elevation 100-890m.	No suitable habitat present on the site; not expected to occur.
Point Reyes bird's-beak (<i>Chloropyron maritimum</i> ssp. <i>palustre</i>)	--/--/1B.2	Coastal salt marshes, usually with <i>Salicornia</i> , <i>Distichlis</i> , <i>Jaumea</i> , and <i>Spartina</i> ; elevation 0-15m.	No suitable habitat present on the site; not expected to occur.

Species	Status (Federal/ State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Prostrate vernal pool navarretia (<i>Navarretia prostrata</i>)	--/--/1B.1	Coastal scrub, valley and foothill grassland, and vernal pools. Alkaline soils in grassland, or in vernal pools; elevation 15-700m.	No suitable habitat present on the site; not expected to occur.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m.	No suitable habitat present on the site; not expected to occur.
Round-leaved filaree (<i>California macrophylla</i>)	--/--/1B.1	Clay sites in cismontane woodland, and valley and foothill grassland; elevation 15-1200m.	No suitable habitat present on the site; not expected to occur.
Saline clover (<i>Trifolium hydrophilum</i>)	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m.	No suitable habitat present on the site; not expected to occur.
San Francisco collinsia (<i>Collinsia multicolor</i>)	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m.	No suitable habitat present on the site; not expected to occur.
San Joaquin spearscale (<i>Atriplex joaquinana</i>)	--/--/1B.2	Alkaline sites in chenopod scrub, meadows and seeps, playas, and valley and foothill grassland; elevation 1-320m.	No suitable habitat present on the site; not expected to occur.
Santa Clara Valley dudleya (<i>Dudleya abramsii</i> ssp. <i>setchellii</i>)	FE/--/1B.1	Valley and foothill grassland, and cismontane woodland. Endemic to serpentine outcrops and on rocks within grassland or woodland in Santa Clara County; elevation 80-335m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz Mountains beardtongue (<i>Penstemon rattanii</i> var. <i>kleei</i>)	--/--/1B.2	Chaparral and lower montane coniferous forest. Sandy shale slopes in transition zone between forest and chaparral; elevation 400-1100m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz Mountains pussypaws (<i>Calyptridium parryi</i> var. <i>hesseae</i>)	--/--/1B.1	Sandy or gravelly openings in chaparral and cismontane woodland; elevation 305-1530m.	No suitable habitat present on the site; not expected to occur.
Santa Cruz wallflower (<i>Erysimum teretifolium</i>)	FE/SE/1B.1	Lower montane coniferous forest and chaparral. Pine Parkland Area, on inland marine sands (Zayante coarse sand); elevation 120-610m.	No suitable habitat present on the site; not expected to occur.
Slender-leaved pondweed (<i>Stuckenia filiformis</i> ssp. <i>alpina</i>)	--/--/2B.2	Marshes and swamps. Shallow, clear water of lakes and drainage channels; elevation 15-2310m.	No suitable habitat present on the site; not expected to occur.
Smooth lessingia (<i>Lessingia micradenia</i> var. <i>glabrata</i>)	--/--/1B.2	Chaparral; endemic to Santa Clara County. Serpentine, often on roadsides; elevation 120-485m.	No suitable habitat present on the site; not expected to occur.

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Species	Status (Federal/State/CNPS)	Habitat Description	Potential to Occur on the Project Site
Western leatherwood (<i>Dirca occidentalis</i>)	--/--/1B.2	Broadleaf upland forest, chaparral, closed cone coniferous forest, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. Found on brushy slopes, in mesic sites, mostly in mixed evergreen and foothill woodland communities; elevation 30-550m.	No suitable habitat present on the site; not expected to occur.
White-flowered rein orchid (<i>Piperia candida</i>)	--/--/1B.2	Broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest; sometimes serpentine; elevation 30-1310m.	No suitable habitat present on the site; not expected to occur.
White-rayed pentachaeta (<i>Pentachaeta bellidiflora</i>)	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m.	No suitable habitat present on the site; not expected to occur.
Woodland woollythreads (<i>Monolopia gracilens</i>)	--/--/1B.2	Serpentine, open sites in broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland; elevation 100-1200m.	No suitable habitat present on the site; not expected to occur.

Listing Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

State (CDFW)

SE: Listed as Endangered under the California Endangered Species Act.

ST: Listed as Threatened under the California Endangered Species Act.

SR: Listed as Rare under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions

1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.

2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.

.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).

.2: Fairly endangered in California (20-80% occurrences threatened).

.3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Sources: CDFW 2013, CNPS 2013

Table 7 Special-Status Animals Potentially Occurring in the Project Vicinity

Species	Status (Federal / State)	Habitat Description	Potential to Occur on the Project Site
Alameda song sparrow (<i>Melospiza melodia pusillula</i>)	--/SSC	Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits <i>Salicornia</i> marshes; nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in <i>Salicornia</i> .	No suitable habitat present on the site; not expected to occur.
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>)	FT/ST	Typically found in chaparral and scrub habitats, but will also use adjacent grassland, oak savannah, and woodland habitats. Found mostly on south-facing slopes and ravines with rock outcrops, deep crevices, or abundant rodent burrows.	No suitable habitat present on the site; not expected to occur.
American peregrine falcon (<i>Falco peregrinus anatum</i>)	FD/SD, SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	No suitable habitat present on the site; not expected to occur.
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Castilleja densiflora</i> and <i>C. exserta</i> are secondary host plants.	No suitable habitat present on the site; not expected to occur.
Black swift (<i>Cypseloides niger</i>)	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea bluffs above surf; forages widely.	No suitable habitat present on the site; not expected to occur.
Burrowing owl (<i>Athene cunicularia</i>)	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	No suitable habitat present on the site; not expected to occur.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	--/ST	Inhabits freshwater marshes, wet meadows, and shallow margins of saltwater marshes bordering larger bays. Needs water depth of about 1 inch that does not fluctuate during the year and dense vegetation for nesting.	No suitable habitat present on the site; not expected to occur.
California clapper rail (<i>Rallus longirostris obsoletus</i>)	FE/SE	Found in saltwater and brackish marshes, traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	No suitable habitat present on the site; not expected to occur.
California least tern (<i>Sterna antillarum browni</i>)	FE/SE	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates (sand beaches, alkali flats, landfills, or paved areas).	No suitable habitat present on the site; not expected to occur.

3.0 ENVIRONMENTAL EFFECTS

Species	Status (Federal / State)	Habitat Description	Potential to Occur on the Project Site
California red-legged frog <i>(Rana draytonii)</i>	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	No suitable habitat present on the site; not expected to occur.
California tiger salamander <i>(Ambystoma californiense)</i>	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding habitat.	No suitable habitat present on the site; not expected to occur.
Coast horned lizard <i>(Phrynosoma blainvillii)</i>	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	No suitable habitat present on the site; not expected to occur.
Coho salmon <i>(Oncorhynchus kisutch)</i>	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	No suitable habitat present on the site; not expected to occur.
Foothill yellow-legged frog <i>(Rana boylei)</i>	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	No suitable habitat present on the site; not expected to occur.
Golden eagle <i>(Aquila chrysaetos)</i>	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	No suitable habitat present on the site; not expected to occur.
Northern harrier <i>(Circus cyaneus)</i>	--/SSC	Found near coastal salt and freshwater marshes. Nests and forages in grasslands. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	No suitable habitat present on the site; not expected to occur.
Pallid bat <i>(Antrozous pallidus)</i>	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	No suitable habitat present on the site; not expected to occur.
Saltmarsh common yellowthroat <i>(Geothlypis trichas sinuosa)</i>	--/SSC	Fresh and saltwater marshes; requires thick continuous cover down to water surface for foraging, tall grasses, tule patches, and willows for nesting.	No suitable habitat present on the site; not expected to occur.
Salt-marsh harvest mouse <i>(Reithrodontomys raviventris)</i>	FE/SE	Found only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is the primary habitat. Species does not burrow, but builds loosely organized nests. Requires higher areas for flood escape.	No suitable habitat present on the site; not expected to occur.

Species	Status (Federal / State)	Habitat Description	Potential to Occur on the Project Site
Salt-marsh wandering shrew (<i>Sorex vagrans halicoetes</i>)	--/SSC	Salt marshes of the southern arm of San Francisco Bay. Found in medium high marsh, 6-8 feet above sea level where abundant driftwood is scattered among <i>Salicornia</i> .	No suitable habitat present on the site; not expected to occur.
Steelhead (<i>Oncorhynchus mykiss irideus</i>)	FT/SSC	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	No suitable habitat present on the site; not expected to occur.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	--/SSC	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	No suitable habitat present on the site; not expected to occur.
Tricolored blackbird (<i>Agelaius tricolor</i>)	--/SSC	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	No suitable habitat present on the site; not expected to occur.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE/--	Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water. Pools commonly found in grass-bottomed swales of unplowed grasslands.	No suitable habitat present on the site; not expected to occur.
Western pond turtle (<i>Emys marmorata</i>)	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	No suitable habitat present on the site; not expected to occur.
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	FT/SSC	Sandy beaches, salt pond levees, shores of large alkali lakes; sandy, gravelly, or friable soils for nesting.	No suitable habitat present on the site; not expected to occur.
White-tailed kite (<i>Elanus leucurus</i>)	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	No suitable habitat present on the site; not expected to occur.
Zayante band-winged grasshopper (<i>Trimerotropis infantilis</i>)	FE/--	Isolated sandstone deposits in the Santa Cruz Mountains, Zayante Hills ecosystem.	No suitable habitat present on the site; not expected to occur.

Listing Status Codes:

Federal (USFWS)

- FE: Listed as Endangered under the Federal Endangered Species Act.
- FT: Listed as Threatened under the Federal Endangered Species Act.
- FD: Delisted under the Federal Endangered Species Act.

State (CDFW)

- SE: Listed as Endangered under the California Endangered Species Act
- ST: Listed as Threatened under the California Endangered Species Act.
- SD: Delisted under the California Endangered Species Act.
- SSC: Species of Special Concern.
- SFP: Fully Protected species under the California Fish and Game Code.

Source: CDFW 2013

Policy and Regulation

Federal Regulations

Endangered Species Act. The federal Endangered Species Act of 1973 (hereafter the “Act”) protects species that the USFWS has listed as “Endangered” or “Threatened.” Permits may be required from USFWS if activities associated with a proposed project would result in the “take” of a federally listed species or its habitat. Under the Act, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in take. “Take” of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

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

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

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

State Regulations

California Endangered Species Act. Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an incidental take permit from the CDFW is required for projects that could result in the take of a state-listed Threatened or Endangered species. “Take” is defined under the Act as an activity that would directly or indirectly kill an individual of a species; “take” is defined in Section 86 of the California Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” If a proposed project would result in the “take” of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

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

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

California Porter-Cologne Water Quality Control Act. Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (RWQCB) may necessitate Waste Discharge Requirements for the fill or alteration of “Waters of the State,” which according to California Water Code Section 13050 includes “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction. Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state RWQCB is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

Regional/Local Policies and Regulations

Town of Los Gatos General Plan

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

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

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

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

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

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

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

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

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

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

Town of Los Gatos Tree Protection Ordinance

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

The trees protected by this division are:

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

(6) All trees which have a four-inch or greater diameter (twelve and one-half inch circumference) of any trunk and are located on a vacant lot or undeveloped property.

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

Sec. 29.10.0990. Standards of review [abridged].

Each application for a tree removal permit required by this division shall be reviewed using the following criteria:

(5) In connection with a proposed subdivision of land into two (2) or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.) The tree removed shall be replaced in accordance with the standards in section 29.10.0985 of this Code. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this Code.

(6) The retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent. In such a case, the removal shall be conditioned upon replacement in accordance with the standards in section 29.10.0985 of this Code.

Standards of Significance

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan;
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Analysis and Mitigation

Less Than Significant Impact with Mitigation: Nesting Birds

Trees on and adjacent to the site have the potential to provide breeding habitat for nesting birds protected by the California Fish and Game Code and/or the federal Migratory Bird Treaty Act. If any active nest(s) of protected bird species should occur on or adjacent to the site, then construction activities or tree removal, if conducted during the bird nesting season (February 1 through August 31), could result in the direct loss of nests, including eggs and young, or the abandonment of an active nest. This would be a significant impact. The following mitigation measure would reduce this significant potential impact to a less than significant level.

Mitigation Measure

BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting 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 active bird nest avoidance shall be prepared to 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.

In addition, removal of mature trees on the site for development could conflict with *Town of Los Gatos 2020 General Plan* policy ENV-4.7, which establishes protective measures requiring the preparation of a mitigation plan prior to the removal of nesting habitat. If significant numbers of mature trees (defined as non-orchard trees over 40 feet in height) would be removed, then the project developer would be required to prepare a nesting bird mitigation plan to mitigate for the loss of suitable nesting habitat prior to the site's development.

No Impact: Sensitive Natural Communities

Sensitive natural communities are defined by local, state, or federal agencies as habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity. No sensitive natural communities occur on the project site. Therefore, no impacts to sensitive natural communities would occur.

No Impact: Wetlands and Waterways

As confirmed through the biological reconnaissance field survey and review of the USFWS National Wetlands Inventory, the project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the USACE, the CDFW, or the RWQCB would occur.

No Impact: Wildlife Movement

In general, wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). The project site is surrounded by dense urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.

Less than Significant Impact: Protected Trees

The proposed project would result in the removal of up to 25 trees protected by the Town of Los Gatos Tree Protection Ordinance. Almost all of these trees are ornamental landscaped trees, with the exception of one native coast live oak. The existing mature trees have been planted within the project site, and do not provide even moderate quality wildlife habitat. Therefore, tree removals would be a less than significant biological resource impact. The potential for these trees to support protected nesting birds is addressed separately above.

No Impact: Habitat Conservation Plans

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

No Impact: Forest Lands

The project site is surrounded in all directions by dense urban development, and does not contain any forest lands. The proposed project will not impact any forest land/timberland zoning, or convert forest land to non-forest use.

3.4 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would have a significant unavoidable impact on climate change. The *Town of Los Gatos 2020 General Plan EIR* states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. However, the *Town of Los Gatos 2020 General Plan EIR* concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan's 30 percent target reduction level. No NOP comments were received pertaining to greenhouse gas emissions or climate change.

Environmental Setting

Science of Climate Change

Recognition and Response. The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on

the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. The federal government has begun to tackle concerns about climate change through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Policy and Regulation section below.

Causes and Effects of Climate Change. Temperatures at the Earth's surface increased by an estimated 1.4°F (0.8°C) between 1900 and 2005. The past decade was the warmest of the past 150 years and perhaps the past millennium. The warmest 23 years on record have occurred since 1980. The years of 2005 and 2010 were the warmest on record for the United States (National Oceanic and Atmospheric Administration 2011). Scientific consensus is that this warming is largely the result of emissions of carbon dioxide (CO₂) and other greenhouse gases from human activities including industrial processes, fossil fuel combustion, and changes in land use, such as deforestation.

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

Numerous climate change models have been developed since the report was released in 2006. Over time, modelers have been refining the models themselves as well as the inputs to the models in an effort to more precisely project climate change impacts. For example, refined modeling of conditions in the San Francisco Bay Area conducted by Scripps Institute for Oceanography for the California Energy Commission suggests that by the end of the twenty-first century, the range of warming ranges from about 2° Celsius to 6° Celsius (about 3.5° Fahrenheit to 11° Fahrenheit) under one model scenario, with temperatures averaging 1.5° Celsius greater under a second scenario (Cayan, Tyree, and Iacobellis 2012). The California Energy Commission has funded the Cal-Adapt program, which has developed on-line compendium of

climate change information for California that, among other things, identifies a range of future global warming scenarios that can be accessed interactively. This information can be found at: <http://cal-adapt.org/page/about-caladapt>.

Greenhouse Gases. Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution it are carbon dioxide, methane, nitrous oxide and chlorofluorocarbons. The contribution of these GHGs to global warming is summarized in [Table 8, Greenhouse Gas Types and Their Contribution to Global Warming](#).

Table 8 Greenhouse Gas Types and Their Contribution to Global Warming

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

Note: Percentages reflect weighting for global warming potential.

Source: United States Environmental Protection Agency 2011

Greenhouse Gas Global Warming Potentials. Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one. Methane has a global warming potential of 21 times that of carbon dioxide and nitrous oxide has a global warming potential of 310 times that of carbon dioxide. The families of chlorofluorocarbons, hydrofluorocarbons and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of carbon dioxide. While carbon dioxide represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO₂e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO₂ as the base reference. This method

is useful because it allows comparison of the impacts from many different GHGs, such as methane, perfluorocarbons or nitrous oxide. If a project is a source of several types of GHGs, the individual global warming potentials of each can be standardized and expressed in terms of CO₂e.

Inventories of Greenhouse Gases

World/United States Estimates of GHG Emissions. In 2004, total worldwide GHG emissions were estimated to be 49,000 teragrams carbon dioxide equivalent (Intergovernmental Panel on Climate Change 2007). A teragram equals one million metric tons. In 2009, United States GHG emissions were 6,633.2 teragrams carbon dioxide equivalent (CO₂e). GHG emissions vary annually due to factors such as weather, economic conditions, and cost of various energy sources. The highest GHG emissions year in the United States was 2007, with total emissions of 7,263 teragrams CO₂e. In 1990, the year frequently used as a baseline for emissions, GHG emissions in the United States were 6,182 teragrams CO₂e (United States Environmental Protection Agency 2011).

California GHG Emissions Inventory. California is a substantial contributor of global greenhouse gases. Based on the California Air Resources Board's most recent state GHG inventory, a net of about 451.6 million tons of CO₂e were generated in 2010 (California Air Resources Board 2013b). In 2010, about 38 percent of all GHG gases emitted in the state came from the transportation sector. Electric power generation (in state generation and out of state generation for imported electricity) and industrial uses were the second and third largest categories at about 21 percent and 19 percent, respectively. The commercial and residential use sectors combined to generate about 10 percent of the 2010 emissions, while the agricultural sector contributed about seven percent. Other sources include high global warming potential gases at about three percent and landfill waste emissions at about two percent of the total state inventory.

Bay Area and Santa Clara County GHG Emissions Inventory. The Air District has developed an emission inventory for the Bay Area that includes direct and indirect GHG emissions due to human activities. The emissions are estimated for industrial, commercial, transportation, residential, forestry, and agriculture activities. Both direct GHG emissions from locally generated electricity in the Bay Area and indirect emissions from out-of-region generated electricity for consumption in the region are reported. The Bay Area's GHG inventory as of the 1990 baseline year was 87.7 million metric tons CO₂e per year. In 2007, 95.8 million metric tons CO₂e were emitted by the Bay Area, including 88.7 million metric tons CO₂e within the Air District boundaries and 7.1 million metric tons CO₂e from imported electricity. Transportation and commercial/industrial sectors each comprise 36.4 percent of the total. Electricity generation comprises 15.9 percent, residential fuels comprise 7.1 percent, and the remainder is attributable

to off-road equipment and agriculture. Under a business-as-usual scenario, 2020 GHG emissions are projected to increase to 115.4 million metric tons per year. For Santa Clara County, GHG emissions in 2007 were 18.8 million metric tons, of which 42 percent were from transportation and 25 percent were from commercial/industrial sectors (Bay Area Air Quality Management District 2010a).

Policy and Regulation

International and Federal

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

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

The Kyoto Protocol, which went into effect in February 2005, was an outcome of the United Nations Framework Convention on Climate Change. Countries that sign the Kyoto Protocol are required to demonstrate their commitment to reduce their emissions of GHGs or engage in emissions trading. About 170 countries had, at one point, signed the Kyoto Protocol. Industrialized countries are required to reduce their GHG emissions by an average of five percent below their 1990 levels by 2012. The United States Senate approved a non-binding “Sense of the Senate” resolution in July 1997 by a margin of 95-0 that expressed opposition to the treaty’s provisions, most notably the disparity in GHG emissions reduction obligations between industrialized nations and developing nations. In 2001, President George W. Bush indicated that he would not submit the treaty to the United States Senate for ratification, which effectively ended American involvement in the Kyoto Protocol. International leaders have since met periodically to address the future of international climate change commitments.

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

Federal fuel efficiency standards have been adopted as another approach to regulation of GHGs. President Obama put into motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. The new standards would cover model years 2012 through 2016, and would require an average fuel economy standard of 35.5 miles per gallon in 2016. The EPA and the National Highway Traffic Safety Administration, on behalf of the United States Department of Transportation, adopted vehicle GHG emissions and fuel economy standards in April 1, 2010.

State

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

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

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

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

Scoping Plan. The California Air Resources Board's AB 32 Scoping Plan was adopted in May 2009, and presents the main strategies California is pursuing to reduce greenhouse gas emissions. The 2020 target is 427 million metric tons per year, a reduction of approximately 169 million

metric tons per year (approximately 30 percent) from the projected 2020 emissions level of 596 million metric tons under a business-as-usual scenario. The strategies address reduced emissions for light-duty vehicles; the Low-Carbon Fuel Standard; a range of energy efficiency measures including building and appliance energy efficiency; increased share of electricity generated by renewable sources; and implementation of a cap-and-trade program (California Air Resources Board 2009).

With regard to land use planning, the Scoping Plan expects a five million metric ton reduction of CO₂e will be achieved associated with implementation of Senate Bill (SB) 375, discussed further below. AB 32 does not mandate action at the local level. However, the Scoping Plan directs local agencies to strive for GHG emissions reductions within their boundaries by 15 percent from 2008 levels by 2020 to help achieve emissions reductions needed to meet AB 32 goals.

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

In August 2011, the California Air Resources Board released a Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document (California Air Resources Board 2011b). The Final Supplement was prepared to provide a more in-depth analysis of the five alternatives to the Scoping Plan that were originally included in that document. The supplemental analysis was conducted in response to litigation brought against the California Air Resources Board which challenged the adequacy of the alternatives analysis contained in the Scoping Plan. The Final Supplement includes an update of the business-as-usual GHG emissions projections that were contained in the Scoping Plan. The update accounts for the economic downturn conditions and for reduction measures from the Scoping Plan that are already in place. The updated 2020 business-as-usual emissions forecast of 507 million metric tons CO₂e is lower than the 2008 AB 32 Scoping Plan forecast. With the updated forecast, only a 16 percent reduction below business-as-usual levels would be needed to return to 1990 levels (e.g. 427 million metric tons CO₂e) by 2020.

California Senate Bill 97. Senate Bill 97 (SB 97), signed in August 2007, directed the development of new CEQA guidelines for the feasible mitigation of GHG emissions within environmental documents. The California Office of Planning and Research instituted the new CEQA guidelines in January 2010. Prior to that, in June 2008, the California Office of Planning and Research released *CEQA and Climate Change: Addressing Climate Change through California*

Environmental Quality Act (CEQA) Review, a Technical Advisory recommending an analysis methodology that includes: 1) identifying sources of GHG emissions; 2) making a good-faith effort to calculate, model, or estimate the amount of GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities; 3) determining the significance of the project GHG emissions; and 4) identifying and adopting feasible mitigation measures to reduce the identified impact if it is determined to be significant.

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

California Building Codes. California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The standards were most recently updated in January 2010. Energy efficient buildings require less electricity, natural gas, and other fuels, the use of which creates GHG emissions. Since initial adoption in 1978, California's per capita building energy use has increased about nine percent, while the national per capita building energy use has increased by more than 50 percent (California Energy Commission 2008). The Green Building Standards Code (also known as CALGreen), requires all new buildings in the state to be more energy efficient and environmentally responsible, and took effect in January 2011. These comprehensive regulations are intended to achieve major reductions in greenhouse gas emissions, energy consumption, and water use.

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

Renewable Energy Legislation/Orders. The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was

accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The renewable electricity standard is projected to reduce greenhouse gas emissions from the electricity sector by at least 12 million metric tons CO₂e in 2020.

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

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

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

Regional

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

Town of Los Gatos

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

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

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

- m. Energy efficiency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Town's adoption of the *Los Gatos Sustainability Plan* on October 15, 2012 encompassed these steps. The *Los Gatos Sustainability Plan* is the Town's principal tool in implementing the sustainability objectives of the *Town of Los Gatos 2020 General Plan*. The *Los Gatos Sustainability Plan* presents the Town's strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. Implementation of the *Los Gatos Sustainability Plan* should reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020.

The following the *Los Gatos Sustainability Plan* policies are applicable to the proposed project:

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

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

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

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

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

Standards of Significance

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

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

Exercising its discretion as lead agency, the Town of Los Gatos has decided to rely on the thresholds within the 2011 CEQA Air Quality Guidelines, which were established based on the Options and Justification Report (Bay Area Air Quality Management District 2009). Refer to further discussion in Section 3.2 Air Quality. The 2011 CEQA Air Quality Guidelines thresholds are as follows:

- Compliance with a qualified Climate Action Plan; or
- Meet one of the following thresholds:
 - 1,100 metric tons CO₂e/year; or
 - 4.6 metric tons CO₂e per service population (residents and employees) per year.

The 2011 CEQA Air Quality Guidelines also include a screening table; Table 3.1 provides a representative list of land uses, and identifies a threshold project size for each, below which a project would not have a significant effect from GHG emissions.

Analysis and Mitigation

Less than Significant Impact: Generation of Greenhouse Gas Emissions

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would have a significant unavoidable impact on climate change. The *Town of Los Gatos 2020 General Plan EIR* states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. However, the *Town of Los Gatos 2020 General Plan EIR* concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan's 30 percent target reduction level (Town of Los Gatos 2010b; California Air Resources Board 2009). Since that time, a revised reduction estimate of 16 percent has been developed by the California Air Resources Board (California Air Resources Board 2011b).

The proposed project is an infill residential development and redevelopment project located near retail and medical services, an elementary school, existing bus lines, and a future light rail station. The potential for use of alternative transportation by residents of the proposed project is relatively high. The proposed project does not exceed the operational screening thresholds in

Table 3-1 of the 2011 CEQA Air Quality Guidelines. The threshold for significant operational GHG effects is 87 dwelling units, in excess of the proposed project's 45 units. Therefore, the proposed project would have a less than significant impact on GHG emissions and climate change, and no quantification of GHG emissions is necessary.

Less than Significant Impact with Mitigation: Inconsistency with Greenhouse Gas Emissions Plan

The Town of Los Gatos does not specifically have a greenhouse gas emissions reduction plan; however, policies in both the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Sustainability Plan* include measures that would reduce greenhouse gas emissions. This analysis considers the proposed project's consistency with these policies, as cited above in the Policy and Regulation section.

The proposed project is in substantial conformance with the *Town of Los Gatos 2020 General Plan* policies, and consistent with most applicable *Los Gatos Sustainability Plan* policies. The applicant submitted a GreenPoint Rated (private party rating system authorized by the Town) checklist outlining proposed sustainability measures to be implemented with the proposed project. Many of the individual measures proposed are Green Building Standards Code or California Energy Code requirements, but the proposed project is listed as exceeding California Energy Code requirements by 15 percent (comparable to Green Building Standards Code voluntary Tier 1). The proposed project includes conduit for future photovoltaic wiring and south-facing roof area meeting the GreenPoint Rated requirements. The site plan shows the houses aligned at about 12 degrees off a north-south axis, within the acceptable 20 degree deviation for effective solar exposure. The checklist does not list compliance with *Los Gatos Sustainability Plan* Policy RE-2, which requires developments of six or more units to offer solar systems to buyers under the New Solar Home Partnership program (California Energy Commission 2013).

Mitigation Measure

GHG 1. The applicant shall submit a New Solar Homes Partnership reservation application package for a minimum of 23 of the houses within the proposed project, prior to issuance of building permits. Supporting paper work shall be submitted to the Building Official for verification of participation. Prior to occupancy, the applicant shall submit documentation of completion from either the California Energy Commission or the electric utility company.

3.5 CULTURAL RESOURCES

The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with cultural resources with implementation of *Town of Los Gatos 2020 General Plan* goals, policies, and actions. No comment letters pertaining to cultural resources were submitted in response to the NOP.

Environmental Setting

Methods

This section is based on an archaeological records search at the Northwest Information Center, a search of the Sacred Lands file, and a reconnaissance field survey conducted by Archaeological Consulting in August 2013.

Archeological Resources Setting

The project site lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. The Costanoan followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. Factors that may influence the locations of habitation and gathering sites include the presence of suitable exposures of rock for bedrock mortars or other milling activities, ecotones, the presence of specific resources (oak groves, marshes, quarries, game trails, trade routes, etc.), proximity to water, and the availability of shelter. Temporary camps or other activity areas can also be found along ridges or other travel corridors (Archaeological Consulting 2013).

Historic Resources Setting

Los Gatos was founded around the Forbes Mill, a flour mill built in 1854. Located in a heavily wooded area, the logging industry gained importance in the late 1800s and Los Gatos later became an agricultural town in the early 1900s. In the 1950s, the Town grew primarily as a suburb of the City of San Jose (Town of Los Gatos 2010a, page CD-1). The project site is not within one of the Town's designated historic districts (Town of Los Gatos 2010a, Figure CD-1).

Little is known about use of the project site prior to establishment of the former County Health Department Office in the early 1960s. The project site had been used as an orchard, beginning at some point in the early 1900s and continuing until the late 1950s (Treadwell and Rollo 2012a). Historic plat maps from 1858, 1866, 1875, and 1882, and the 1876 Historic Atlas Map of Santa Clara County do not depict any uses on the project site (Archaeological Consulting 2013).

Policy and Regulation

Town of Los Gatos

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

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

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

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

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

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

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

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

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

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

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

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

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

The Town of Los Gatos' Historic Preservation Code (Town Code Chapter 29, Division 3) is dedicated to preserving historic and architectural resources by setting forth standards for the Landmark and Historic Preservation Overlay Zone and establishing the Historic Preservation Committee. The Landmark and Historic Preservation Overlay Zone is designated by Town Council and is applied to individual sites and structures or small areas deemed of architectural and/or historical significance. These sites or structures are subject to special standards regarding their appearance, use, and maintenance. The Historic Preservation Code includes standards and guidelines concerning the preservation and demolition of historic structures, design guidelines for rehabilitation and new construction, and guidance in the application of historic preservation standards. The Town recognizes an historic resource as follows: any structure/site that is located within an historic district; any structure/site that is historically designated; or any primary structure constructed prior to 1941, unless the Town has determined that the structure has no historic significance or architectural merit. The Historic Preservation Committee is an advisory body to the Planning Commission (Town of Los Gatos 2010a, page CD-15).

Standards of Significance

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

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

3.0 ENVIRONMENTAL EFFECTS

- cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5;
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- disturb any human remains, including those interred outside of formal cemeteries; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis and Mitigation

No Impact: Adverse Change to Historical Resources

The project site was used for an orchard until the late 1950s, but no evidence of that past use remains. The project site was used for a County Health Department office from about 1966 or 1967 until 2012. One permanent building and one portable shed associated with this recent use currently occupy the project site. The building was constructed between 1965 and 1968 -- the building does not appear on a 1965 aerial photograph, but is shown on a 1968 topographic map (Treadwell and Rollo 2012a).

Less than Significant Impact with Mitigation: Adverse Change to Archaeological Resources

A records search at the Northwest Information Center indicated that no prehistoric sites are recorded in or within one kilometer of the project site. A search of the Sacred Lands file concluded that no recorded sacred lands sites are located at or near the project site. A field reconnaissance was conducted, and no surface evidence of archaeological resources was observed. Tribal consultation was initiated on August 9, 2013, with letters sent to 11 tribal representatives identified by the Native American Heritage Commission. No consultation requests have been received, and two representatives declined consultation. The consultation response period concluded on November 9, 2013.

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

Mitigation Measure

CR-1. The following language shall be incorporated into the Planned Development Ordinance and included in all permits associated with earth moving activities at the project site:

In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the contractor shall stop work within 50 meters (about 160 feet) of the find until the find can be evaluated by a qualified archaeologist. If the find is determined to be significant, notification shall be made and appropriate mitigation measures shall be developed and implemented with the concurrence of the lead agency.

No Impact: Adverse Change to Paleontological Resources

The *Town of Los Gatos 2020 General Plan Draft EIR* cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town (Town of Los Gatos 2010b, page 4.4-15), but determined that deep excavations could disturb unknown underground paleontological resources. The proposed project would involve only shallow excavations, so no impact would occur.

Less than Significant Impact with Mitigation: Disturbance of Human Remains

The project site is not known to contain human remains, but excavation during construction of project improvements within the project site could result in disturbance of human remains. Implementation of the following mitigation measure would reduce this impact to a less than significant level.

Mitigation Measure

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 until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a

recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

No Impact: General Plan Inconsistency

An archaeological report was prepared for the proposed project and determined that there was no evidence of the presence of archeological resources at the project site. Mitigation Measure CR-1 and Mitigation Measure CR-2 would ensure that cultural resources discovered during construction would be treated in accordance with *Town of Los Gatos 2020 General Plan* polices.

The project site does not contain any historic resources, and therefore, the proposed project would not conflict with historic resources policies.

The proposed project would not conflict with general plan policies designed to protect cultural resources.

3.6 HAZARDOUS MATERIALS AND SAFETY

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant impacts related to hazards or hazardous materials. No comments pertaining to hazardous materials were received in response to the NOP. A comment letter from the California Public Utilities Commission pertained to safety at the railroad crossing of Knowles Drive to the east of the project site, and is addressed in Section 3.10 Transportation and Circulation.

Environmental Setting

Methods

A Phase I environmental site assessment was completed for the project site by Treadwell and Rollo in 2012. The Phase I report is included in [Appendix D](#). Additionally, Regional Water Quality Control Board and Department of Toxic Substances Control databases were reviewed.

Project Site Conditions

The project site is occupied by one permanent building, a small storage shed, and a parking lot. The majority of the project site has been vacant for more than 60 years and in agricultural use as an orchard before that. Pesticides are presumed to have been used on the project site between

about 1945 and the late 1950s. No chemical storage tanks are known to have been located on the project site. No known hazardous materials spills or other groundwater contamination is known to exist within or adjacent to the project site (Treadwell and Rollo 2012b).

The project site is not located within a high fire hazard zone (California Department of Forestry and Fire Protection 2007). There are no airports or private airstrips in the project vicinity (Google Inc. 2013).

Policy and Regulation

State and County

The Department of Toxic Substances Control and Regional Water Quality Control Board oversee most soils and groundwater contamination clean-ups in California. County environmental health departments and other state or local agencies can also take or share responsibility for clean-up oversight, depending on the particular circumstances.

Town of Los Gatos

No *Town of Los Gatos 2020 General Plan* goals or policies specifically relate to hazards and hazardous materials.

Standards of Significance

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

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment;

3.0 ENVIRONMENTAL EFFECTS

- for a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area;
- for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area;
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands.

Analysis and Mitigation

No Impact: Transport, Use, or Disposal of Hazardous Materials

The proposed project is residential and would not involve transport, use, or disposal of hazardous materials in quantities larger than is typical for households.

No Impact: Release of Hazardous Materials into the Environment

The proposed project is residential and would not involve the release of hazardous materials into the environment.

No Impact: Hazardous Materials within One-quarter Mile of a School

The project site is about 600 feet from the nearest school, but the proposed project is residential and would not emit hazardous materials

Less than Significant Impact: Project on a Hazardous Materials Site

A Phase I environmental site assessment was completed for the project site. The Phase I environmental site assessment included a review of historic sources, an interview with a property representative, and on-site reconnaissance. The only environmental issue identified for the project site was the potential for pesticide residues from past orchard operations, which took place beginning at some point in the early 1900s and continued until the late 1950s. Chemical use, particularly after about 1945, and continuing until the orchards were removed in the late 1950s, could have occurred on the project site, in which case chemical residues may persist in project site soils. Approximately 55 years have passed since orchard spraying could have last

occurred. The Phase I environmental site assessment does not make a recommendation for soil sampling or testing for pesticide residues. There is no evidence that concentrated pesticides were ever stored on the project site. Therefore, the potential for significant soil contamination at the project site is considered low (Treadwell and Rollo 2012b).

The Department of Toxic Substances Control Envirostor database was reviewed. Of the six cases within one-quarter mile of the project site, all but one is listed as inactive or closed. The only case currently listed as active involves soil contamination from a former medical glove manufacturing plant at 14300 Winchester Boulevard; this site is characterized as having soils contaminated with bis (2-ethylhexyl) phthalate (DEHP). A prior cleanup of this site occurred, but contaminated soils in concentration not compatible with residential uses were noted as remaining as of the latest notes in the Envirostor file, dated 2003. The case is 750 feet west of the project site and the likely path of contaminant travel would be along a southeasterly gradient, which would bring the contaminants away from the project site -- note that this case is located in the Los Gatos Creek watershed, and the Los Gatos Creek/San Tomas Aquino Creek watershed divide is located between this case and the project site. Review of Goggle Earth historic imagery shows that the glove manufacturing site was developed with residential uses in 2006, so the contamination case is assumed to have been remediated by that time. Therefore, contamination from this case is not likely to affect the project site. The Phase 1 environmental site assessment prepared for the proposed project does not cite this case as a concern at the project site. The Regional Water Quality Control Board's Geotracker database was reviewed, and no additional sites were identified (Treadwell and Rollo 2012b, California Department of Toxic Substances Control 2013, California Regional Water Quality Control Board 2013, Google Inc. 2013).

No Impact: Airport Safety Hazard

The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip (Google Inc. 2013). The nearest airports are Norman Mineta San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos (Norman Mineta San Jose International Airport 2013).

No Impact: Interference with an Emergency Plan

The *Santa Clara County Operational Area Emergency Operations Plan* outlines administrative response protocols. No evacuation routes or assembly locations are identified (Santa Clara County Office of the County Executive 2008). The Town's *Emergency Operations Plan* identifies potential threats and outlines response protocols and procedures. Evacuations are considered

most likely in response to a dam failure or wildfire (Town of Los Gatos 2010d). The proposed project would not interfere with implementation of the emergency operations plans. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points, for example, for persons displaced from homes, or for distribution of emergency supplies. The project site is adjacent to secondary roads and a small hospital. The proposed project would not impair access to these roads or facilities or interfere with response during an emergency.

No Impact: Wildlands Fire

The project site is classified as a non-Very High Fire Hazard Severity Zone, within the local responsibility area. Areas with this classification have a low potential for wildlands fires (California Department of Forestry and Fire Prevention 2007).

3.7 HYDROLOGY AND WATER QUALITY

The *Town of Los Gatos 2020 General Plan* EIR did not identify any significant impacts related to hydrology and water quality resulting from buildout of the *Town of Los Gatos 2020 General Plan*. No comments pertaining to hydrology and water quality were received in response to the NOP.

Environmental Setting

The project site is generally flat and slopes slightly to the north-northeast. Based on current preliminary subsurface investigations at the project site, the geological report anticipates most of the project site is underlain by alluvial deposits. The results from the preliminary investigations indicate the alluvial deposits are generally composed of loose to very dense sand and gravel with varying amounts of fines and inter-bedded with hard sandy clay. Although groundwater was not encountered at the project site at the maximum depth explored of 40 feet below the ground surface, data from nearby monitoring wells indicate that groundwater likely exists at a depth of approximately 40 to 50 feet below the ground surface and is expected to flow in a northeasterly direction (Treadwell and Rollo 2012a).

Groundwater and Water Supply

Groundwater levels in Santa Clara County decreased steadily after the introduction of widespread agriculture, and reached a low point in about 1960. Land subsidence of up to 13 feet was recorded in San Jose in the 1920s and spurred creation of what is now the Santa Clara Valley Water District. Since 1960, due to the replacement of some groundwater pumping by imported water, and an aquifer recharge program, groundwater levels have recovered (Santa Clara Valley Water District 2011, page 2-6).

Water supplies in Santa Clara County are managed by the Santa Clara Valley Water District. Groundwater represents the largest water source, ranging from approximately 40 to 50 percent of total water use. Groundwater comes from two groundwater basins within the County: Llagas Basin in the south County (serving the Morgan Hill and Gilroy areas), and the Santa Clara Basin (which is divided into the Coyote and Santa Clara Plain sub-basins). The Santa Clara Valley Water District operates a recharge program that includes nearly 400 acres of recharge ponds and 90 miles of controlled recharge within creeks. A groundwater extraction fee is charged to fund recharge programs (Santa Clara Valley Water District 2011, pages 3-6 to 3-11; Santa Clara County Local Agency Formation Commission 2011, page 412). With over one-half of the San Tomas Aquino Creek now channel hardened or realigned, natural groundwater recharge is significantly limited and found only in the middle portion of the watershed, where water flows over an unconfined zone. In the upper portion of the watershed, natural soil conditions prevent water from flowing to the aquifer (Santa Clara Valley Water District Comprehensive Water Resources Management Plan 2013).

Although only about half the water used within Santa Clara County comes from local aquifers, other water sources are critical to management of the groundwater basins. Treated local and imported surface water represents the second largest share, from 30 to 38 percent of total water use. Imported water comes from the federal Central Valley Project (San Felipe Pipeline) and the State Water Project (South Bay Aqueduct). The Santa Clara Valley Water District participates in an out-of-county banking program with the Semitropic Water Storage District, which allows banking of excess import supply in wet years and receipt of “in lieu” water (extra deliveries through the State Water Project conveyance system), in dry years. The Santa Clara Valley Water District had 264,800 acre-feet of water in storage at the Semitropic Water Storage District as of January 2011, and can withdraw a portion of that water as needed. The Santa Clara Valley Water District operates three treatment plants, including the Rinconada Plant, about one-half mile north of the Plan Area. San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water (approximately five percent) and other non-District local surface water (approximately four to five percent). The District treats and supplies water to local retail water agencies which in turn provide it to their customers in Santa Clara County. The District also manages the groundwater basin to the benefit of agricultural users and individual well owners who pump groundwater (Santa Clara Valley Water District 2011, pages 2-9, 3-1, 3-8, 3-18).

For additional information on water infrastructure and distribution, and the San Jose Water Company operations, refer to Section 3.11 Utilities and Service Systems.

Surface Drainage

Under existing conditions, about 24,000 square feet (about 16 percent) of the project site is covered with impervious surfaces: the existing building and the parking lot, and a small amount of other pavement. Most rainwater landing on these surfaces drains into the existing Town storm drain system, with connections on Knowles Drive and Capri Drive. Within the undeveloped areas, much of the rainfall percolates into the soil. The remaining surface waters eventually sheet flow offsite to be captured by the Town storm drain system.

The project site is within the San Tomas Aquino Creek Watershed. The San Tomas Aquino Creek Watershed is 27 square miles covering portions of the cities of Saratoga, Santa Clara, Monte Sereno, and Campbell, and a portion of the Town of Los Gatos. The San Tomas Aquino Creek Watershed originates at El Sereno peak in the Santa Cruz Mountains, and discharges to San Francisco Bay at Guadalupe Slough. The watershed also includes Wildcat Creek, Vasona Creek, Vasona Canal, Smith Creek, and Sobey Creek. There are no reservoirs within the watershed (Santa Clara Valley Water District Comprehensive Water Resources Management Plan 2013). Runoff leaving the project site drains northwesterly via gutters and culverts to Smith Creek, which flows into San Tomas Aquino Creek.

Surface Water Quality

During periods of rain, water flushes sediment and pollutants from urbanized areas into storm drain systems. These drains discharge directly to surface waters, and eventually flow to San Francisco Bay. San Tomas Aquino Creek Watershed is not listed as impaired by any pollutants. Urban runoff contributes significant quantities of total suspended solids, heavy metals, petroleum hydrocarbons, and other pollutants to the waters of the region. The impacts of pollutants in urban runoff on aquatic systems are many and varied. For example, small soil particles washed into streams can smother spawning grounds and marsh habitat. Lead and petroleum hydrocarbons washed off from roadways and parking lots may cause toxic responses in aquatic life and exemplify another kind of threat.

Erosion Potential

The project site soils are classified as Urban Land - Flaskan complex on 0-2 percent slopes, which is a predominately sandy clay loam. The erosion hazard for this soil type is not specified by the soil survey, but in general the clay component of the soil would reduce erosion potential. Because the project site is essentially level project site is not subject to elevated erosion risk associated with slopes and significant run-off velocities.

The project site drains via gutters and culverts to Smith Creek and then into San Tomas Aquino Creek. Overall there is little erosion risk in the San Tomas Aquino Creek Watershed. Over

80 percent of the watershed is considered to be valley (middle and northern portions), and 96 percent of this area is classified as low risk for erosion. This is especially true because much of the creek has protected banks (Santa Clara Valley Water District Comprehensive Water Resources Management Plan 2013).

Flooding Potential

The urbanized areas of Monte Sereno, Saratoga, Los Gatos, Campbell, San Jose and Santa Clara create a pattern of impervious surfaces that often have a negative effect on flooding and watershed health. Flood protection improvements to the San Tomas Aquino Creek have been extensive. Still, there are several stretches along the channel, downstream of the project site, where the 100- or 50-year flood protection objectives are not being met (Santa Clara Valley Water District Comprehensive Water Resources Management Plan 2013).

The project site is shown in the *Town of Los Gatos 2020 General Plan EIR* as being located within the 500-year flood zone as classified by the Federal Emergency Management Agency (Town of Los Gatos 2010a, Figure SAF-4; 2010b, Figure 4.8-1; Association of Bay Area Governments 2013b). A 500-year flood zone has a 0.2 percent probability of flooding in a given year; i.e. a 500-year flood zone is likely to flood only under extreme flood conditions.

Vasona Reservoir and Lexington Reservoir are upstream of the project site, although within a separate watershed. Divides between watersheds are low and indistinct, and although in a separate watershed, the project site is within the dam failure inundation area of the Lenihan Dam at Lexington Reservoir (Town of Los Gatos 2010a Figure SAF-5, 2010b Figure 4.8-2; Association of Bay Area Governments 2013a). The project site is not near the ocean or any large body of water, so seiches or tsunamis would not occur at the project site.

Policy and Regulation

Federal

Clean Water Act. The federal Clean Water Act was established “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The act, as amended, regulates discharges of pollutants into the waters of the United States. It provides the United States Environmental Protection Agency the authority to implement pollution control programs. The Clean Water Act also sets water quality standards for contaminants in surface waters and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained.

NPDES Waste Discharge Regulations. The federal Clean Water Act established the NPDES program to protect water quality of receiving waters. Clean Water Act Section 402 prohibits discharge of pollutants to receiving waters unless the discharge is in compliance with an NPDES permit. In California, the EPA has determined that the State's water pollution control program had sufficient authority to manage the NPDES program under California law in a manner consistent with the Clean Water Act. Therefore, implementation and enforcement of the NPDES program is conducted through the State Water Resources Control Board and the nine regional water boards. Refer to the State and Regional regulatory setting below for additional information.

State and Regional

Porter-Cologne Water Quality Control Act. The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) regulates water quality within California and established the authority of the State Water Resources Control Board and the nine regional water boards. The quality of San Francisco Bay area water resources is regulated under the jurisdiction of the San Francisco Bay Region RWQCB.

San Francisco Bay Region Basin Plan. The *San Francisco Bay Region Basin Plan* (hereinafter "Basin Plan") was prepared by the San Francisco Bay Region RWQCB to establish regulatory standards and objectives for water quality. The Basin Plan identifies existing, limited, and potential beneficial uses for surface water and groundwater, and provides numerical and narrative water quality objectives designed to protect those uses. Applicable water quality criteria for a specific water body, specified by the National Toxics Rule or the California Toxics Rule, are determined on the basis of the beneficial use(s) of the water. NPDES Municipal Regional Storm Water Permits and Construction General Permits are part of the Basin Plan strategy for protecting water quality. The *Santa Clara Basin Watershed Management Plan* implements the Basin Plan in the Santa Clara Basin.

Santa Clara Basin Watershed Management Plan. The *Santa Clara Basin Watershed Management Plan* consists of three reports prepared by the Santa Clara Basin Watershed Management Initiative: *Watershed Characteristics Report*, *Watershed Assessment Report*, and *Watershed Action Plan*. The Watershed Management Initiative vision includes contiguous habitat within and along creeks, undeveloped floodplains, protection of aquatic animals from pollutants, drainage systems that treat run-off, and efficient use and re-use of water. Two Watershed Action Plan objectives relevant to the proposed project are inclusion of Watershed Management Initiative visions in specific plans, and retention/detention/treatment of storm water run-off (Santa Clara Basin Watershed Management Initiative 2001, 2003a, 2003b).

Hydromodification Management Plan. This report, prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program, provides background, methodologies, and standards for developing hydromodification plans. The Santa Clara Valley Urban Runoff Pollution Prevention Program maintains a set of maps that establish those areas for which a hydromodification plan is required for development projects. Hydromodification plans are incorporated as part of the other programs established to ensure water quality. The project site is not in a location where a hydromodification plan is required (Santa Clara Valley Urban Runoff Pollution Prevention Program 2010).

Municipal Regional Storm Water Permit. Storm water in Santa Clara County is managed in accordance with the Municipal Regional Storm Water NPDES permit from the San Francisco Bay Region RWQCB. This permit regulates discharges from all municipal separate storm sewer systems in Santa Clara County, including those in the Town of Los Gatos. The urban runoff management program focuses on reducing pollutant transport through storm water drain systems into surface waters. In general, measures that will effectively limit storm drain pollutant discharge will also limit direct runoff of pollutants into creeks.

Provision C.3.b.ii.(2) of the municipal storm water permit requires new development and redevelopment projects that create or replace 10,000 square feet or more of impervious surfaces to incorporate Low Impact Design measures including source control measures, site design features, and treatment measures to manage storm water discharge run-off flows and reduce pollutant loads. Provision C.3.d of the permit requires that storm water treatment systems meet specific numeric sizing criteria. Provision C.3.g of the municipal storm water permit requires that certain new development projects implement hydro-modification measures to manage increases in storm water runoff flow and volume so that the post-project runoff does not exceed the estimated pre-project runoff rates and durations. Hydro-modification measures are not required of this project. Provision C.6 of the municipal storm water permit requires adoption of a construction site inspection and control program. Construction-site erosion control plans must be consistent with local requirements, including the appropriateness and adequacy of proposed best management practices (BMPs) as well as verification that site operators/developers have complied with the Construction General Storm Water Permit before issuing the grading permit for a project. Inspections must be conducted to determine compliance with local grading and storm water requirements. Provision C.14 of the municipal permit details a control program for select contaminants to help determine whether urban runoff is a conveyance mechanism associated with impairment of San Francisco Bay by these pollutants.

The Santa Clara Valley Urban Runoff Pollution Prevention Program, an association of 13 cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District, is the local entity within Santa Clara County responsible for implementing compliance with the Municipal Regional Storm Water NPDES permit.

Construction General Storm Water Permit. The General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009 DWQ) was adopted, in order to avoid and minimize water quality impacts attributable to construction activity. The Construction General Storm Water Permit became effective on July 1, 2010 and expires on September 2, 2014; it applies to all projects where construction activity disturbs one or more acres of soil. Construction activities subject to this permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation.

Under the Construction General Storm Water Permit a Storm Water Pollution Prevention Plan (SWPPP), is developed and implemented. The SWPPP specifies BMPs designed to prevent storm water pollutants from moving offsite into receiving waters. The permit includes a risk-based permitting approach, dependent upon the level of the project's sediment risk and the sensitivity of the receiving water. Receiving waters are considered to have a high risk if they are a 303(d) listed impaired water body for sediment or have beneficial uses for fish spawning, cold freshwater habitat, and fish migration. San Tomas Aquino Creek has a low receiving water risk because the creek is not listed as having beneficial uses (Santa Clara Basin Watershed Management Initiative 2001, Table 7-9).

A typical SWPPP includes the following types of BMPs:

- Housekeeping (storage of construction materials, waste management, vehicle storage and maintenance, landscape materials, pollutant control);
- Non-storm water management; erosion control; sediment control; and run-on/run-off control;
- Excavation dewatering discharge procedures, including ways to impound the water, as necessary, to settle out solids before discharging;
- Maintenance of non-storm water discharges to levels of hazardous substances within acceptable levels, unless a separate NPDES permit has been issued for those discharges; and
- Construction site monitoring program.

Town of Los Gatos

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

Policy ENV-5.6 Encourage alternative materials and designs to limit driveways, parking areas and parking lots in all zones except the C-2 zone. Examples include, but are not limited to, pervious paving material, and “ribbon strip” driveways, which have pavement in tire areas and grass or gravel in the middle.

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

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

Policy SAF-4.3 Require site planning and building design to address identified flood and inundation hazards.

Policy SAF-4.6 Require major new development and redevelopment to provide mitigation to ensure that the cumulative rate of peak stormwater run-off is maintained at pre-development levels.

Action SAF-4.2 Adopt floodplain zoning to prevent inappropriate development in areas subject to flooding.

Policy SAF-6.1 Maintain up-to-date preparedness and response plans for fire, flood, earthquake, hazardous materials, and other emergencies.

Chapter 12 of the Town of Los Gatos Town Code specifies that the Town Engineer can require a grading permit for any grading that could result in a discharge into or connection to a water course. Grading permits must include an erosion and sediment control plan, when applicable, and the grading plan must comply with Town standards. Interim erosion control measures can include methods such as silt fences, fiber rolls, erosion control blankets, seeding, filter berms, check dams, and retention basins.

The Town of Los Gatos Code Chapter 22, Article III, Storm Water Pollution Control outlines requirements for storm water management on new development projects. All measures proposed by a project must be in accordance with the town's current NPDES storm water discharge permit, and the town's policy for storm water management requirements for new development and redevelopment projects (Section 22.30.035). Code Section 12.20.050 requires an erosion and sediment control plan when projects meet certain thresholds described below in the Analysis and Mitigation section under Erosion or Siltation due to Drainage Changes. The Town's *Engineering Design Standards* address non-point source pollution control and pre- and post-project offsite runoff volumes.

Standards of Significance

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

- violate any water quality standards or waste discharge requirements;
- substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site;
- create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off;
- otherwise substantially degrade water quality;
- place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam;
- be subject to inundation by seiche, tsunami, or mudflow; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis and Mitigation

No Impact: Groundwater Depletion

The proposed project would receive water from the San Jose Water Company. The Los Gatos service area of the San Jose Water Company obtains water from two surface water sources: local surface water from the Santa Cruz Mountains, and treated surface water provided by the Santa Clara Valley Water District. The Santa Clara Valley Water District water is sourced from local run-off into its reservoirs, the State Water Project, and the Central Valley Project. Although the San Jose Water Company could alter its distribution system in the future, no groundwater is currently used in Los Gatos, and it is expected that none would be used in the future. For additional information on water infrastructure and distribution, and the San Jose Water Company operations, refer to Section 3.11 Utilities and Service Systems.

The proposed project could potentially increase off-site groundwater pumping indirectly, since all water supplies in Santa Clara County are part of a regional balance, and about half the overall supply is groundwater. San Jose Water Company's local surface water source is limited to about 11,200 acre-feet per year, and much less during consecutive dry years. If additional water supplies are required in the Los Gatos service area, those must come from treated water supplies. Although imported water supplies are not likely to increase, treated water supplies sourced from run-off into Santa Clara County Water District reservoirs will increase due to several projects to maximize utilization, and some of this additional supply would be distributed to the San Jose Water Company. However, the San Jose Water Company plans to meet a significant portion of its anticipated future demands by increasing groundwater pumping from about 50,000 to about 60,000 acre-feet per year. If San Jose Water Company's treated water distribution in the Los Gatos service area is increased, it would likely be replaced elsewhere by additional groundwater pumping. Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and there would be no significant impact on groundwater levels.

Less than Significant Impact: Erosion or Siltation due to Drainage Changes

Construction activities provide the potential for soil erosion during storms, and related sedimentation in downstream storm drains or Smith/San Tomas Aquino Creek, if preventative steps are not taken. The Santa Clara Water District considers the risk of erosion within San Tomas Aquino Creek to be low. Construction activities could require the discharge of groundwater produced during excavation dewatering and potentially the use of hazardous materials that could degrade water quality.

Portions of the project site would be graded in advance of development of each phase. Excavation for footings and utilities would occur within the project site, and excavation for pipelines and connections to existing systems would occur off-site. Excavated soil would be temporarily stockpiled. Each of these construction activities provides the potential for soil erosion during storms, and related sedimentation in downstream storm drains or Los Gatos Creek, if preventative steps are not taken. Construction activities would also require the discharge of groundwater produced during excavation dewatering and the use of hazardous materials that could degrade water quality. It should be noted that during the preliminary geotechnical investigation, groundwater was not encountered to the maximum depth explored of 45 feet (Treadwell & Rollo 2012a).

Los Gatos Town Code section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing or land filling activity. In conjunction with the grading permit, Los Gatos Town Code section 12.20.050 requires an erosion and sedimentation control plan be prepared for larger projects. The proposed project may require an erosion and sediment control plan in accordance with Town Code Section 12.20.050 if:

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

If an erosion and sediment control plan is required, it would be a standard condition of approval for the applicant to submit a plan in accordance with the Town Code.

Because the disturbance area would exceed one acre, a SWPPP would be required in conformance with the NPDES Construction General Storm Water Permit.

With implementation of these standard requirements, the proposed project would not result in significant erosion or sedimentation impacts from on-site or off-site grading and excavation activities.

Less than Significant Impact: Flooding due to Drainage Changes

According to the proposed project's NPDES C.3 Data Form, the proposed project would result in about 2.98 acres (about 89 percent) hard surface coverage of the project site, about five and one-half times as much impervious area as under existing conditions. However, the site plans

indicate a lesser impervious coverage, with landscaping covering 23 percent of the project site, and an increase in impervious area of about four times over existing conditions. In either case, the increased impervious area would reduce infiltration and increase run-off. The topography of the project site is relatively flat and drainage from the site flows toward existing gutters and storm drains located on adjacent surface streets, ultimately into San Tomas Aquino Creek and San Francisco Bay.

The Town of Los Gatos strongly encourages Low Impact Development (LID) treatment methods in new development (Town of Los Gatos 2013). The proposed project incorporates infiltration trench basin components as a LID treatment, as well as the following storm water control measures:

- Source Controls
 - Beneficial landscaping (minimizes irrigation, runoff, pesticides and fertilizers; promotes treatment)
 - Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
 - Storm drain labeling
- Site Design Measures
 - Minimum land disturbance
 - Minimized impervious surfaces
 - Minimum-impact street design
 - Minimum-impact parking lot design
 - Permeable pavement
 - Roof downspouts drain to landscaping within each yard
- Treatment Systems (LID Treatment)
 - Infiltration trench/basin with a design volume of 2,869 cubic feet (three of these are located along the private road through the proposed project. Pervious pavement on top of the infiltration trenches allows for use as a parking area)

Details of these measures are shown on Sheets C4.2 and C4.3, Conceptual Storm Water Treatment Plan and Details of the project plans. The project site is not in an area that requires hydro-modification management plans (Santa Clara Valley Urban Runoff Pollution Prevention Program 2005, 2010).

Implementation of the proposed storm water control measures would ensure that project-related impacts associated with draining changes would remain less than significant.

Less than Significant Impact: Excess or Polluted Storm Water Runoff

Concentrated urban development has the potential to result in the release of non-point source pollutants that can degrade the quality of downstream waters. The proposed project has the potential to generate pollution in storm water runoff during construction and operations.

During construction, site preparation and construction activities for the proposed project would include building and pavement demolition, removal of existing vegetation, grading and trenching for foundations and utility systems. These activities would expose bare soils and increase the potential for the migration of construction spoils and other construction debris into the existing storm drain system, which could result in significant temporary water quality impacts, until the construction is complete and the site has been re-landscaped.

During operations, the proposed project would generate storm water pollutants including grease, oil, and trace amounts of heavy metals from paved parking areas, as well as pesticide/herbicide residues and fertilizers from landscaping.

Town Code Section 22.30.035 requires permanent storm water pollution prevention measures for development projects to reduce water quality impacts of storm water runoff from the site in accordance with the town's current NPDES storm water discharge permit, and the town's policy for storm water management requirements for new development and redevelopment projects.

The State Water Resources Control Board has established a construction General Permit that can be applied to most construction activities in the state. Projects that disturb more than one acre of land during construction are required to file a notice of intent to be covered under the National NPDES General Construction Permit for discharges of storm water associated with construction activities. The NPDES construction permit requires implementation of a SWPPP that includes storm water BMPs to control runoff, erosion, and sedimentation from the site both during and after construction.

As a standard condition of approval, the applicant would be required to submit a SWPPP for review and approval of the Town Engineer to demonstrate that BMPs are incorporated into the project. Implementation of the SWPPP will ensure that impacts on surface water quality would be less than significant.

Less than Significant Impact: Other Water Quality Degradation

Refer to the discussion of Excess or Polluted Storm Water Run-off, presented earlier.

Less than Significant Impact: Flooding, Seiche, Tsunami, Mudflow

The project site is not within a 100-year flood zone. The project site is shown in the *Town of Los Gatos 2020 General Plan EIR* as being located within the 500-year flood zone (Town of Los Gatos 2010a, Figure SAF-4; 2010b, Figure 4.8-1). The project site is within the Lenihan Dam Inundation Area (Town of Los Gatos 2010a, Figure SAF-5; 2010b, Figure 4.8-2). The *Town of Los Gatos 2020 General Plan EIR* found that with implementation of *Town of Los Gatos 2020 General Plan* Goals SAF-4 and SAF-6 and their associated policies and Action SAF-4.2, impacts would be less than significant as a result of flooding from the failure of a dam (Town of Los Gatos 2010b page 4.8-24). Since certification of the *Town of Los Gatos 2020 General Plan EIR*, a seismic analysis of Lenihan Dam has been completed. That report concluded that the dam was unlikely to suffer significant damage during the maximum credible earthquake (Terra/GeoPentech 2012). Therefore, the likelihood of dam failure and flooding at the project site are considered less than significant. The project site is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The project site is essentially level, and is surrounded by essentially level ground, so mudflows are not possible.

No Impact: General Plan Inconsistency

The Town's policies regarding storm water runoff are implemented through the Town Code and the Town's *Engineering Design Standards*, which address non-point source pollution control and maintenance of peak storm water runoff at pre-development levels. The proposed project includes LID designs that direct runoff to bioswales and basins prior to discharge from the project site, including three infiltration basins located adjacent to the private drive that provides access through the proposed project. The measures outlined above would ensure consistency with applicable *Town of Los Gatos 2020 General Plan* policies.

3.8 NOISE

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant noise impacts resulting from buildout of the *Town of Los Gatos 2020 General Plan*. No comments pertaining to noise were received in response to the NOP.

Environmental Setting

Methods

A noise assessment report was prepared for the proposed project by Illingworth and Rodkin in September 2012. The noise report is included in [Appendix E](#). A noise monitoring survey was conducted at the project site from Tuesday, August 13th through Friday, August 16th, 2013. The noise monitoring survey included two long-term (three day long) measurements and one short-term (10 minute) measurement. Noise measurement locations are described below. [Figure 10, Project Site Noise Conditions](#), shows the measurement locations.

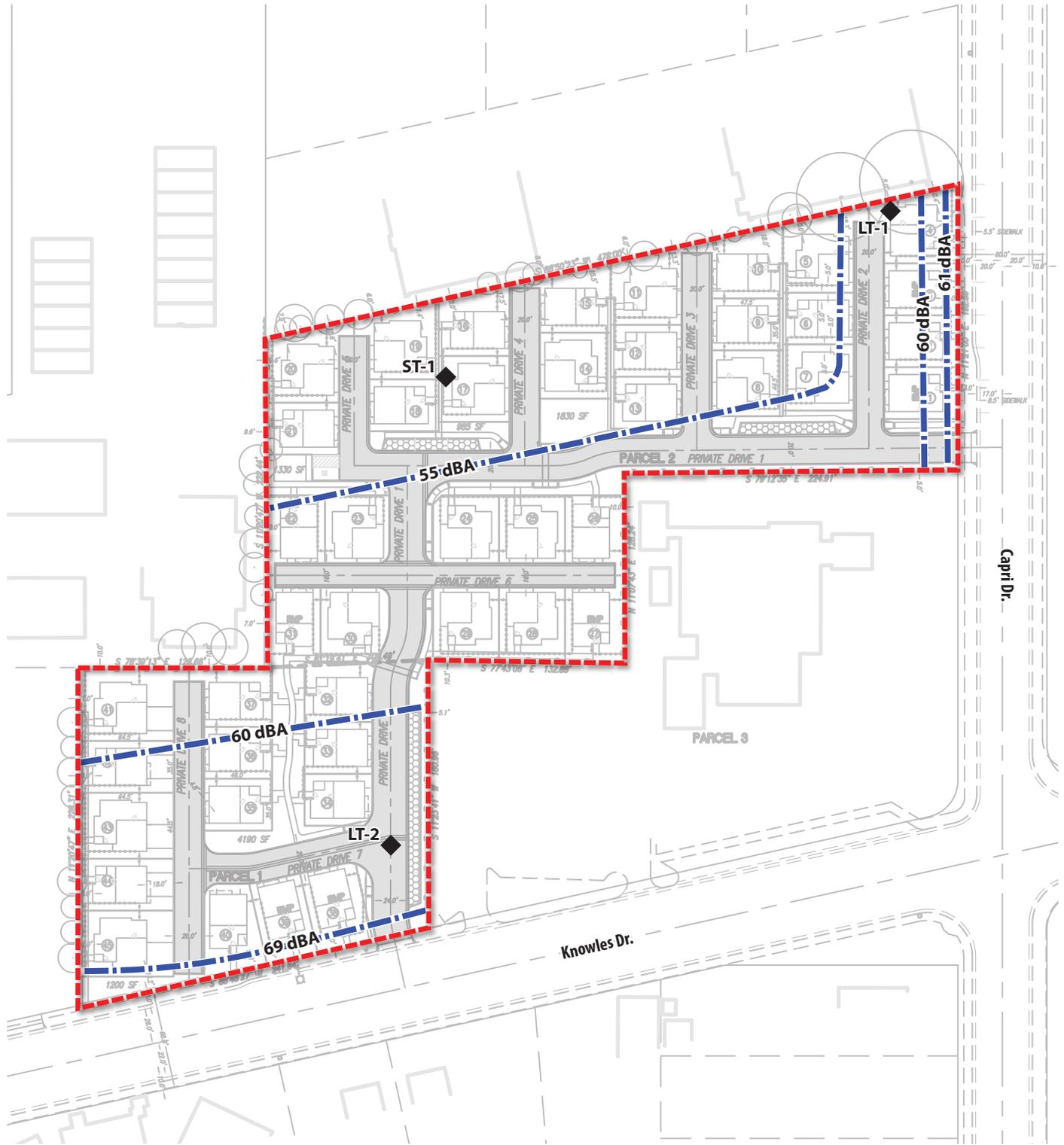
Existing Noise Environment

Long-term measurement LT-1 was located about 50 feet from the centerline of Capri Drive along the northern property line. The primary noise source at this location was local traffic on Capri Drive and distant traffic on the surrounding roadways. Hourly average daytime noise levels were typically in the range of 55 to 58 dBA Leq, with noise levels of up to 65 dBA Leq occurring during the morning, noon, and evening peak traffic hours. Nighttime hourly average noise levels were as low as 41 dBA Leq. The 24-hour DNL noise level at this location was 59 dBA.

Long-term measurement LT-2 was located about 65 feet from the centerline of Knowles Drive, adjacent to the front corner of the existing building and the vacant Courthouse parking lot. The primary noise source at this location was local traffic on Knowles Drive and distant traffic on the surrounding roadways. Hourly average daytime noise levels were typically 65 to 66 dBA Leq, with noise levels dropping as low as 47 dBA Leq at night. The 24-hour DNL noise level at this location was 66 dBA.

Short-term measurement ST-1 was located near the northwest corner of the project site, about 50 feet from the adjacent offices located to the north. The primary noise sources at this location were distant traffic and occasional local noise generated by vehicles in the office building parking lot. The 10-minute Leq measured at this location was 47 dBA.

The primary source of noise affecting the project site and surroundings is local and distant traffic. Existing noise levels were calculated based on the noise monitoring survey. At a distance of 40 feet from the centerline of Capri Drive and at a distance of 160 feet from the centerline of Knowles Drive, existing noise levels are calculated to be 60 dBA DNL. Existing noise levels are higher closer to these streets and low farther from these streets.



 Project Site
 Noise Contour
 ◆ Noise Measurement Location



Source: Charles W. Davidson Co. 2013, Illingworth & Rodkin 2013

Figure 10

Project Site Noise Conditions

375 Knowles Drive Residential Planned Development EIR



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Policy and Regulation

State

The State of California Office of Planning and Research *Noise Element Guidelines* include recommended interior and exterior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The *Noise Element Guidelines* describe the compatibility of various land uses with a range of environmental noise levels in Community Noise Level Equivalents (CNEL) and Day-Night Noise Levels (Dnl), and are the basis for most local noise regulation standards.

The California Building Code, part of the California Code of Regulations, includes residential acoustic guidelines. The California Building Code limits indoor noise from outdoor sources to L_{dn} 45 dB in habitable rooms. Projects exposed to an outdoor L_{dn} greater than 60 dB require an acoustical analysis during the design phase showing that the proposed design will limit outdoor noise to the prescribed allowable interior level. Additionally, if windows must be closed to meet the interior standard, “the design for the structure must also specify inclusion of a ventilation or air-conditioning system to provide a habitable interior environment.”

Town of Los Gatos

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

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

Goal NOI-1 To ensure that noise from new development and new land uses does not adversely affect neighboring land uses.

Policy NOI-1.1 The Town, as part of the Environmental Review process, shall require applicants to submit an acoustical analysis of projects. All input related to noise levels shall use the adopted standard of measurement shown in Table NOI-2 [see below]. Noise impacts of new development shall be evaluated in terms of any increase of the existing ambient noise levels and the potential for adverse noise and groundborne vibrations impacts on nearby or adjacent properties. The evaluation shall consider short-term construction noise and on-going operational noise.

Policy NOI-1.3 Employ the Ldn scale for the evaluation of outdoor noise for residential land uses and the Leq scale for evaluation of outdoor noise for non-residential uses, as shown in Table NOI-2 [see summary below]. Pursue the outdoor noise limits shown in Table NOI-2 as representing the long range community aspirations and work toward their accomplishment, even though some may be presently unattainable.

Policy NOI-1.4 Apply the same indoor noise levels standards for single family residential uses and multi-family dwellings.

Goal NOI-2 To ensure that proposed development is not adversely affected by existing noise levels.

Policy NOI-2.1 Evaluate the potential for existing ambient and/or intrusive noise to adversely affect new development.

Policy NOI-2.2 Require all noise-sensitive developments adjacent to or within an area where noise levels exceed community aspirations to include a noise study and recommendation for reducing noise impact to an acceptable level.

Policy NOI-5.1 Protect residential areas from noise by requiring appropriate site and building design, sound walls, and landscaping and by the use of noise attenuating construction techniques and materials.

Town of Los Gatos 2020 General Plan Table NOI-2 presents outdoor noise standards for various land uses. Outdoor noise standards for land uses applicable to the proposed project and adjacent development are presented here:

- Residential: 55 dBA maximum Ldn value;
- Commercial: 70 dBA maximum Leq 24 value; and
- Hospital: 55 dBA maximum Leq 24 value

Town of Los Gatos 2020 General Plan Action NOI-7.3 states that environmental review documents that identify noise factors shall relate the noise data to the Town's Noise Ordinance to give the Planning Commission and Town Council a standard for comparison.

The Town Noise Ordinance (Chapter 16 of the Town Code) limits construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance limits construction noise generation by requiring construction to meet either of the following: (1) no individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet from the piece of equipment; or (2) the noise level at any point beyond the property line cannot exceed 85 dBA.

In addition to the construction standards, the Town's noise ordinance allows a given noise source to exceed the residential noise standard by six dBA, and to exceed the commercial noise standard by eight dBA.

Standards of Significance

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

- result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies;
- result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels;

A significant vibration impact would occur if the proposed project would expose normal buildings to groundborne vibration levels exceeding 0.30 in/sec PPV.

- result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;

Consistent with the *Town of Los Gatos 2020 General Plan EIR*, a project is considered to have a significant effect if it increases an existing ambient noise level below 60 dBA by five dBA or more, an existing ambient noise level of 60 to 65 dBA by three dBA or more, or an existing ambient noise level of greater than 65 dBA by 1.5 dBA or more;

- result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- for a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels;
- for a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis and Mitigation

Less than Significant Impact with Mitigation: Noise in Excess of Standards

The combined effect of existing traffic volumes with traffic from background, pending projects, and the proposed project would be an increase in ambient noise levels of about one dB. As a result, future noise levels at the project site are calculated to exceed 60 dBA DNL within 190 feet from the center of Knowles Drive or within 50 feet of the center of Capri Drive. Future noise levels would exceed 55 dBA DNL in unshielded areas within about 350 feet from the centerline of Knowles Drive and about 110 feet from the centerline of Capri Drive. [Figure 10, Project Site Noise Conditions](#), shows the location of the 55 and 60 dBA DNL contours within the project site. Building facades of first-row homes along Knowles Drive and Capri Drive would be exposed to noise levels of about 69 dBA DNL and 61 dBA DNL, respectively, under future conditions. These noise levels are in excess of both the State guidelines (60 dBA DNL) and the Town's long-term goal (55 dBA DNL). Interior noise levels are expected to be within the acceptable 45 dBA DNL with standard construction, with the windows closed during periods of high noise.

Based on the preliminary noise barrier modeling presented in the noise report, a nine- to 10-foot tall barrier, relative to the residential pad elevations, would be required to reduce noise levels in yards of homes along Knowles Drive to 60 dBA DNL and a barrier greater than 14 feet would likely be needed to achieve 55 dBA DNL. A five-foot high barrier would be required to reduce noise levels in yards of homes along Capri Drive to 60 dBA DNL and a six- to seven-foot barrier would be required to achieve 55 dBA DNL.

Because the front elevations and yards of the proposed houses face onto Knowles Drive and Capri Drive at most locations, placement of sound walls along the property lines at the streets would not be practical in those locations. Additionally, the Town's aesthetic policies and design guidelines do not support the placement of sound walls adjacent to the street, and a significant and unavoidable aesthetic impact may result if the recommended noise barriers were constructed. For these reasons, mitigation of excess noise levels through the placement of sound walls at the street is not considered feasible, and front yard noise levels would exceed the state guidelines and the Town's standards. Sound walls would be feasible if located adjacent to the proposed side or rear property lines, or between houses near the front walls.

The houses themselves would provide an effective noise barrier for locations behind the houses. However, if a continuous noise barrier were not constructed, the gaps between houses would allow noise to encroach into these backyard areas. Absent a continuous noise barrier at the street, noise barriers between the houses would reduce backyard noise levels, and could meet the Town's aesthetic policies and design guidelines if blended with the building architecture.

Noise mitigation modified from the recommendations of the noise report is suggested to reduce all but the front yard noise levels to within state and Town standards, while adhering to the aesthetic direction of the *Town of Los Gatos 2020 General Plan* and the Town's design guidelines. Implementation of this mitigation measure would reduce project site noise levels to within the state guideline for residential noise levels at all but the seven front yards immediately adjacent to Knowles Drive and Capri Drive. Interior noise would be within acceptable levels, assuming windows are closed at the noisiest times of the day. *Town of Los Gatos 2020 General Plan* Policy NOI-1.3 recognizes that attainment of the more stringent Town standard may not be possible in all locations. Implementation of the following mitigation measure would reduce this impact to a less than significant level. Proposed noise barrier locations are shown in [Figure 11, Noise Mitigation](#).

Mitigation Measure

NOI-1. The project plans shall include a noise barrier along the west property lines of Lots 42, 43, 44, and 45. The project plans shall include a noise barrier along the project site boundary east of Private Drive 1 for approximately 180 feet northward from Knowles Drive. The project plans shall include a noise barrier along the south boundary of Lot 45, and between houses on Lots 38, 39, and 40. These noise barriers shall be no less than nine feet in effective height, with at least two feet of height obtained through berming of the underlying ground, to reduce apparent wall height. The project plans shall include a noise barrier along the project site boundary south of Private Drive 1 for approximately 100 feet west of Capri Drive, and a noise barrier along the north property line of Lots 4, 5, and Private Drive 2. The project plans shall include a noise barrier between houses on Lots 1, 2, 3, and 4, and between the house on Lot 4 and the northern property line. These noise barriers shall be no less than five feet in height. The noise barriers shall be constructed solidly over the face and at the base, with no openings or gaps between barrier materials or the ground. Suitable materials for barrier construction shall have a minimum surface weight of three pounds per square foot (such as one-inch thick wood, masonry block, concrete, or metal). Noise barriers shall match building architecture.

Less than Significant Impact: Ground-borne Vibration

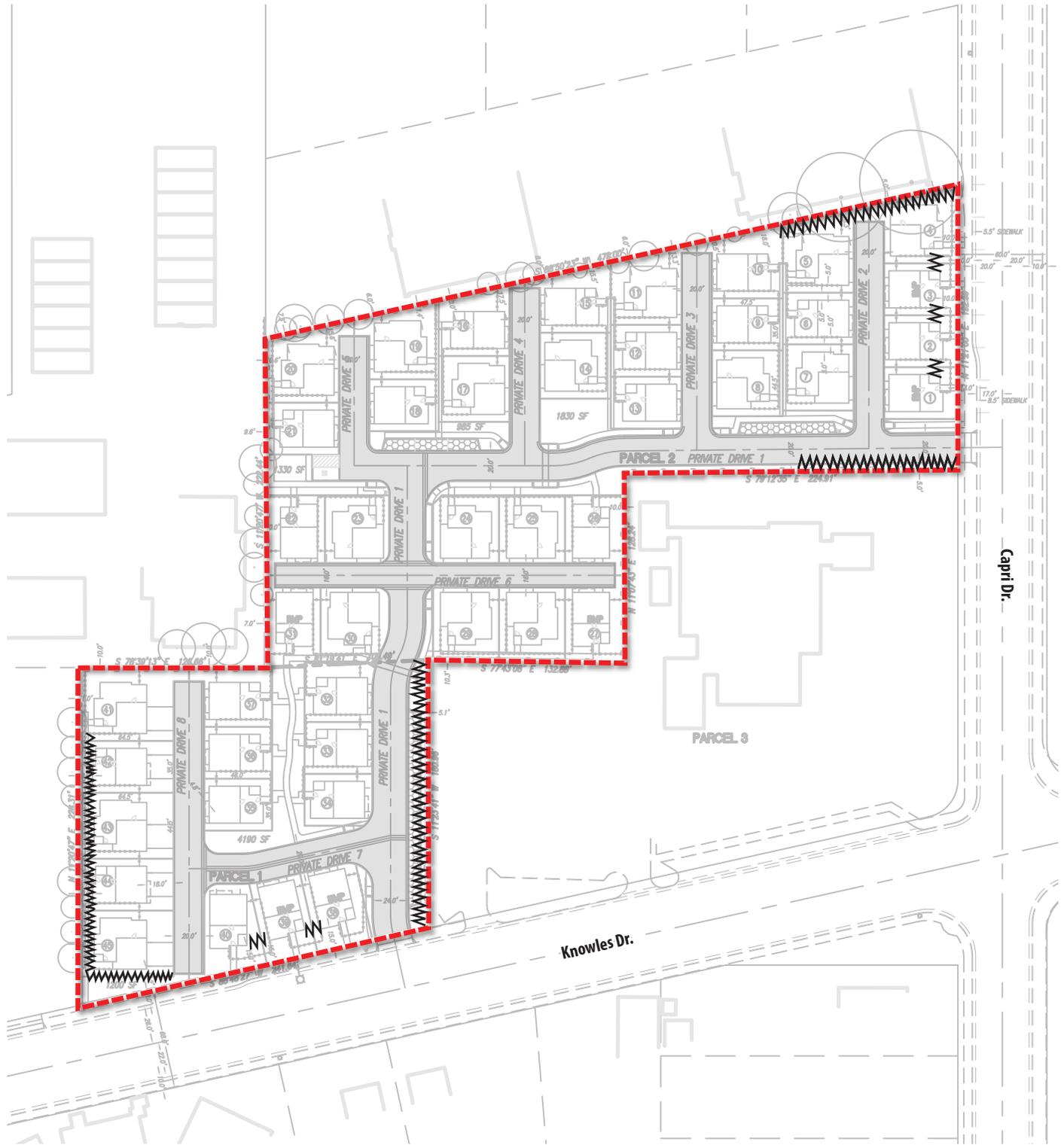
Construction of the proposed project would involve conventional earthmoving equipment, which could generate low levels of vibration. The use pile driving or other equipment generating substantial vibration levels is not expected. The proposed project would have a less than significant impact from vibration.

Less than Significant Impact: Project Vicinity Permanent Ambient Noise Increase

The proposed project would cause an increase in vehicular traffic on the street network. Increased vehicular traffic on the streets is the only project source of operational noise that would substantially affect the noise environment in the vicinity. The noise exposure levels along Knowles Drive, Capri Drive, Dardanelli Drive, Parr Avenue, Division Avenue, and Winchester Boulevard were evaluated to determine whether or not the increased vehicular traffic attributable to the proposed project would cause a substantial increase in the noise environment. Six intersections were analyzed in the vicinity of the project site. Traffic noise along a street is logarithmically proportional to the volume of traffic. Project-generated traffic was determined to increase existing ambient noise levels along the roads in and around the project site by less than one dBA. Increases on other area roadways would be anticipated to be similar to or below this level as project traffic disperses farther from the project site. Increases in vehicular traffic would not cause a significant noise impact to existing residents in the area.

Less than Significant Impact with Mitigation: Project Vicinity Temporary Ambient Noise Increase

The construction of the proposed project would generate noise and would temporarily increase noise levels at adjacent residential, commercial, and office receivers. Residential receivers are located adjacent to the project site on the north and across Knowles Drive on the west. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment operating on project site, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction of the proposed project is anticipated to occur over a period of approximately one to two years, including demolition and grading (one month), underground utilities (three weeks), paving of project roadways (two weeks), footing excavation and underground utilities (two months), and construction of the homes (12 to 18 months). Approximately seven trucks per day over a one month period would be used to haul dirt onto the project site.



 Project Site  Noise Barriers



Source: Charles W. Davidson Co. 2013, Illingworth & Rodkin 2013

Figure 11
Noise Mitigation



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Construction would be carried out in stages, with a different mix of equipment operating in each stage. Construction noise levels would vary by stage and vary within stages based on the amount of equipment in operation and location where the equipment is operating. Typical residential construction noise at a distance of 50 feet can reach about 88 dBA. Most demolition and construction noise is in the range of 80 to 90 dBA at a distance of 50 feet from the source. Average noise levels at 100 feet from typical construction activity at the project site would range from 70 to 80 dBA during busy construction periods, an increase of up to 15 dBA over existing ambient noise levels. Therefore, construction noise from some activities is likely to exceed the ordinance limits (85 dBA at a distance of 25 feet). Noise levels would drop off at a rate of about six dBA per doubling of distance between the noise source and receptor. Intervening structures or terrain would result in lower noise levels, especially for activities below grade. In addition to Town-mandated limits on construction hours, implementation of the following mitigation measure would reduce this impact to a less than significant level.

Mitigation Measure

NOI-2. The applicant shall observe the following construction noise attenuation measures and practices:

- *Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;*
- *Prohibit all unnecessary idling of internal combustion engines;*
- *Utilize "quiet" models of air compressors and other stationary noise sources where feasible technology exists;*
- *Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses;*
- *Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses;*
- *Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. A notice shall be sent to residential addresses within 100 feet of the project site boundaries with information on the construction schedule, including how each construction phase relates to potential noise levels;*
- *Designate a "disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise*

complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule; and

- *Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials, unless noise monitoring indicates that suitable noise levels may be attained at residential property lines by other methods.*

No Impact: Aircraft Noise

The Plan Area is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip (Google Inc. 2013). The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos (Norman Mineta San Jose International Airport 2013).

No Impact: General Plan Inconsistency

Town of Los Gatos 2020 General Plan policy NOI-1.3 establishes the Town's "long range community aspiration" of outdoor residential noise levels less than 55 dBA. *Town of Los Gatos 2020 General Plan* Policy NOI-1.3 also recognizes that attainment of this aspiration, which is more stringent than state standards, may not be possible in all locations. Implementation of mitigation measure NOI-1 would reduce exterior noise levels to within both the state standard and the Policy NOI-1.3 aspiration at all but seven front yards. Interior noise levels would meet both state and Town standards. For seven front yard areas, noise levels near Knowles Drive and Capri Drive are too high to allow attainment of the outdoor noise aspiration without construction of a noise barrier of at least nine feet in height, which would conflict with numerous aesthetics policies and design guidelines. Since noise mitigation is possible to bring all private yard areas, and most front yard areas, into conformance with Policy NOI-1.3, the proposed project, as mitigated, would be consistent with Policy NOI-1.3.

Town of Los Gatos 2020 General Plan policy ENV-12.2 requires consideration of alternatives to individual auto use if noise levels are too high, the intent being to reduce project-generated automobile noise. Although noise from project-generated traffic was determined to be less than significant, the proposed project is situated in a location that is convenient to existing bus transit and planned light rail transit, and consistent with this policy.

3.9 SCHOOLS

The *Town of Los Gatos 2020 General Plan EIR* concluded that students would be generated in four school districts serving the Town as a result of buildout of the *Town of Los Gatos 2020 General Plan*, including students generated from development of the project site. The environmental impacts were determined to be less than significant. No comments pertaining to schools were received in response to the NOP.

Environmental Setting

Campbell Union School District. The Campbell Union School District operates nine elementary schools and three middle schools. The project site is within the attendance boundaries of Capri Elementary School at 850 Chapman Drive in Campbell, and Rolling Hills Middle School at 1585 More Avenue in Los Gatos. Capri Elementary School is about one-third of a mile from the project site, and the Village School charter elementary school shares the near-side of the same campus, about one-quarter mile from the project site. Rolling Hills Middle School is about 1.4 miles from the project site. The Measure G school bond passed in 2010 provides \$150 million for upgrades, renovations, and repairs. A similar bond for \$75 million was passed in 2002 (Campbell Union School District 2012, 2013). The Campbell Union School District collects a development impact fee of \$2.24 per square foot for residential development (Campbell Union High School District 2012a).

Campbell Union High School District. The Campbell Union High School District operates five high schools. The project site is within the attendance area of Westmont High School at 4805 Westmont Avenue, about 1.5 miles west of the project site. The Campbell Union High School District collects development impact fees of \$0.79 per square foot for residential development (Campbell Union High School District 2012a, b).

Policy and Regulation

State

Senate Bill 50 (SB 50) was adopted in 1998. School districts may collect fees established by the State to offset the costs associated with increasing school capacity as a result of development. School districts may undertake a school impact fee needs analysis to justify a fee that is higher than the standard State fee. Payment of the fee by developers serves as the total mitigation of the potential impact of a development on school facilities pursuant to CEQA.

Town of Los Gatos

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

Provide a well-run, efficient municipal government that is fiscally healthy, with high levels of public safety, recreational, art and cultural amenities and that is supportive of high quality education.

The following *Town of Los Gatos 2020 General Plan* goals and policies relating to population, housing, and public services are applicable to the proposed project.

Policy LU-4.4 Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

Policy HOU-2.4 Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

Standards of Significance

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

- result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.

Analysis and Mitigation

Less than Significant Impact: New or Altered Schools

The *Town of Los Gatos 2020 General Plan Final EIR* (Town of Los Gatos 2010c, pages 3-5, 3-26 through 3-32) projected that the project site (3.34 acres of the 5.2 acres referred to as the Los Gatos Courthouse site) would be developed with 104 apartment units (half of which would be below market rate), and would generate 19 additional students (14 elementary, five middle) for schools within the Campbell Union School District.

Because the *Town of Los Gatos 2020 General Plan Final EIR* did not include generation factors for below market rate single family houses, modified generation factors were used to estimate student generation from these units. The percent difference between apartment and below market rate apartment was used to adjust the single family house factor for below market units (below market rate units have higher generation factor). Single family houses have a generation factor of 0.235 for elementary school and 0.131 for middle school; the factor for below market rate single family units was calculated to be 0.297 for elementary school and 0.153 for middle school. [Table 9, Student Generation](#), provides a summary of estimated student generation from the proposed project. Proposed project student generation for elementary and middle school would be essentially the same as was projected in the *Town of Los Gatos 2020 General Plan Final EIR*.

Table 9 Student Generation

Grade Level	Generation Rates per unit	Students
	Market Houses / Below Market Rate Houses	
Elementary School (K-5)	0.235 students / 0.297 students	12
Middle School (6-8)	0.131 students / 0.153 students	6
High School (9-12)	0.208 students / 0.211 students	9
Total		27

Source: Campbell Union High School District

Note: Generation rates adjusted from those of the *Town of Los Gatos 2020 General Plan Final EIR*.

The project site is within the attendance area of Capri Elementary School and Rolling Hills Middle School. Additionally, the Village School charter elementary (located adjacent to Capri Elementary School) and Sherman Oaks charter elementary school, are open to attendance district-wide without a geographic preference, and would provide additional enrollment options for future residents of the proposed project. Capri Elementary School attendance has been rising for several years and is considered to be at capacity. The school district is adding classrooms at Forest Hill School, in an adjacent attendance area, and by shifting students to that school, anticipates the availability of adequate elementary school classroom space for the proposed project. Rolling Hills Middle School has had a variable enrollment in recent years, and is considered close to capacity. Two additional classrooms were added to Rolling Hills Middle School this year. The school district anticipates there will be adequate middle school classroom space for the proposed project (personal communication with Jim Crawford, September 23, 2013). The conclusion of the *Town of Los Gatos 2020 General Plan Final EIR* was that additional capacity would be required to serve new students, but that development impact fees levied by the school district would reduce impacts to a less than significant level. The proposed project would pay development impact fees to cover its incremental share of future classroom development.

The *Town of Los Gatos 2020 General Plan Final EIR* (Town of Los Gatos 2010c, pages 3-5, 3-26 through 3-32) projected that the project site (3.34 acres of the 5.2 acres referred to as the Los Gatos Courthouse site) would be developed with 104 apartment units (half of which would be below market rate), and would generate eight additional students for schools within the Campbell Union High School District.

As was done for the elementary and middle schools, modified generation rates were used to estimate high school student generation from the proposed project. Per the *Town of Los Gatos 2020 General Plan Final EIR*, single family houses have a generation factor of 0.208 for high school; the factor for below market rate single family units was calculated to be 0.211 for high school. Estimated high school student generation is summarized in [Table 9, Student Generation](#), presented earlier. The Development Fee Justification Report (SCI Consulting Group 2007) cites a generation rate of 0.17 students per single family house, which would result in the generation of about eight or nine students.

The project site is within the attendance area of Westmont High School. The capacity of Westmont High School is 1,539 students (as of the 2007 Development Fee Justification Report), and the current enrollment is approximately 1,571 students. The proposed project would add students to a school that is at or over capacity. The conclusion of the *Town of Los Gatos 2020 General Plan Final EIR* was that additional capacity would be required to serve students from new development, but that development impact fees levied by the school district would reduce impacts to a less than significant level.

Although some of the schools to which the proposed project would send students are at or over capacity, the proposed project's payment of the school development impact fees would reduce the impacts to schools to a less than significant level.

3.10 TRANSPORTATION AND CIRCULATION

The *Town of Los Gatos 2020 General Plan EIR* identified significant and unavoidable traffic congestion impacts resulting from build-out of the *Town of Los Gatos 2020 General Plan*. Although construction of the transportation infrastructure called for in the *Town of Los Gatos 2020 General Plan* would reduce impacts to a less than significant level, funding constraints would not allow all of the necessary transportation improvements to be constructed. In response to the NOP, comment letters pertaining to traffic were received from the California Department of Transportation and the Santa Clara County Transportation Authority. A letter pertaining to safety at the railroad crossing on Knowles Drive east of the project site was received from the California Public Utilities Commission.

Environmental Setting

Methods

A traffic impact analysis was prepared for the proposed project by TKJM Transportation Consultants in October 2013 on behalf of the Town, and was peer reviewed by Kimley-Horn & Associates at the request of the applicant. The traffic impact analysis was prepared in conformance with the guidance of the Santa Clara County Transportation Authority (VTA). The traffic impact analysis is included in [Appendix F](#).

The operating conditions at all of the study intersections were evaluated using the 2000 Highway Capacity Manual Operations Method contained in TRAFFIX software. The 2010 edition of the Highway Capacity Manual contains new methodologies to evaluate level of service/quality of service for pedestrian, bicycle and transit modes on urban arterial roadways. The *2011 Congestion Management Program* does not adopt these methodologies, but lays the groundwork for future adoption after VTA has had the opportunity to test the methodologies locally (Santa Clara Valley Transportation Authority 2011, pages 53, 54). The default saturation flow rates were adjusted to comply with the Congestion Management Program methodology adopted by the VTA. Peak hour intersection conditions are reported as average delay in seconds per vehicle with corresponding levels of service. A level of service rating is a qualitative description of intersection operations, which is reported using an A through F letter rating system to describe travel delay and congestion. Level of Service A indicates free flow conditions with little or no delay and LOS F indicates jammed conditions with excessive delays and long back-ups.

Highways and Streets

Regional Arterials and Highways. The project site is near several major highways and streets, including State Route 85, State Route 17, and Winchester Boulevard. State Route 85 is an eight-lane freeway connecting Mountain View and south San Jose. State Route 17 is a four- to six-lane freeway connecting Interstate 80 at Interstate 280 to Santa Cruz. Winchester Boulevard is a major arterial originating as Lincoln Street in downtown Santa Clara and terminating in downtown Los Gatos as Santa Cruz Avenue.

There are five Congestion Management Plan routes in Los Gatos: State Routes 9, 17, and 85; Los Gatos Boulevard from State Route 85 to Lark Avenue; and Lark Avenue from Los Gatos Boulevard to State Route 17. There are three Congestion Management Plan intersections in Los Gatos that are reviewed annually in conformance with Congestion Management Plan requirements: Lark Avenue and Los Gatos Boulevard; State Route 9 and Santa Cruz Avenue; and State Route 9 and University Avenue.

Local Streets. Two local streets border the project site. Knowles Drive is a four-lane street with sidewalks for most of its length. Knowles Drive connects to Winchester Boulevard to the south and continues northward as Pollard Drive to connections with San Tomas Aquino Road and Quito Road. Based on counts conducted in March 2013, Knowles Drive carries about 12,638 trips per day. Capri Drive is a two-lane street providing access to and from the neighborhoods north of the project site, with sidewalks in the blocks nearest the project site. Based on counts conducted in March 2013, Capri Drive carries about 1,250 trips per day. Division Street provides a connection between Winchester Boulevard and Capri Drive, to the north of the project site. Division Street is two lanes with sidewalks. West Parr Avenue is a two-lane residential street to the north of the project site. There are sidewalks on the south side and on most of the north side. West Parr Avenue is a Class III bike route with average weekday traffic of about 2,700 vehicles. West Parr Avenue, Division Street, and the connecting segment of Capri Drive mark the boundary between Los Gatos and Campbell, and are within the jurisdiction of the City of Campbell. Dardanelli Lane connects Knowles Drive and West Parr Avenue, serving medical offices and El Camino Hospital. There are sidewalks on both sides. The City of Campbell designates West Parr Avenue, Capri Drive, and Division Street as collector streets. Knowles Drive is classified as an arterial, and the other streets within the Town are not classified (Town of Los Gatos 2010a; City of Campbell 2001).

The existing level of service for six study intersections near the project site was calculated. The existing intersection levels of service are presented in [Table 10, Existing Intersection Levels of Service](#). Each intersection is included in Figure 3, Project Vicinity, presented earlier. The Town's level of service standard is LOS D. The City of Campbell has adopted the same level of service standard as the Santa Clara County Congestion Management Program (City of Campbell 2001, General Plan Strategy LUT-2.3a). The *2011 Congestion Management Program* establishes a level of service standard of LOS E for roadways and intersections within the program's network (Santa Clara Valley Transportation Authority 2011, page 32).

There are currently no trips generated from the project site. When the project site was in use as a medical clinic, there were an estimated 25 AM peak trips and 36 PM peak trips (TJKM Transportation Consultants 2013).

The traffic report also calculated background conditions, in which projected traffic from a list of approved but not yet constructed projects was added to the existing traffic. All of the studied intersections continued to operate at the same acceptable levels of service. For the most part, increased delays at the studied intersections were less than three-tenths of a second; at Winchester Boulevard and Knowles Drive, the increased delays were 0.6 seconds in the AM peak hour, and 1.3 seconds in the PM peak period. Background levels of service are shown in [Table 11, Background Intersection Levels of Service](#).

Table 10 Existing Intersection Levels of Service

Intersection	Control	LOS		Average Delay	
		AM Peak	PM Peak	AM Peak	PM Peak
Winchester Boulevard/ Knowles Drive	Signal	C	D	33.7 sec.	43.9 sec.
Knowles Drive/ Capri Drive	Signal	A	A	5.9 sec.	4.8 sec.
Knowles Drive/ Dardanelli Lane	Signal	B	C	16.1 sec.	21.2 sec.
Capri Drive/ Division Street	2-way stop	A	A	9.4 sec.	9.0 sec.
Capri Drive/ West Parr Avenue	All-way stop	A	A	9.0 sec.	7.9 sec.
Dardanelli Lane/ West Parr Avenue	All-way stop	A	A	8.3 sec.	7.4 sec.

Source: TJKM Transportation Consultants 2013

Note: LOS = Level of Service; Delay expressed in seconds

Table 11 Background Intersection Levels of Service

Intersection	Control	LOS		Average Delay	
		AM Peak	PM Peak	AM Peak	PM Peak
Winchester Boulevard/ Knowles Drive	Signal	C	D	34.3 sec.	45.2 sec.
Knowles Drive/ Capri Drive	Signal	A	A	5.8 sec.	5.2 sec.
Knowles Drive/ Dardanelli Lane	Signal	B	C	16.0 sec.	20.7 sec.
Capri Drive/ Division Street	2-way stop	A	A	9.4 sec.	9.0 sec.
Capri Drive/ West Parr Avenue	All-way stop	A	A	9.2 sec.	8.0 sec.
Dardanelli Lane/ West Parr Avenue	All-way stop	A	A	8.4 sec.	7.4 sec.

Source: TJKM Transportation Consultants 2013

Note: LOS = Level of Service; Delay expressed in seconds

Transit Service

The VTA operates a fleet of 450 buses and 99 light rail vehicles—plus four historic trolleys. About 21 million miles of bus and light rail service is operated annually. During 2007-2008, VTA carried about 43.5 million riders: approximately 33.1 million on bus and 10.4 million on light rail. The VTA serves roughly 3,800 bus stops, 15 transit centers, and 62 light rail stations (Santa Clara Valley Transportation Authority 2009a, page 52).

VTA Route 48 bus serves the project site along Knowles Drive, connecting the Los Gatos civic center with the Winchester light rail station. An additional bus route connects West Valley College and the Winchester light rail station, with the nearest stop about three-quarters of a mile to the north.

The project site is outside of but adjacent to the Vasona Light Rail Area that is addressed in the Vasona Light Rail Element of the *Town of Los Gatos 2020 General Plan*. The Vasona Junction light rail station is proposed for the junction of State Route 85 and Winchester Boulevard, within one-quarter mile of the project site.

Bicycle and Pedestrian

The only bicycle facility in the vicinity of the project site is the Class III bike route signed on West Parr Avenue. The Los Gatos Creek Trail is located within one-half mile to the east, but direct access to the trail appears to cross private parking lots; the next nearest access is about one mile away at Lark Avenue. A new trail access would be provided as part of the Vasona light rail extension project. Knowles Drive and Winchester Boulevard are listed as County-wide bicycle routes in the *Santa Clara Countywide Bicycle Plan* (Santa Clara Valley Transportation Authority 2008a, page 3-10).

There are nearly continuous sidewalks on the both sides of Knowles Drive and on Capri Drive in the vicinity of the project site. The sidewalk on Knowles Drive ends for about 120 feet immediately south of the project site in front of the former Courthouse parking lot. The sidewalks on Capri Drive extend only a short distance to the south of Knowles Drive, and do not extend north of the Campbell city limits.

Planned Transportation Improvements

The *Town of Los Gatos 2020 General Plan* Transportation Element calls for the following transportation improvements in the vicinity of the project site (Town of Los Gatos 2010a, pages TRA-14 to TRA-19):

- Winchester Boulevard and Knowles Drive: Add an eastbound left turn lane and right turn overlap phase.
- Knowles Drive from Pollard Avenue to Winchester Boulevard: Widen the road to four lanes plus bike lanes.
- Winchester Boulevard: Add bike lanes.
- Vasona light rail station at junction of Winchester Boulevard and State Route 85.

Policy and Regulation

Association of Bay Area Governments / Metropolitan Transportation Commission

Plan Bay Area was adopted in July 2013 and sets forth a strategy for development of the Bay Area's transportation infrastructure. *Plan Bay Area* fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008, which requires a sustainable communities strategy as a part of the regional transportation plan. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Two performance targets are mandated by SB 375: reduce its per-capita CO₂ emissions from cars and light-duty trucks by 15 percent by 2040; and provide adequate housing by requiring the region to house 100 percent of its projected population growth by income level. *Plan Bay Area* integrates land use strategies by establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2040. Within Los Gatos there are two priority development areas: the Vasona light rail extension corridor and the area south of Vasona Lake County Park. *Plan Bay Area* intends to reach the region's goal of reducing greenhouse gas emissions by seven percent. *Plan Bay Area* also addresses conservation of open space lands. *Plan Bay Area* also includes eight locally adopted performance targets that seek to reduce premature deaths from air pollution, reduce injuries and fatalities from collisions, increase the amount of time people walk or cycle for transportation, and protect open space. Other targets address equity concerns, economic vitality and transportation system effectiveness.

Santa Clara Valley Transportation Authority

Valley Transportation Plan 2035 presents a transportation improvement development plan with prioritization of spending for a variety of transportation projects. The following listed projects are near the project site (Santa Clara Valley Transportation Authority 2009a, Appendix A):

- State Route 85 conversion of carpool lanes to express (toll) lanes (funded scenario); and
- Vasona Junction light rail extension and station (funded scenario).

Valley Transportation Plan 2040 is due to be released in 2014, and the preliminary project list contains the same two projects near the project site.

The VTA Board of Directors adopted the Transit Sustainability Policy in 2007 (Santa Clara Valley Transportation Authority 2008b). The Transit Service Design Guidelines implement the Transit Sustainability Policy, defining the characteristics of various levels of transit service, from local shuttles to regional express busses, to light rail. The Transit Sustainability Policy states:

It is the policy of the Santa Clara Valley Transportation Authority (VTA) to have an efficient transit system that is responsive to market needs, seeks the highest and best use of funds, obtains maximum benefit for each dollar spent, increases transit usage per capita, and enhances Santa Clara Valley's environment and quality of life. Accordingly, all potential transit projects and services will undergo a study prior to funding approvals to understand the full range of alternatives available for providing service, the costs and benefits, and the effects proposed services will have on system ridership and operations.

The *Santa Clara Countywide Bicycle Plan* (Santa Clara Valley Transportation Authority 2008a) establishes a network of regional bikeways, and includes policies for VTA's encouragement of bicycle facility development. Two cross-county bicycle routes are near the project site, on Knowles Drive and Winchester Boulevard. *Bicycle Technical Guidelines* (Santa Clara Valley Transportation Authority 2007) provide design guidance for construction of roads, parking, and other facilities either specifically for bicycles or shared by bicycles.

Town of Los Gatos

One of the *Town of Los Gatos 2020 General Plan's* vision statement consensus points relates to both transportation and residential development:

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

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

Policy LU-2.2 Promote telecommuting and home-based businesses by allowing live-work and work-live uses in existing and future residential development.

Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

Policy HOU-2.4 Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

Policy TRA-1.1 Development shall not exceed transportation capacity.

Policy TRA-1.5 Make effective use of the traffic-carrying ability of Los Gatos's arterials and collectors while considering the needs of pedestrians, bicyclists, and adjacent residents.

Goal TRA-2 To create and maintain a safe, efficient and well designed roadway network.

Policy TRA-2.4 New development shall minimize the number of driveway openings and curb cuts.

Policy TRA-2.6 Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.

Goal TRA-3 To prevent and mitigate traffic impacts from new development.

Policy TRA-3.1 All development proposals shall be reviewed to identify and mitigate project traffic impacts pursuant to the Town's traffic impact policy.

Policy TRA-3.2 Review development proposals to ensure that the circulation system and on-site or public parking can accommodate any increase in traffic or parking demand generated by the proposed development, subject to the considerations and findings required by the Town's Traffic Impact Policy.

Policy TRA-3.3 All new developments shall be evaluated to determine compliance with the Town's level of service policy for intersections.

Policy TRA-3.4 New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.

Policy TRA-3.5 If project traffic will cause any intersection to drop more than one level if the intersection is at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall mitigate the traffic so that the level of service will remain at an acceptable level.

Policy TRA-3.6 Pedestrian and bicycle safety shall not be compromised to improve or maintain the level of service of an intersection.

Policy TRA-3.7 All traffic reports shall include analyses of nearby uses with unusual or unique traffic generation factors or peak hours (e.g. pre-schools, faith communities, private clubs, quasi-public uses).

Policy TRA-3.8 New development shall be required to upgrade public improvements on project frontages to meet current Town standards.

Policy TRA-3.9 Developers shall contribute to the cost of the future installation of traffic signals or future traffic signal modifications as a condition of approval.

Policy TRA-8.5 Encourage the use of the transit system by requiring developers to provide bus shelters and on-going maintenance as part of their developments, when appropriate.

Policy TRA-8.8 Where feasible and appropriate, all new projects that are near existing transit services and/or destinations such as shopping areas, community centers, senior housing, and medical facilities shall be required to provide covered and partially enclosed shelters consistent with Santa Clara Valley Transportation Authority (VTA) Standards that are adequate to buffer wind and rain, and have at least one bench at each public transit stop.

Policy TRA-9.1 Make land use decisions that encourage walking, bicycling, and public transit use.

Policy TRA-13.2 Provide an adequate number of parking spaces in all new development.

Policy SAF-7.4 New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

Policy SAF-8.1 Build and require roadways that are adequate in terms of width, radius and grade to accommodate Santa Clara County Fire Department fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

The project site is immediately outside the Vasona Light Rail corridor area, so the following Vasona Light Rail Element policies do not apply, but are presented here for informational purposes, because the project site is within walking distance of Vasona Light Rail corridor area and the proposed station site.

Policy VLR-1.1 Circulation planning for the Town shall recognize the potential for mass transit connections via the Vasona Light Rail.

Policy VLR-1.5 Project applicants shall demonstrate how their projects meet the specific goals and policies of the Vasona Light Rail Element.

Policy VLR-7.2 Development may be phased with the completion of the Vasona Light Rail. In no case may development exceed transportation capacity.

Policy VLR-9.1 Residential development proposals within the Vasona Light Rail area shall address how they take advantage of mass transit opportunities.

Policy VLR-9.3 Development in the Vasona Light Rail area shall provide Transportation Alternative programs or facilities that help link development and mass transit. These programs may include providing bicycle racks, shower and locker facilities, transit passes to employees, etc. In-lieu fees or other funding mechanisms may be required to provide a shuttle for the area.

Los Gatos Traffic Impact Fee Program. The Town requires that projects generating additional traffic construct improvements to mitigate direct project traffic impacts, and to pay in-lieu fees to mitigate cumulative traffic impacts. Municipal Code Article VII of Chapter 15, Motor Vehicles and Traffic (the Traffic Impact Mitigation Fee Ordinance) creates the framework for a traffic impact fee. Town Council Resolution 1994-55 and the Traffic Impact Policy define specific fee amounts and procedures for calculating the fees. Traffic impact fees are assessed on new developments and expansions of uses, and collected in a trust fund to pay for transportation-related capital improvements. The traffic impact fee ensures that each new development or expansion of use pays its fair share of the transportation improvements needed to accommodate the cumulative traffic impacts.

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

Standards of Significance

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

- conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;
- conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- result in inadequate emergency access;
- conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

The *Transportation Impact Analysis Guidelines* state that a project would have a significant effect on transit services if it would entail (Santa Clara Valley Transportation Authority 2009b, page 41):

- substantial growth or concentration of population beyond the capacity of existing or planned transit facilities;
- increased demand for transit service to such a degree that accepted service standards are not maintained;

- reduction of transit availability or interference with existing transit users on a permanent or temporary basis;
- a project location more than three-quarters mile from existing or planned transit services, with the potential for generating a demand for such services; or
- congestion increases that affect transit services, e.g. delays worsen on a roadway that a specific transit route serves.

The *Transportation Impact Analysis Guidelines* indicate that a project would have a significant effect on bicycle and/or pedestrian transportation if it would entail (Santa Clara Valley Transportation Authority 2009b, page 42):

- adverse effects of vehicle trips on existing bicycle and pedestrian conditions;
- development or project roadway improvements inconsistent with existing adopted plans (lead agency's adopted Bicycle Plan, Pedestrian Plan, Trails Master Plan, and/or bicycle/circulation element of their General Plan; and other agencies' plans i.e. County Bicycle Plan, or adjacent cities' Bicycle Plan);
- development or project roadway improvements that would preclude future bike lanes, bike paths, bike / pedestrian tunnels/bridges, wide shoulders or other bike-friendly and pedestrian-friendly improvements;
- adverse effects on existing bicyclist/ pedestrian circulation in the project area;
- a reduction, severance, or elimination of existing bicycle or pedestrian access and circulation;
- impedance of bicyclists' travel routes due to changes to the roadway geometry, including roadway shoulders where bikes ride, or connections to trails or sidewalks as a direct or indirect result of the project; or
- inadequate bicycle or pedestrian signal detection or signal timing.

Analysis and Mitigation

Less than Significant Impact: Conflict with Measures of Effectiveness

The traffic report considered the effects of project-generated traffic at six intersections near the project site. Project trips were estimated and assigned to probable routes in the morning (7:00 am to 9:00 am) and afternoon (4:00 pm to 6:00 pm) peak traffic hours. [Table 12, Project Trip Generation](#), presents a summary of project trip generation.

Table 12 Project Trip Generation

Generating Use	Daily Trip Rate	Daily Trips	AM Peak Trips In/Out/Total	PM Peak Trips In/Out/Total
45 residential units	9.52 per unit	428	8 / 25 / 34	28 / 17 / 45

Source: TKJM Transportation Consultants 2013

Note: Trip rate from Institute of Transportation Engineers residential land use (code 450)

Trips were distributed over the road network as follows:

- 30 percent to/from the north via Winchester Boulevard;
- 15 percent to/from the south via Winchester Boulevard;
- 15 percent to/from the north via State Route 85;
- 25 percent to/from the south via Lark Avenue; and
- 15 percent to/from the west via Knowles Drive.

Level of service calculations were conducted for each of the intersections studied (refer to methods, above). With the addition of project-generated traffic, all of the study intersections would continue to operate at the same acceptable levels of service. For the most part, increased delays at the studied intersections were less than three-tenths of a second. The largest increase in delay would occur at Winchester Boulevard and Knowles Drive, where the PM peak hour delay would increase by 0.6 seconds. Project effects on levels of service at the studied intersections are summarized in [Table 13, Existing Plus Project Intersection Levels of Service](#).

The traffic report also considered the effect of adding project-generated trips to the background conditions. Again in this scenario, all of the study intersections would continue to operate at the same acceptable level of service. For the most part, increased delays at the study intersections were less than three-tenths of a second. The largest increase in delay would occur at Winchester Boulevard and Knowles Drive, where the PM peak hour delay would increase by 0.7 seconds. [Table 14, Background Plus Project Intersection Levels of Service](#), presents the results of this analysis.

Table 13 Existing Plus Project Intersection Levels of Service

Intersection	Control	LOS		Average Delay	
		AM Peak	PM Peak	AM Peak	PM Peak
Winchester Boulevard/ Knowles Drive	Signal	C	D	33.9 sec.	44.5 sec.
Knowles Drive/ Capri Drive	Signal	A	A	5.9 sec.	4.8 sec.
Knowles Drive/ Dardanelli Lane	Signal	B	C	16.2 sec.	21.1 sec.
Capri Drive/ Division Street	2-way stop	A	A	9.5 sec.	9.1 sec.
Capri Drive/ West Parr Avenue	All-way stop	A	A	9.0 sec.	7.9 sec.
Dardanelli Lane/ West Parr Avenue	All-way stop	A	A	8.3 sec.	7.4 sec.

Source: TJKM Transportation Consultants 2013

Note: LOS = Level of Service; Delay expressed in seconds

Table 14 Background Plus Project Intersection Levels of Service

Intersection	Control	LOS		Average Delay	
		AM Peak	PM Peak	AM Peak	PM Peak
Winchester Boulevard/ Knowles Drive	Signal	C	D	34.5 sec.	45.9 sec.
Knowles Drive/ Capri Drive	Signal	A	A	5.8 sec.	5.2 sec.
Knowles Drive/ Dardanelli Lane	Signal	B	C	16.0 sec.	20.8 sec.
Capri Drive/ Division Street	2-way stop	A	A	9.5 sec.	9.1 sec.
Capri Drive/ West Parr Avenue	All-way stop	A	A	9.2 sec.	8.0 sec.
Dardanelli Lane/ West Parr Avenue	All-way stop	A	A	8.4 sec.	7.5 sec.

Source: TJKM Transportation Consultants 2013

Note: LOS = Level of Service; Delay expressed in seconds

Currently, the two eastbound lanes on Knowles Drive approaching Winchester Boulevard (consisting of a shared left/through lane and a right-turn lane), are operating at capacity during the AM and PM peaks. Field observations indicated that the queue length extends into the Capri Drive/Knowles Drive intersection. Based on the Highway Capacity Manual 2000 methodology using TRAFFIX software the proposed project would add one to two car lengths to the eastbound queue during peak periods. According to Town staff, an additional eastbound lane is under construction on Knowles Drive at Winchester Boulevard and will be completed by spring 2014. The additional lane will reduce queuing issues and improve overall traffic operation (TKJM Transportation Consultants 2013, personal communication Jessy Pu, October 3, 2013).

Transit. The primary standard by which transit service is evaluated is average boarding per revenue-hour, which indicates how well service is utilized given the hours of service, whether the transit capacity offered is appropriate, and how well capital and operating resources are used. The secondary standards are not applicable to the classifications of bus service that serve the project site. VTA has an adopted goal of 95 percent on-time performance for both bus and light rail service (Santa Clara Valley Transportation Authority 2008b, pages 37, 46).

The proposed project would add origination points along the VTA route that serves Knowles Drive. At a modal share of about 2.1 percent of all trips, the residential portion of the proposed project might add about nine transit boardings per day. Given proximity to the proposed Vasona light rail station, transit trips could be significantly higher than average once the light rail extension is complete (Fehr and Peers, undated).

Bicycle and Pedestrian. The proposed project includes a private street within the project site that would be shared by all modes of transportation, including walking and bicycling. Traffic volumes and speeds would be low on this street and the shared use would not present a danger to pedestrians or bicyclists. The proposed project would maintain the existing 48- to 50-foot pavement width (about 12 feet per lane) within the existing 68-foot wide Knowles Drive right-of-way. Knowles Drive is planned to include bicycle lanes and is part of the County's Cross-county bike route network. Bicycle lanes require a minimum width of four feet. To fit bicycle lanes within the existing pavement would require a reduction in travel lanes to 10 feet each. This configuration would meet the VTA's minimum standards for retrofitting existing streets (Santa Clara Valley Transportation Authority 2007).

No Impact: Conflict with Congestion Management Program Standard

The *2011 Congestion Management Program* establishes a network of streets and highways and selected intersections between those designated streets and highways. The nearest Congestion Management Program roadways are Winchester Boulevard and State Route 85, and the nearest Congestion Management Program intersections are along Los Gatos Boulevard. Major transit

lines and the Cross-county bicycle routes are also part of the Congestion Management Program network (Santa Clara Valley Transportation Authority 2011, pages 20, 21, 26, 27, 32). The Congestion Management Program establishes 11 multi-modal transportation performance standards. At this point, the multimodal transportation performance measures are not currently required for evaluation of land-use development proposals, general plans/general plan amendments, or specific plans. The multi-modal transportation performance measures are used by VTA for the countywide transportation planning purposes (Santa Clara Valley Transportation Authority 2011, page 64).

The proposed project would not cause any road segment or intersection to degrade below the level of service standard for the Congestion Management Program network, which is LOS E. The proposed project would not interfere with implementation of the planned cross-county bicycle route on Knowles Drive. The project site is within walking distance of existing bus lines and a planned light rail station, as well as commercial and office services. Therefore, the proposed project complies with major tenets of the *2011 Congestion Management Program*.

Refer also to Section 3.3 Air Quality, for discussion of consistently with the Clean Air Plan transportation control measures.

No Impact: Safety Risks from Change in Air Traffic Patterns

The proposed project would have no effect on air traffic patterns.

No Impact: Hazardous Design or Incompatibility

The proposed project would only include construction of one internal street with a connection to existing streets at each end. The new intersections with Knowles Drive and Capri Drive would be located 300- feet or more from the existing Knowles Drive/Capri Drive intersection, which is an adequate distance – the Town of Los Gatos Engineering Standards require a minimum 250-foot offset between local street intersections with arterials or collectors.

Knowles Drive crosses a railroad track east of Winchester Boulevard. The eastern extension of Knowles Drive serves several offices and businesses, but would not draw a significant number of project trips. The traffic impact report did not assign any trips to this segment of Knowles Drive. The small number of trips that might use this section of Knowles Drive would not affect the railroad crossing. The proposed project would not pose a safety issue related to design, and no incompatible road users would result from the proposed project.

No Impact: Inadequate Emergency Access

The proposed project would provide two access points, providing ample emergency access. The internal street is adequate to allow safe passage and operation of emergency response vehicles.

No Impact: Conflict with Transit, Bicycle or Pedestrian Plan

Knowles Drive is planned for bicycle lanes by the Town, and is designated as a cross-county bicycle route by VTA. The proposed project would maintain the existing street width on Knowles Drive, which is adequate to meet VTA standards for retro-fitting bicycle lanes. The proposed project would not interfere with the provision of sidewalks for pedestrians. Sidewalks exist along the project site frontage and would remain. The internal private drive is designed for shared use by motor vehicles, bicycles, and pedestrians. The proposed project would not adversely affect transit. Refer to the discussion above under Conflict with Measures of Effectiveness.

No Impact: General Plan Inconsistency

A traffic impact analysis was prepared for the proposed project in accordance with *Town of Los Gatos 2020 General Plan* policies. The traffic impact analysis determined that no significant traffic delays would occur, and that the project design did not result in safety issues. The project site is in a location that is within walking distance of commercial and office services, and within walking distance of existing bus service and planned light rail service. The proposed project is consistent with *Town of Los Gatos 2020 General Plan* transportation policies intended to reduce or avoid environmental effects.

3.11 UTILITIES AND SERVICE SYSTEMS

The *Town of Los Gatos 2020 General Plan EIR* did not identify any significant impacts relating to utilities and service systems that would result from buildout of the *Town of Los Gatos 2020 General Plan*. No comments pertaining to utilities and service systems were received in response to the NOP.

Environmental Setting

Wastewater

The West Valley Sanitation District provides wastewater collection and disposal services for Campbell, Los Gatos, Monte Sereno, and portions of Saratoga and the nearby unincorporated County. The West Valley Sanitation District serves approximately 112,000 residents and its service area encompasses 29 square miles. The wastewater collection system is comprised of approximately 426 miles of sewer main and 206 miles of sewer laterals. The West Valley Sanitation District's system within the Town of Los Gatos consists of gravity mains ranging from 6 inches to 27 inches in diameter. As shown on project plans, sewer collection pipes are located in Knowles Drive (six-inch diameter) and in Capri Drive (10 inch diameter).

The collection system flows north, through City of San Jose trunk sewers, and ultimately to the San Jose/Santa Clara Water Pollution Control Plant in Alviso. The treatment plant serves a 300-square-mile area encompassing San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno. Most of the treated water is discharged as fresh water through Artesian Slough and into San Francisco Bay. About 10 percent of wastewater entering the plant is recycled, and distributed through South Bay Water Recycling pipelines for landscaping, agricultural irrigation, and industrial needs in the region (Carollo 2012).

The treatment plant has a treatment capacity of 167 million gallons of wastewater per day (mgd) utilizing advanced tertiary treatment. Despite a steady increase in population served by the treatment plant, influent wastewater flows at the treatment plant have decreased since the late 1990s due to the loss of industry and increased water conservation. Flows in 2000 were 131 mgd and flows in 2010 were less than 110 mgd. The West Valley Sanitation District has 8,419 connections for single-family residential uses, 3,188 connections for multi-family uses, and 756 connections for commercial/industrial uses for a total of 12,363 connections within the Town of Los Gatos. The West Valley Sanitation District has a contractual share of the treatment plant capacity of 12.052 mgd. In fiscal year 2009-2010, the West Valley Sanitation District collected and conveyed 10.417 mgd (West Valley Sanitation District 2011, Carollo 2012).

The master plan for the treatment plant sets a capacity of 450 mgd. The treatment plant's recycling capabilities would be increased, with much of the recycled water used in groundwater recharge ponds (Carollo 2012).

Water Supply

Groundwater and Water Management. Water supplies in Santa Clara County are managed by the Santa Clara Valley Water District (Water District). Groundwater represents the largest water

source, ranging from approximately 40 to 50 percent of total water use. Treated local and imported surface water (local run-off and imported) represents the second largest share, from 30 to 38 percent of total water use. The Water District also banks excess import supplies in wet years as a reserve supply for dry years. San Francisco Public Utilities Commission supplies (from the Hetch-Hetchy system) represent the third largest share, ranging from 16 to 19 percent of total water use. Other sources include recycled water, approximately 5 percent, and other non-District local surface water, approximately 4-5 percent (Santa Clara Valley Water District 2011, page 2-9). [Figure 12, Santa Clara Valley Water District Facilities](#), shows the general location of major water supply infrastructure in the County. Refer to Section 3.7 Hydrology and Water Quality for more detailed information on groundwater supplies.

Local Water Delivery. The San Jose Water Company is the retailer that delivers water to customers in the project site area. The San Jose Water Company delivered about 141,450 acre-feet of potable water in 2008 and 141,900 acre-feet of potable water in 2009. Water sources for the San Jose Water Company in 2009 were: 70,300 acre-feet from treated Water District supplies; 60,500 acre-feet from groundwater; and 11,100 acre-feet from other surface water sources; plus 1,300 acre-feet of recycled water. In 2010, the San Jose Water Company delivered 122,800 acre-feet of water, which is considered unusually low (Santa Clara Valley Water District 2011, page 2-10; San Jose Water Company 2011, pages 7, 13). [Table 15, San Jose Water Company Water Sources](#), provides a summary of water supply sources used within the San Jose Water Company service area. Within Los Gatos, 80 percent of delivered water comes from the local surface waters, and 20 percent comes from the Water District's treated water supply (Carollo 2009, page 9).

San Jose Water Company's groundwater is withdrawn from the Santa Clara Plain sub-basin. The Water District estimates the long-term operational storage capacity of the Santa Clara Plain to be 350,000 acre-feet. In any given year the amount of groundwater that can be withdrawn depends on current groundwater conditions and hydrology. Average natural recharge in the Santa Clara Plain is about 35,100 acre-feet per year, and dry or multiple dry year recharge is from 26,900 to 27,400 are-feet per year. About 80 percent of recharge occurs through the Water District's artificial stream and pond infiltration program (Santa Clara Valley Water District 2001). Based on this percentage, about 140,000 acre-feet of artificial recharge could occur in a normal year. Total groundwater pumping within the Santa Clara Plain ranged from 82,600 to 115,400 acre-feet between 2000 and 2009; average pumping was about 102,000 acre-feet. Groundwater elevations have been within the Water District's targets based on operational storage capacity. San Jose Water Company does not deliver groundwater to its Los Gatos service area (Santa Clara Valley Water District 2011, pages 2-10, 3-6 to 3-11; San Jose Water Company 2011, page 17).



Legend

- Lakes, Reservoirs, Rivers, Creeks and Bays
- Raw Water Pipeline
- Drinking Water Pipeline
- Pump Plants
 1. Vasona
 2. Coyote
 3. Pacheco
- Drinking Water Treatment Plants
 1. Rinconada
 2. Santa Teresa
 3. Penitencia
- Anderson Hydroelectric Facility
- ▲ Recharge Ponds



not to scale

Source: Santa Clara Valley Water District 2010



Figure 12
Santa Clara Valley Water District Facilities

375 Knowles Drive Residential Planned Development EIR

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Table 15 San Jose Water Company Water Sources

Source	2009 Volume (Acre-feet) 1, 2	Percent of Supply 2
Groundwater (Santa Clara Plain)	60,500	42.3
Local Surface Water (Santa Cruz Mountains)	11,000	7.7
Water District Surface Water 2	21,800	15.2
Water Imported from State Water Project 2	20,400	14.3
Water Imported from Central Valley Project 2	28,100	19.6
Recycled Water	1,300	1.0
Total Supply (Potable and Recycled)	143,100	

Source: Santa Clara Valley Water District 2011, San Jose Water Company 2011

- Note:**
1. All numbers rounded to nearest 100 acre-feet. Percentages do not add to 100 due to rounding.
 2. Volumes and percentages vary year to year. This data is based on 2009 water use.
 3. These quantities are estimated based on overall percentage for Water District sources for treated water in 2009: local reservoir, 31 percent; State Water Project, 29 percent; and Central Valley Project, 40 percent. Total treated water delivery to San Jose Water Company in 2009 was 70,300 acre-feet.

San Jose Water Company's treated water comes from surface water run-off into local reservoirs, the State Water Project, and the Central Valley Project. Normal year imported water deliveries are 64,000 acre-feet from the State Water Project (64 percent of contract) and 108,120 acre-feet from the Central Valley Project (71 percent of contract). During single or multiple dry years import deliveries range from 11,000 to 31,830 acre-feet from the State Water Project, and from 69,180 to 80,270 acre-feet from the Central Valley Project. Information on the specific breakdown of treated water sources delivered to San Jose Water Company is a not known, but is likely parallel to that of the Water District's overall treated water sources. San Jose Water Company's local surface water is drawn from upper Los Gatos Creek and Saratoga Creek, from which San Jose Water Company has both historic rights and licensed rights. Los Gatos creek withdrawals can be up to about 11,200 acre-feet per year (Santa Clara Valley Water District 2011, pages 2-10, 3-5; San Jose Water Company 2011, pages 11, 12). Recycled water is not delivered within the Town of Los Gatos (Santa Clara Valley Water District 2011, page 7-2).

Current and Prior Project Site Water Use Estimate. The project site is currently unoccupied and there is no water use. The project site was previously used for medical offices. San Jose Water Company data from 2005 and 2010 were compared (2010 was considered an unusually low water usage year) and a demand factor appropriate for the prior use was developed. The prior use is estimated to have used about 2.2 acre-feet per year. Derivation of the demand factor estimates is provided in [Table 16, Prior Water Demand](#).

Table 16 Prior Water Demand

Land Use	Per-connection Use 2005	Per-connection Use 2010	Annual Demand
Business (health offices)	2.24 acre-feet	2.03 acre-feet	2.2 acre-feet

Source: San Jose Water Company 2011, EMC Planning Group

Note: Volume by use divided by the number of connections for that type of use. Demand factors skewed toward 2005 use, which is considered more representative than 2010 use. Note that size of use is not reflected by this methodology.

Water Supply Infrastructure. Water supply infrastructure serving Santa Clara County includes dams and reservoirs, import and conveyance pipelines, treatment plants, pump stations, recharge ponds, wells, as well as local delivery lines. Most of the major water infrastructure in Santa Clara County is operated by the Water District. The following infrastructure serves the project site and vicinity:

Dams and Reservoirs. The Water District operates 10 dams and reservoirs in the Santa Cruz Mountains and Mount Hamilton foothills. The closest reservoirs to the project site are Vasona Reservoir and Lexington Reservoir, although water from most of the reservoirs can be moved within the County. The Water District also operates small diversion dams. The San Jose Water Company operates Lake Elsmann and Williams Reservoir, located near the summit of the Santa Cruz Mountains. The San Jose Water Company has three other raw water reservoirs, and 98 storage tanks and reservoirs, including the Seven Mile Reservoir, just south of Lark Avenue (Santa Clara Valley Water District 2011; Santa Clara County Local Agency Formation Commission 2011).

Import and Conveyance Pipelines. The Water District obtains import water for the project site through the San Felipe pipeline from the Central Valley Project, and through the South Bay Aqueduct from the State Water Project. The San Jose Water Company uses a system intertie at Quito Road to obtain treated water for the Los Gatos service area.

Treatment Plants. The Water District operates three water treatment plants, with the water for the Los Gatos area treated at its Rinconada Plant, within one mile southwest of the project site. San Jose Water Company treats its Los Gatos Creek surface water at the Montevina Plant located along State Route 17 at the Lexington Reservoir. San Jose Water Company has recently upgraded the treatment plant and connecting pipelines.

Pump Stations. The Water District operates three pump stations, at San Luis Reservoir, the base of Anderson Dam, and at Vasona Reservoir, south of the project site. The San Jose Water Company uses 247 pump stations to distribute water within its service area.

Recharge Ponds. The Water District operates 393 acres of recharge ponds and 91 miles of controlled in-stream recharge, including ponds located within one-half mile east of the project site.

Wells and Local Delivery Lines. The San Jose Water Company operates 111 wells, although none of these supply water to the project site. The San Jose Water Company has over 2,450 miles of distribution pipes. Water pipes are located in both Knowles Drive and Capri Drive.

Future Water Supply Development. With the existing infrastructure and supply sources, water supplies exceed demands until 2035. Beginning in 2035, there is an estimated shortfall of about 2,000 acre-feet per year between supplies and demands (Santa Clara Valley Water District 2012, page 7). The Water District's *2012 Water Supply and Infrastructure Master Plan* outlines the strategies for ensuring water supplies meet demands. The objective of the strategy is to meet 100 percent of water demand during normal years and 90 percent of demand during dry years. The *2012 Water Supply and Infrastructure Master Plan* focuses on three strategies: 1. secure baseline supplies and infrastructure; 2. optimize the use of existing supplies and infrastructure; and 3. increase recycling and water conservation to meet future increases in demands.

Baseline water supplies are expected to increase from the current average of about 398,000 acre-feet per year to an average of 421,000 acre-feet per year in 2035, with the increase due to removal of operating restrictions on existing reservoirs, increased non-potable water recycling, and increased baseline conservation savings. Several existing reservoirs are held to about half capacity due to concerns about the seismic stability of the dams. These dams are expected to be re-constructed and in full service prior to 2035. Existing supplies can be optimized through increased recharge, a new pipeline from Lexington Reservoir to increase flexibility in the use of that supply, and sales or exchanges of banked water. Several in-district diversion dam projects and a pipeline replacement project are in the Capital Improvement Program, and expected to add about 13,800 acre-feet of water to the County's supply. Increased water recycling includes the use of advanced treated recycled water for groundwater recharge (indirect potable use) and promotion of grey water systems. The San Jose Santa Clara Water Pollution Control Plant is projected to increase production of recycled water from 8,650 acre-feet in 2009 to 22,700 acre-

feet by 2030 (Santa Clara Valley Water District 2011, pages 3-20 to 3-23, 7-10; Santa Clara Valley Water District 2012, pages 4, 17 to 20). The San Jose Water Company has plans to replace existing wells with higher capacity wells for an increase in pumping capacity from about 50,000 to about 60,000 acre feet per year (San Jose Water Company 2011, page 28).

The Water District has determined that some efforts it has explored are not feasible and is no longer considering them. Expansion of reservoirs (aside from removing current operating restrictions on several reservoirs) was rejected, because additional storage space alone does not adequately address supplies during a sustained drought. Direct potable reuse (advanced treatment water sent directly to a water treatment plant) is not allowed under State law. The Bay Area Regional Desalination Project is a collaborative effort of five Bay Area water utilities, that would develop a 10 to 20 million gallon per day desalination plant in eastern Contra Costa County, and utilize mostly existing conveyance pipes to distribute the water. A permanent west side intertie to the Hetch Hetchy system offers significant operational benefits, but was not included in the *2012 Water Supply and Infrastructure Master Plan* because it does not advance long-term reliability of the water supply (Santa Clara Valley Water District 2012, pages 24 to 26; Bay Area Regional Desalination Project 2013).

Storm Drainage

Los Gatos is served by an extensive man-made storm drainage system including pipe networks, ditches, and culverts. These systems discharge into the natural creeks and channels that cross the Town and nearby cities.

The project site is relatively level and the majority of the site is undeveloped. Parcel one is developed with an existing but abandoned building and associated parking lot and parcel two is undeveloped and vacant. Within the undeveloped areas, much of the rainfall percolates into the soil. The remaining surface waters eventually sheet flow offsite to be captured by the existing Town storm drain system, with connections on Knowles Drive and Capri Drive. The main storm drainage line is within Capri Drive.

Town Code Section 24.60.035 requires fee collection, established by Town Council, for “construction of drainage facilities serving new buildings, improvements (including but not limited to paving), or structures to be constructed in Local Drainage Areas.” The proposed project is located within Local Drainage Area Number III, which encompasses the Town’s west side. The use of funds is limited to new construction within the local drainage area only, and not repair or maintenance work (Town of Los Gatos 2012, page E-21). Town Code Section 24.60.040 also requires fee collection for subdivisions.

Policy and Regulation

State

California Water Conservation and Recycling Requirements. California's Title 24 energy code includes restrictions on the amount of water consumed by various fixtures, including toilets and showerheads. The current version of Title 24 regulations further reduce fixture water use, with toilets now restricted to 1.28 gallons per flush and shower heads to 2.0 gallons per minute. The Water Recycling Act of 1991 established water recycling as a priority in the State, and encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

State Water Conservation Targets. San Jose Water Company has an average per capita water use of 144 gallons per day (total water consumption divided by population), based on data from 1995 through 2004. The Water Conservation Bill of 2009 (SBX 7 7) requires establishment of a water use reduction target, based on one of four calculation methods. Based on a 20 percent reduction from the current per capita water usage, San Jose Water Company could establish a target per capita water use of 115 gallons per day. This is below the 95 percent water conservation target for the Bay Area (targeted for 2020), which is 124 gallons per capita per day. Therefore, San Jose Water Company determined to set its 2020 target at 124 gallons per capita per day. San Jose Water Company's interim target has been established at 134 gallons per capita per day (San Jose Water Company 2011, pages 13-16). The Water District's water shortage contingency plan calls for maximum water use cut-backs of 20 percent. The contingency plan relies on the overall Water District strategies that are in place to secure a variety of water supplies and to conserve and bank water to stretch supplies in dry years and multiple dry years (Santa Clara Valley Water District 2011, pages 6-2 to 6-5).

Urban Water Management Planning Act. The Urban Water Management Planning Act (California Water Code Section 10631) requires every urban water supplier that provides water to 3,000 or more customers or provides over 3,000 acre-feet of water annually to prepare and adopt an urban water management plan (UWMP), and update it every five years, for the purpose of "actively pursu[ing] the efficient use of available supply." In preparing the UWMP, the urban that share a common source, water management agencies, and relevant public agencies. When a city or county proposes to adopt or substantially amend a general plan, the water agency is required to provide the planning agency with the current version of the adopted UWMP, the current version of the water agency's capital improvement program or plan, and other information about the system's sources of water supply. The Urban Water Management Planning Act also requires urban water suppliers, as part of their long-range planning activities, to make every effort to ensure the appropriate level of reliability in their water service sufficient to meet the needs of their various categories of customers during normal, dry, and multiple dry water years.

Town of Los Gatos

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

Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, sewers, utilities, etc.) and social services (e.g. education, public safety, etc.).

Policy LU-4.3 Only approve projects for which public costs can be justified by the overall benefit to the community.

Policy LU-4.4 Project applicants shall evaluate and provide appropriate mitigation measures to reduce impacts on urban services including schools, utilities, police, and fire.

Policy HOU-2.4 Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.

Policy ENV-6.2 Require new construction to incorporate water-efficient landscaping following the Town's Water Efficiency Landscaping Ordinance.

Policy ENV-6.5 Require the use of water-saving devices in new developments and plumbing-related remodels, and develop incentives to encourage their installation in existing development.

Policy ENV-7.4 Encourage dual plumbing in large, new commercial and/or residential developments to enable future use of recycled water.

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

The *Los Gatos Sustainability Plan* includes the following applicable utility-related policies.

WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting

the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.

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

Los Gatos Water Efficient Landscape Ordinance. The Los Gatos water efficient landscaping requirements (Chapter 26, Article IV of the Town Code) require private development projects that include zoning approvals to calculate the maximum applied water for the irrigated landscaped areas of the project site. A landscape design plan proposing appropriate plantings (adaptable to the site climatic, geologic, and topographic conditions) and a water-conserving irrigation system must be provided to ensure that irrigation water use remain below the calculated amount. Native species and natural areas should be preserved. Use of recycled water is encouraged where available. Post-installation field inspection to certify compliance must be submitted to the Town.

Standards of Significance

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

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;

- require or result in the construction of new water, wastewater treatment, or storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- conflict with any *Town of Los Gatos 2020 General Plan* policy adopted for the purpose of avoiding or mitigating an environmental effect.

Analysis and Mitigation

Less than Significant Impact: Inadequate Wastewater Treatment

Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 mgd and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. At a generation rate of 121 gallons per day per unit, a total of 5,445 gallons per day of wastewater generation would be introduced into the system (Town of Los Gatos 2010b, page 4.14-28, Table 4.14-2). The West Valley Sanitation District reviewed the proposed project and commented that the on-site sewer system shall be built according to West Valley Sanitation District standards, shall be privately owned, and maintained and all on-site sewer mains shall be located with private sanitary sewer easements (Evans 2013). These would be standard conditions of approval for the proposed project.

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with wastewater (Town of Los Gatos 2010c, page 2-9), with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Proposed project wastewater would be less than 0.01 percent of the current flow and planned capacity at the treatment plant. The wastewater treatment plant would have adequate capacity to treat wastewater from the proposed project.

Less than Significant Impact: Water Demand

The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. The water would come from two primary sources: local surface water and imported surface water. Using the future projected single family residential demand factor from the San Jose Water Company's Urban Water Management Plan, which is about 0.38 acre-feet per unit per year, the proposed project is estimated to use approximately 17.1 acre-feet of water per year (San Jose Water Company 2011, page 9; Town of Los Gatos 2010b, page 4.14-23, Table 4.14-1). The demand factor for single-family residential is higher than is used for most local water purveyors, which tend in the range of 0.25 to 0.3 acre-feet per year; as a result, the water use for may be overstated. Landscape irrigation is assumed to be included within the overall residential rate. [Table 17, Estimated Project Water Demand](#), summarizes the estimated future water use for the proposed project.

Table 17 Estimated Project Water Demand

Land Use	Water Use Rate	Annual Demand
Residential	0.38 acre-feet per unit per year	17.1 acre-feet

Source: San Jose Water Company 2011, EMC Planning Group

Note: Volume by use divided by the number of connections for that type of use. Demand factors skewed toward 2005 use, which is considered more representative than 2010 use.

In addition, the project proposes storm water control measures discussed in further detail in 3.7, Hydrology and Water Quality above that would have positive impacts on the proposed project’s water use. These measures include landscaping that would minimize irrigation and designing roof downspouts to drain into landscaped areas. Also, as a condition of meeting green building requirements, the following water saving measures are proposed:

- Landscape
 - Group plants by water needs (hydrozoning);
 - 75 percent of plants are drought tolerant; and
 - Irrigation system has smart (weather-based) controller.

- Plumbing
 - High efficiency: showerheads, bathroom faucets, kitchen and utility faucets, and toilets;
 - Energy star dishwashers; and
 - Compliance with California Green Building Standards Code section 4.303.1, which allows as an alternative to prescriptive compliance, a 20 percent reduction in baseline water use demonstrated through calculation.

The Water District and the San Jose Water Company urban water management plans both account for future development in accordance with local general plans within their respective service areas. The Water District Urban Water Management Plan uses the population projections developed by the Association of Bay Area Governments in 2009. Based on these estimates, the County’s population would grow by 45 percent through 2035. The estimated population for 2010 was 1,822,000; The Census Bureau data documents an actual 2010 population of 1,781,642, about 40,400 lower, indicating that population has grown at a lower rate than projected. The San Jose Water Company Urban Water Management Plan assumes a 0.4 percent annual growth rate within its service area, based on historic growth patterns it has observed. By comparison, the Association of Bay Area Governments’ growth rate estimate for

the service area is 1.4 percent, but as seen for the County, that projected growth rate is higher than growth documented by actual Census data. All of the water projections within these urban water management plans are based on the population projections, so if a proposed project is within those projections, it is accounted for by the urban water management plan (Santa Clara Valley Water District 2011, pages 2-1 to 2-1; San Jose Water Company 2011, page 7; United States Census Bureau 2013; Santa Clara County Local Agency Formation Commission 2011, page 411).

Assuming 2.37 persons per 45 units, the anticipated growth from the proposed project would be about 107 residents. The *Town of Los Gatos General Plan Final EIR* identified the project site as part of a targeted housing area with an anticipated 104 multi-family housing units. Using the future projected multi-family residential demand factor from the San Jose Water Company's Urban Water Management Plan, which is the same as single family units, the project site was anticipated to use about 39.5 acre-feet of water per year. Therefore, population growth at the project site is accommodated in the urban water management plans. As such, the additional water demand resulting from the proposed project would have a less than significant impact on water supplies.

Less than Significant Impact: New or Expanded Utilities Facilities

Each utility would require connections to serve the proposed project. Existing connections for the former health clinic would be abandoned. Connections would typically be made off-site in the adjacent street right-of-way.

Water Facilities. The proposed project would be served by adequate existing or planned water treatment and distribution facilities. On-site new water supply lines would be installed and off-site water supply pipe connections would be required. Refer to the discussion of water supplies above.

Wastewater Facilities. The proposed project would be served by adequate existing or planned wastewater facilities. On-site new wastewater collection lines would be installed and off-site wastewater collection pipe connections would be required. A review of the collection system was conducted in December 2009, and deficiencies were identified in 20 locations; none of the identified locations is within one mile of the project site (West Valley Sanitation District 2013). The wastewater treatment plant near Alviso has adequate capacity for many years.

Storm Water Facilities. The proposed project would collect and treat storm water on-site, with overflow storm water directed off the project site to an existing drainage conveyance system. The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with storm drainage (Town of Los Gatos 2010c, page 2-9), with implementation of applicable *Town of Los Gatos 2020 General*

Plan goals, policies, and actions. Storm drainage would flow to existing drain lines in Knowles Drive and Capri Drive, and would not exceed the volumes anticipated for the project site in the *Town of Los Gatos 2020 General Plan*.

No Impact: General Plan Inconsistency

Most *Town of Los Gatos 2020 General Plan* utility policies are directed at infrastructure adequacy, water quality, and water supply conservation. The *Town of Los Gatos 2020 General Plan* outlines policies to require in some instances, and encourage in others, various water saving practices. Policy ENV-7.4 encourages plumbing to enable future use of recycled water; however, no such supply is proposed in the foreseeable future. While the proposed project is not implementing this recommendation, the proposed project does include several design features that would encourage use of rainwater for landscaping, which would be mostly drought tolerant, hydro-zoned, and equipped with a smart controller irrigation system. Policy WW-1 requires that new development implement all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. The project proposes to implement all practices under the Water Efficient Fixtures category of the California Green Building Standards Code, including installation of high efficiency showerheads, bathroom faucets, kitchen and utility faucets, and toilets. Exceeding that, the applicant also proposes water saving measures through landscaping features, using energy star dishwashers, and proposing compliance with California Green Building Standards Code 4.303.1, demonstrating a 20 percent reduction in baseline water use.

The proposed project is an infill project, and infrastructure is readily available in the adjacent streets. No inadequacies in downstream pipes that would serve the proposed project have been identified. The proposed project would be in compliance with *Town of Los Gatos 2020 General Plan* utilities policies.

3.12 OTHER ENVIRONMENTAL TOPICS

Agricultural and Forestry Resources

The project site is mostly vacant land that has not been used for agricultural purposes since the late 1950s or early 1960s. The Santa Clara County Important Farmlands map identifies the site as Urban and Built Up Land (California Department of Conservation 2010). The project site is not forested, and is surrounded by developed land. The proposed project would have no effect on agricultural or forestry resources.

Geology, Soils, and Mineral Resources

The project site is generally level and slopes slightly to the north-northeast. Based on current preliminary subsurface investigations at the project site, the geotechnical study reports that most of the project site is underlain by alluvial deposits. Preliminary geological investigation results indicate the alluvial deposits are generally composed of loose to very dense sand and gravel with varying amounts of fines and inter-bedded with hard sandy clay. The upper few feet of sand and gravel are loose to medium dense, below which they vary from medium dense to very dense. Although groundwater was not encountered at the project site at the maximum depth explored of 40 feet below the ground surface, data from nearby monitoring wells indicate that groundwater likely exists at a depth of approximately 40 to 50 feet below ground surface and is expected to flow in a northeasterly direction (Treadwell and Rollo 2012b).

The geotechnical report did not identify any geological constraints to construction of the proposed project. The project site is located about six miles from the San Andreas Fault, about 12 miles from the Zayante-Vergeles Fault, and about 15 from the Calaveras Fault, and likely to experience strong ground shaking during a major earthquake on any of these faults. The project site is not within an Alquist-Priolo fault zone. The project site is not mapped within a zone subject to earthquake-induced liquefaction, and because of the depth of groundwater and the relative density of the cohesionless layers, the potential for liquefaction is low. Adherence to the California Building Code and sound engineering practices would reduce potential geological effects on the proposed project to a less than significant level (Treadwell and Rollo 2012b).

Mineral resources are not addressed in the *Town of Los Gatos 2020 General Plan EIR*. Several limestone quarries operated south of Los Gatos in the late 1800s and early 1900s. The nearest active quarries are the Lexington Quarry, east of Lexington Reservoir, and the Lehigh Permanente and Stevens Creek quarries west of Cupertino. There is no active mining at or near the project site or anywhere within the Town. There are no known mineral resources in the vicinity of the project site.

Land Use and Planning

The project site has a *Town of Los Gatos 2020 General Plan* designation of Public and is zoned O - Office, reflecting the past use for County health offices. The proposed project includes a general plan amendment (to Office Professional) and zone change (adding Planned Development overlay) to reflect that the past County health office use has been discontinued, and that the project site is now planned for residential use.

Residential uses are an allowed use in the Office Professional designation in conjunction with a Planned Development or Conditional Use Permit. Any other compatible uses, including those

authorized in any other district within the Town, may be permitted where authorized by a Planned Development Overlay Zone. The project site was identified as a potential housing site in partial fulfillment of the Town's regional housing needs allocation. Although the project site was ultimately not included in the final list of housing sites, and the land use designation was not amended, the *Town of Los Gatos 2020 General Plan Final EIR* addressed the project site for residential uses.

The proposed project is consistent with *Town of Los Gatos 2020 General Plan* policies concerning land use at the project site.

Population and Housing

The proposed project would not remove any existing housing. The proposed project includes construction of 45 housing units. With a median household size of 2.39 persons in Los Gatos, there would be about 108 residents in the proposed project (United States Census Bureau 2013). Six of the proposed houses would be below market rate houses, in accordance with the Town's Below Market Rate housing program. The proposed project would represent about 0.3 percent of the Town's population and have a less than significant effect on population or housing.

Fire and Police

The Santa Clara County Fire Department provides fire protection services and emergency medical response to the Town of Los Gatos. The Santa Clara County Fire Department serves over 250,000 residents within a 114.5 square mile territory encompassing Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Saratoga, and adjacent unincorporated areas. The Santa Clara County Fire Department serves the territory from 17 fire stations, which house 21 pieces of apparatus and four command vehicles. The nearest fire station is located south of Lark Avenue on Winchester Boulevard, about 0.8 miles from the project site (Santa Clara County Fire Department 2010). The proposed project would incrementally increase demand for fire services, but would represent only a small percentage of the total service area of the Santa Clara County Fire Department. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan*, which includes the project site as residential, would not require construction of new fire protection facilities. No additional or expanded fire facilities would be required to serve the proposed project.

The Los Gatos Monte Sereno Police Department operates from two offices: one located on Los Gatos Boulevard and one located at Town Hall. The building on Los Gatos Boulevard was opened in 2009 to resolve crowding problems. The police department includes an authorized staff of 64 sworn and civilian personnel, plus over 150 volunteers (Los Gatos Monte Sereno Police Department 2013). The Town operates an emergency operations center at the Town Hall

location, with several back-up sites in the event the Town Hall is not functional or otherwise unavailable. The emergency operations plan identifies several back-up locations (Town of Los Gatos 2010d, page 21). Since 2006, the Los Gatos/Monte Sereno Police Department and City of Campbell Police Department have operated a shared SWAT and crisis negotiation team (Santa Clara County Local Agency Formation Commission 2007, pages 7-10 to 7-15; Los Gatos Monte Sereno Police Department 2013).

Calls to the police department are categorized as Priority One, Priority Two, and Priority Three. Priority One calls command immediate assignment and any available police unit is dispatched. The average response time for Priority One calls is about five and one-half minutes. The average response time for Priority Two calls is about nine and one-half minutes. Priority Three calls are not urgent and are responded to in an average of about 20 minutes, or as soon as personnel are available (Town of Los Gatos 2010c, page 4.12-8). Most call responses are handled by officers already on patrol, so proximity to the police offices does not affect response time.

Facility needs are evaluated each year as part of the budget preparation cycle. Requests for nonemergency type of repairs or minor building modifications are submitted to the Town budget review committee. The committee will determine what requests can be filled based on needs and available funding. Equipment needs are also evaluated as part of the budget cycle. If approved, equipment can either be purchased out of the current year budget or identified as a purchase for the next year. Any associated replacement and maintenance costs are added to the ongoing budget (Santa Clara County Local Agency Formation Commission 2007, pages 7-10 to 7-15). The proposed project would incrementally increase demand for police services, but would represent only a small percentage of the total service area of the Los Gatos Monte Sereno Police Department. The *Town of Los Gatos 2020 General Plan EIR* concluded that build-out of the *Town of Los Gatos 2020 General Plan* would require additional personnel, and that there were minor issues related to accommodating the additional personnel, including lack of secure parking and inadequate space within the Town Hall police facility, but the Town has since expanded the police facilities. The police department would serve the proposed project within the Town's performance standards, from existing facilities. No new or expanded police facilities would be required.

Parks and Recreation

The project site is served by a large number of existing park and recreational facilities. Parks and recreational programs serving or located close to the project site are operated by the Town, the City of Campbell, the Los Gatos Saratoga Community and Recreation District, Santa Clara County Parks Department, Mid Peninsula Open Space District, and the California Department of Parks and Recreation. New residents of the proposed project would represent only a small

fraction of the existing population in the Town and the region, so the increase would be less than significant. The *Town of Los Gatos 2020 General Plan EIR* determined that buildout of the *Town of Los Gatos 2020 General Plan* would not have significant impacts on existing park and recreational facilities or result in environmental impacts from the construction of additional park and recreational facilities.

Solid Waste

West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage are transported to the Guadalupe Landfill, located off Hicks Road southeast of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted capacity of 16.5 million cubic yards. As of January 2011, the landfill had used approximately 5.4 million cubic yards (about 33 percent of its capacity) and is expected to reach its capacity in about 2048. According to California Integrated Waste Management Board data, the Town of Los Gatos disposed of 19,896.5 tons of solid waste (exclusive of recycling) in 2011, of which, more than 18,000 tons was disposed of at Guadalupe Landfill. About one-third of the Town's solid waste comes from residences and about two-thirds from non-residential sources.

West Valley Collection & Recycling provides single stream (single mixed bin) recycling to residential and commercial customers. Recyclable materials are sorted at West Valley Collection & Recycling's Materials Recovery Facility north of downtown San Jose. The Guadalupe Landfill provides recycling facilities as well. West Valley Collection & Recycling collects compostable waste (clean scrap wood, yard trimmings, etc.) from residential customers for delivery to the Guadalupe Landfill, where it is processed into landscape products (California Regional Water Quality Control Board 2011a; West Valley Collection & Recycling 2013).

The *Town of Los Gatos 2020 General Plan EIR* concluded that buildout of the *Town of Los Gatos 2020 General Plan* would not result in significant impacts associated with solid waste (Town of Los Gatos 2010c, page 2-9), with implementation of applicable *Town of Los Gatos 2020 General Plan* goals, policies, and actions. Based on a residential disposal rate of 3.7 pounds per person per day, the 45 units with an average household size of 2.37 persons (107 persons), the residential portion of the proposed project would generate about 396 pounds of solid waste per day, or about 72 tons per year (California Regional Water Quality Control Board 2011a; United States Energy Information Administration 2013). The landfill has adequate landfill space through 2048, and adequate landfill space would be available for the proposed project.

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CUMULATIVE IMPACTS

4.1 CEQA REQUIREMENTS

CEQA Guidelines section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulative considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulative considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

4.2 CUMULATIVE DEVELOPMENT SCENARIO

As allowed by CEQA Guidelines section 15130 (b)(1)(B), the EIR will include a summary of projections contained in the *Town of Los Gatos 2020 General Plan* to form the cumulative projects scenario; i.e. buildout of the general plan. The *Town of Los Gatos 2020 General Plan* provides an estimate of about 1,600 new residential units, 419,000 square feet of retail, 516,000 square feet of office, and 8,000 square feet of industrial uses through 2020. A summary of the impacts discussed in the *Town of Los Gatos 2020 General Plan EIR* will is presented and is supplemented by new data, as appropriate. The cumulative traffic section also considers the effects of a list of pending projects near the project site. For each topic area, an evaluation and determination as to whether the proposed project's impacts are cumulatively considerable is presented.

4.3 CUMULATIVE IMPACTS AND THE PROPOSED PROJECT'S CONTRIBUTION

Aesthetics

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that build-out of the General Plan would result in less than significant aesthetic impacts (Town of Los Gatos 2010c, page 2-6), with implementation of the General Plan goals, policies, and actions. The proposed project would remove trees that are protected by the Town and that provide a sylvan streetscape along Capri Drive. Landscape trees along Knowles Drive also contribute aesthetic value to the project site. The Town's Tree Ordinance requires replacement of protected trees that are removed. With the

proposed project and other development within the Town designed and planned in accordance with *Town of Los Gatos 2020 General Plan* aesthetics and community design policies, and the Town's Tree Ordinance, the proposed project would not contribute to cumulative aesthetic impacts.

Air Quality

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would be inconsistent with applicable clean air planning efforts of the Bay Area Air Quality Management District (BAAQMD), as projected vehicle miles travelled (VMT) that could occur under the General Plan would increase at a greater rate than population growth. The General Plan includes extensive goals, policies and actions that aim to reduce vehicle reliance and VMT within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional VMT beyond that anticipated in BAAQMD's clean air planning efforts. As a result, development in Los Gatos would contribute to the on-going air quality emissions that result in non-attainment of ozone ambient air quality standards in the air basin (Town of Los Gatos 2010c, page 2-6).

The Air Basin is in non-attainment for ozone and particulate matter, and emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM₁₀ or PM_{2.5}) in excess of thresholds would result in the increase in non-attainment criteria pollutants. The proposed project does not exceed the operational screening thresholds in Table 3-1 of the 2011 CEQA Air Quality Guidelines. The threshold for significant operational air quality effects is 325 units, far in excess of the proposed project's 55 units. Additionally, the proposed project is a residential infill in an area of mixed uses. The proximity of office and commercial uses, and a local elementary school affords the potential for many trips to be made by walking rather than driving. This characteristic of the project site will be enhanced when the Vasona light rail station is constructed within one-quarter mile of the project site.

A project that does not have project level air quality impacts would not result in a cumulative air quality impact. Therefore, the proposed project would have a less than significant impact on operational air quality and a less than significant contribution to cumulative air quality impacts (Bay Area Air Quality Management District 2012, page 4-11).

Cumulative hazardous air emissions would be below the 10 cases per million threshold for cancer risk. The gasoline station is well beyond the safe separation distance, and the diesel generator's risk factors are greatly reduced by distance. Cancer risk from Knowles Drive is low. None of the cancer risk factors would exceed 2.1 cases per million. When the various nearby risk factors are added together, the cancer risk is not above 10 cases per million (Bay Area Air Quality Management District 2011).

Biological Resources

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts to biological resources (Town of Los Gatos 2010c, page 2-6), with implementation of the applicable goals, policies, and actions in the General Plan.

The project site has only marginal biological resources. The project site is located within an urbanized area and does not contain suitable habitat for special-status plant or animal species. However, it does contain many trees (mainly as ornamental landscaping) that could support protected nesting birds. The only potential biological resources impact is the potential for disturbance of nesting birds. This impact is reduced to a less than significant level through pre-construction survey requirements. With mitigation, the proposed project would not result in biological resources impacts, and would not contribute to cumulative biological resources impacts.

Cultural Resources

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with cultural resources with implementation of General Plan goals, policies, and actions (Town of Los Gatos 2010c, page 2-6). General Plan Policy OSP 9.1 states, “Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography and architectural history.”

Archaeological Consulting conducted a site reconnaissance and prepared an archeological resources report, and concluded that there was no evidence of cultural resources on the project site. The potential that unknown buried cultural resources could be disturbed during construction is mitigated through the inclusion of mitigation measures requiring protocols consistent with policies in the *Town of Los Gatos 2020 General Plan*. As mitigated, and with other development within the Town constructed in accordance with *Town of Los Gatos 2020 General Plan* cultural resources policies, the proposed project would not contribute to cumulative cultural resources impacts.

Greenhouse Gas Emissions and Climate Change

Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Hence, greenhouse gas emissions leading to global climate change are inherently a cumulative effect. The individual contribution of a project to GHGs in the atmosphere can

generally be quantified in terms of volume of greenhouse gas emissions that it generates as converted to CO₂e. However, the precise indirect effects of that contribution are difficult if not impossible to identify due to the complexity of local, regional, and global atmospheric dynamics and to the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur. Because the potential impacts of the proposed project are inherently considered in a cumulative context, the analysis in Section 3.4 Greenhouse Gas Emissions and Climate Change is a cumulative impact assessment.

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would have a significant unavoidable impact on climate change (Town of Los Gatos 2010c, page 2-7). The EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in greenhouse gas emissions in 2020. However, the EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level of 30 percent. Since that time, a revised reduction estimate of 16 percent has been developed by the California Air Resources Board. The proposed project is below the screening threshold in the 2011 CEQA Air Quality Guidelines, and would have a less than significant effect on GHG emissions; therefore, since this analysis also represents the cumulative scenario, the proposed project would have a less than significant GHG impact.

Hazards and Hazardous Materials

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with hazardous materials and safety (Town of Los Gatos 2010c, page 2-8). A Phase I Environmental Site Assessment was prepared for the project site. The Phase I Environmental Site Assessment did not identify any significant hazardous materials issues at the project site. The proposed project would not introduce any hazardous materials, nor result in a significant hazards or hazardous materials impact. There are no existing on-site hazardous materials and the project site is not affected by off-site hazardous materials. The proposed project would have a less than significant cumulative hazards and hazardous materials impact.

Hydrology and Water Quality

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with hydrology and water quality (Town of Los Gatos 2010c, page 2-8). Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased

groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and the proposed project, as well as buildout of the *Town of Los Gatos 2020 General Plan* would have no significant impact on groundwater levels.

The project site is located within the 500-year flood zone (Town of Los Gatos 2010b, Figure 4.8-1) and is located within the Lenihan Dam inundation area (Town of Los Gatos 2010b, Figure 4.8-2). Many other locations within the Town are located in areas with similar levels of flood risk. The proposed project would have a less than significant impact from flooding, and a less than significant contribution to cumulative flooding risk within the Town.

The proposed project would not cause significant water quality degradation. The Town and the RWQCB have programs in place to minimize the introduction of pollutants and sediment into water bodies. With the proposed project and other development within the Town constructed in accordance with *Town of Los Gatos 2020 General Plan* erosion control and grading regulations, the proposed project would not contribute to cumulative water quality impacts.

Noise

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with noise (Town of Los Gatos 2010c, page 2-8). However, as presented in Table 4.10-9 of the Draft EIR, the 60 Ldn noise contour is 150 feet from the centerline of Knowles Drive. Illingworth & Rodkin conducted a site-specific noise study to address the proposed project's impacts on the existing noise environment, as well as the noise environment's effect on the proposed residential uses.

The noise study concluded that large portions of the project site would experience traffic noise that was in excess of the Town's noise standards, and that construction of noise barriers between the houses and the fronting streets would be required to reduce exterior noise levels to an acceptable level at the first row of houses. Because noise barriers would have a significant aesthetic effect in most locations, this approach to noise reduction was determined to be infeasible in those locations. Measures adequate to reduce noise levels to within Town standards in the interiors of houses and in rear yard areas were determined to be feasible to implement. Therefore, the proposed project was determined to result in a less than significant impact with mitigation.

Traffic noise would affect many other areas within the Town where development under the *Town of Los Gatos 2020 General Plan* is proposed. In many of these locations, suitable mitigation to reduce noise levels to within Town standards may be possible, while in other areas, like the project site, mitigation would be infeasible. The proposed project and other noise-sensitive development projects carried out towards build-out of the *Town of Los Gatos 2020 General Plan* would subject occupants to significant noise impacts. The proposed project would contribute to

this cumulative noise impact. However, *Town of Los Gatos 2020 General Plan Policy NOI-1.3* recognizes that attainment of the more stringent Town standard may not be possible in all locations.

Schools

The *Town of Los Gatos 2020 General Plan Final EIR* determined that buildout of the General Plan would have a less than significant impact on schools. The conclusion of the *Town of Los Gatos 2020 General Plan Final EIR* was that although additional capacity would be required to serve students from new development, development impact fees levied by the school district would reduce impacts to a less than significant level (Town of Los Gatos 2010c, page 3-37).

The proposed project would add about 12 students to Capri Elementary School, about six students to Rolling Hills Middle School, and about nine students to Westmont High School. Capri Elementary School and Westmont High School are currently at or over capacity. The proposed project would add students to schools that do not have adequate capacity to serve the proposed project. The proposed project would pay the school districts' development impact fees, which would reduce cumulative schools impacts to a less than significant level.

Transportation and Traffic

Highways and Streets

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would result in significant and unavoidable impacts associated with transportation and circulation, because mechanisms are not currently in place to fund the required improvements (Town of Los Gatos 2010c, page 2-9). The *Town of Los Gatos 2020 General Plan Draft EIR* identified five intersections that would operate at an unacceptable level of service at General Plan buildout. One of these intersections was the intersection of Winchester Boulevard and Knowles Drive (Town of Los Gatos 2010b, page 4.13-29). The Town assesses a development impact fee for transportation infrastructure improvements, and other funding sources are allocated for projects by VTA, but the funding does not address all of the transportation needs within the Town.

The traffic report analyzed a cumulative project list scenario to provide specific information on the cumulative effects of the proposed project on the study intersection. The following proposed or pending projects, located in Los Gatos or nearby in the City of Campbell, are included in the cumulative scenario:

4.0 CUMULATIVE IMPACTS

- North Forty Specific Plan, Los Gatos Boulevard (net increase of 454,000 square feet commercial and 332 residential units)
- Bentley Silicon Valley, 620 Blossom Hill Road (re-development assumption)
- Dell Avenue Plan, Winchester Boulevard, City of Campbell (1,000,000 feet of office space)
- 146 Gemini Court (three-lot subdivision; net increase one new residential unit)
- Moore Buick GMC, 15500 Los Gatos Boulevard (re-development assumption)
- Classic Communities, 16212 Los Gatos Boulevard (11 residential units)
- CVS site, 15600 Los Gatos Boulevard (mixed-use development)
- Hillbrook School Expansion Project, 300 Marchmont Drive (private kindergarten to 8th grade school)
- Twin Oaks Drive (10 residential units)

These pending projects are expected to contribute a total of 2,906 vehicular trips during the AM peak and 4,056 vehicular trips during the PM peak on the Los Gatos street network. The cumulative list analysis indicated that the intersection of Winchester Boulevard and Knowles Drive would degrade to an unacceptable LOS E during the PM peak. The addition of a new eastbound left-turn lane and a right-turn overlap phase (right turns have a green light at the same time as left turns have a green light), would improve intersection operations to an acceptable level of service. This improvement is currently under construction (personal communication with Jessy Pu, October 3, 2013). Therefore, the proposed project would not result in a significant traffic impact under cumulative conditions. [Table 18, Cumulative Intersection Levels of Service](#), summarizes cumulative traffic conditions.

The Town and TKJM Traffic Consultants considered the potential for the proposed project to result in cumulative impacts at the State Route 85 freeway ramps at Winchester Boulevard, and determined that the proposed project would not direct enough traffic to that location to result in a significant effect (personal communication, Jessy Pu, September 5, 2013).

Transit, Bicycles, and Pedestrians

The *Town of Los Gatos 2020 General Plan Final EIR* did not identify significant impact relating to transit, bicycles, or pedestrians. The proposed project would not result in any impacts or contribute to cumulative impacts relating to transit, bicycles, or pedestrians.

Table 18 Cumulative Intersection Levels of Service

Intersection	Control	LOS		Average Delay	
		AM Peak	PM Peak	AM Peak	PM Peak
Winchester Boulevard/ Knowles Drive	Signal	C	E	32.8 sec.	66.9 sec.
<i>With mitigation</i>		<i>C</i>	<i>D</i>	<i>28.9 sec.</i>	<i>43.8 sec.</i>
Knowles Drive/ Capri Drive	Signal	A	A	5.7 sec.	4.9 sec.
Knowles Drive/ Dardanelli Lane	Signal	B	C	15.9 sec.	20.2 sec.
Capri Drive/ Division Street	2-way stop	A	A	9.5 sec.	9.1 sec.
Capri Drive/ West Parr Avenue	All-way stop	A	A	9.6 sec.	8.4 sec.
Dardanelli Lane/ West Parr Avenue	All-way stop	A	A	8.6 sec.	7.8 sec.

Source: TJKM Transportation Consultants 2013

Note: LOS = Level of Service; Delay expressed in seconds

Utilities and Service Systems

Water Service

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with water supply (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions. The proposed project would require an increase in water deliveries, but the San Jose Water Company would be able to adequately serve the proposed project. The proposed project includes water conservation measures to minimize the amount of water consumed. The San Jose Water Company has plans in place to augment its water supplies as needed to meet demand of new development, and the Santa Clara Valley Water District, which oversees all water development and distribution within Santa Clara County, likewise has a water supply development plan to ensure adequate future supplies. The proposed project would not result in a significant water supply impact, and would not contribute to cumulative water supply impacts.

Wastewater Service

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with wastewater (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions.

West Valley Sanitation District provides wastewater collection and disposal services for the Town. Wastewater is delivered to the San Jose/Santa Clara Water Pollution Control Plant for wastewater treatment and disposal. The plant processes wastewater utilizing an advanced, tertiary wastewater system. The treatment plant has a licensed capacity of 167 mgd and the flow rate in 2010 was below 110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. Proposed project wastewater would be less than 0.01 percent of the current flow and planned capacity at the treatment plant. The wastewater treatment plant would have adequate capacity to treat wastewater from the proposed project. The proposed project would not have a significant cumulative impact.

Storm Drainage

The *Town of Los Gatos 2020 General Plan Final EIR* concluded that buildout of the General Plan would not result in significant impacts associated with storm drainage (Town of Los Gatos 2010c, page 2-9), with implementation of applicable General Plan goals, policies, and actions.

Los Gatos is served by an extensive man-made storm drainage system including pipe networks, ditches and culverts. The project site's storm drainage flows in gutters and storm drains to Smith Creek, which joins San Tomas Aquino Creek, and then discharges into San Francisco Bay. The proposed project includes measures to increase on-site detention and infiltration, and reduce off-site flows. Storm drainage would flow to existing drain lines in Knowles Drive and Capri Drive, and would not exceed the volumes anticipated for the project site in the *Town of Los Gatos 2020 General Plan*.

5.0 ALTERNATIVES

5.1 CEQA REQUIREMENTS

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines section 15126.6 (e) stipulates that a no project alternative be evaluated along with its impacts.

CEQA Guidelines section 15126.6(d) requires the EIR to present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. CEQA Guidelines section 15126.6(e) requires the identification of an environmentally superior alternative. If the "No Project" alternative is the environmentally superior alternative, then the environmentally superior alternative amongst the remaining alternatives must be identified.

5.2 ALTERNATIVES CONSIDERED

The following alternatives to the project are considered:

- Alternative 1: No Project
- Alternative 2: High Density Residential Project
- Alternative 3: Office Development

A high density residential project was considered as an option for development at the project site before the proposed project application was submitted. Office development is considered as an alternative because it is the primary use allowed under the current O (Office) zoning. Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1: No Project

CEQA Guidelines section 15126.6 (e) requires the “No Project” alternative be evaluated along with its impacts. The “No Project” alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Alternative Description

The “no project” alternative assumes that the existing 7,670 square-foot building would be re-occupied with a medical office use, and the vacant portions of the project site would remain undeveloped.

Aesthetics

The “no project” alternative would not change the visual character of the project site. All trees located on the project site are assumed to remain with this alternative, and no new structures or landscaping would be added to the project site. The vacant areas are assumed to remain vacant, but maintained. The “no project” alternative would have no effect on aesthetics. Aesthetics impacts of the “no project” alternative would be less than those of the proposed project.

Air Quality

The “no project” alternative would result in air emissions primarily from automobile trips associated with a 7,670 square foot medical office. The 2011 CEQA Air Quality Guidelines provide a threshold of 117,000 square feet for this type of use before significant operational air emissions occur. The “no project” alternative is below this threshold and would have a less than significant impact on air quality. No construction is involved with the “no project” alternative, so no construction-phase air emissions would occur. Air quality impacts of the “no project” alternative would be less than those of the proposed project.

Biological Resources

The “no project” alternative would not result in construction on the project site, and would have no potential impact on birds that may nest in the on-site trees. Biological resources impacts of the “no project” alternative would be less than those of the proposed project.

Greenhouse Gas Emissions

The “no project” alternative would result in greenhouse gas emissions primarily from automobile trips and energy use associated with a 7,670 square foot medical office. The 2011 CEQA Air Quality Guidelines provide a threshold of 22,000 square feet for this type of use before significant greenhouse gas emissions occur. The “no project” alternative is below this threshold and would have a less than significant impact on greenhouse gas emissions. No construction is involved with the “no project” alternative, so no construction-phase greenhouse gas emissions would occur. Greenhouse gas emissions impacts of the “no project” alternative would be less than those of the proposed project.

Cultural Resources

No construction would take place, so there would be no ground disturbance and no potential for disturbance of unknown cultural resources. The potential for cultural resources impacts from the “no project” alternative would be less than those of the proposed project.

Hazards and Hazardous Materials

The “no project” alternative could involve small quantities of hazardous materials associated with medical uses, but not substantial quantities that could result in significant impacts. The “no project” alternative would have a less than significant impact regarding hazards and hazardous materials. Hazards and hazardous materials impact of the “no project” alternative would be slightly greater than those of the proposed project.

Hydrology and Water Quality

The water projections in the San Jose Water Company and Santa Clara Valley Water District urban water management plans are based on population projections, so if a project is within population projections, it is accounted for by the urban water management plans. The “no project” alternative is not a population-generating use, and it would use an existing building, so the urban water management plans account for the associated water use. The 7,670 square-foot office would use about 2.2 acre-feet per year. The “no project” alternative does not include construction, so there would be no potential for construction phase storm water runoff. Un-built land within the project site is either landscaped or covered in mulch, so there is no potential for ongoing storm water run-off. The “no project” alternative would not affect drainage patterns or increase run-off volumes. Hydrology and water quality impacts of the “no project” alternative would be less than those of the proposed project.

Noise

The “no project” alternative would not place noise-sensitive residences at the project site, and would have no noise impact. Noise impacts of the “no project” alternative would be less than those of the proposed project.

Schools

The “no project” alternative does not include residential uses, so would have no impact on schools. School impacts of the “no project” alternative would be less than those of the proposed project.

Transportation and Circulation

The medical offices would have a peak afternoon trip generation of 4.7 trips per 1,000 square feet, which is approximately equal to a daily rate of 47 trips per 1,000 square feet. The 7,670 square-foot medical office was estimated to generate about 36 PM peak trips (TKJM Transportation Consultants 2013). The “no project” alternative would generate less traffic than would the proposed project, and result in fewer intersection delays. The “no project” alternative would have a less than significant impact on traffic. Traffic impacts of the “no project” alternative would be less than those of the proposed project.

Utilities and Service Systems

The “no project” alternative would not require new or expanded water or sewer services, and would not alter the existing storm water run-off characteristics of the project site. The 7,670

square feet of medical office was estimated to use 2.2 acre-feet of water per year. The “no project” alternative would have no impact on utility systems, and a less than significant impact on water supply. Utilities and service system impacts would be less than those of the proposed project.

Alternative 2: High Density Residential Development

Alternative Description

The “High Density Residential Development” alternative would result in development of 82 residential units on the project site, the Town’s estimate of maximum residential site buildout. The gross density would be 24.5 units per acre. This alternative assumes that the units would be developed as attached three-story condominiums or apartments. This alternative assumes that the units would average 1,300 square feet of living space each (about 110,000 total square feet) within one to three buildings and that both garages (20,000 square feet) and a parking lot would be provided. The “High Density Residential Development” alternative would have an estimated building coverage of about 60,000 square feet, and parking area of about 40,000 square feet. Landscaping would cover approximately 15,000 square feet, and the remaining 30,500 square feet would be occupied by a 4,000 square-foot community building and private open space for residents. Driveways would be provided from Knowles Drive and Capri Drive. The General Plan land use designation would be amended to Office Professional, and a Planned Development zoning overlay would be applied.

Aesthetics

The “High Density Residential Development” alternative’s three-story buildings and parking lots with landscaping would be similar in size to the adjoining apartment buildings to the northwest of the project site. The “High Density Residential Development” alternative would fit within the aesthetic context of the existing residential development adjacent to the project site. Depending on the site design, a significant number of trees could be removed; therefore, the “High Density Residential Development” alternative would have a potentially significant impact on aesthetics due to tree removal. Aesthetics impacts of the “High Density Residential Development” alternative would be similar to those of the proposed project.

Air Quality

The “High Density Residential Development” alternative would result in air emissions primarily from automobile trips associated with the 82 residential units. The 2011 CEQA Air Quality Guidelines provide a threshold of 494 dwelling units for this type of use before significant

operational air emissions occur. The 2011 CEQA Air Quality Guidelines provide a threshold of 240 dwelling units for this type of use before significant construction air emissions occur. The “High Density Residential Development” alternative is below these thresholds and would have a less than significant impact on air quality. Air emissions of the “High Density Residential Development” alternative would be greater than those of the proposed project; however, the higher density of development would be considered desirable in proximity to the planned Vasona light rail station.

Biological Resources

The “High Density Residential Development” alternative would result in potential impacts to nesting birds. The biological resources impacts of the “High Density Residential Development” alternative would be similar those of the proposed project.

Greenhouse Gas Emissions

The “High Density Residential Development” alternative would result in greenhouse gas emissions primarily from automobile trips and energy use associated with the 82 residential units. The 2011 CEQA Air Quality Guidelines provide a threshold of 87 dwelling units for this type of use before significant greenhouse gas emissions occur. The “High Density Residential Development” alternative is below this threshold and would have a less than significant impact on greenhouse gas emissions. Greenhouse gas emissions of the “High Density Residential Development” alternative would be greater than those of the proposed project; however, the higher density of development would be considered desirable in proximity to the planned Vasona light rail station.

Cultural Resources

The “High Density Residential Development” alternative would result in potential impacts to buried cultural resources during construction. Cultural resources impacts of the “High Density Residential Development” alternative would be similar to those of the proposed project.

Hazards and Hazardous Materials

The “High Density Residential Development” alternative would result in less than significant impacts from disturbance of contaminated soil. No hazardous materials would be used or transported for the “High Density Residential Development” alternative. Hazards and hazardous materials impacts of the “High Density Residential Development” alternative would be similar to those of the proposed project.

Hydrology and Water Quality

The “High Density Residential Development” alternative would result in similar impervious area and off-site runoff and a greater demand for water. The “High Density Residential Development” alternative would have a greater demand for water by close to two times that of the proposed project. However, adequate water supplies would be available, and the “High Density Residential Development” alternative would have a less than significant impact on groundwater. The hydrology and water quality impacts of the “High Density Residential Development” alternative would be similar to those of the proposed project.

Noise

The “High Density Residential Development” alternative would place residential development in an area with noise levels that exceed both the state guidelines and the Town’s noise standards. Specific noise effects on the “High Density Residential Development” alternative would depend on the project layout, but the higher density project is more likely to have common open space areas or patios, rather than individual yards. The common open space areas and patios would be easier to shield from noise, and more shielding would occur from the larger and more contiguous buildings. The front areas most exposed to noise would more likely be common landscaped areas, rather than privately owned yard space, and the noise standards could be applied differently to these areas. As with the proposed project, interior noise levels would be within acceptable standards. Noise impacts from the “High Density Residential Development” would be less than those of the proposed project.

Schools

The “High Density Residential Development” alternative would generate about 15 elementary school students, about four middle school students, and about six high school students. Total student generation would be about the same as the proposed project, although total school fees, which are based on square footage, may be higher. The “High Density Residential Development” alternative would have a less than significant effect on schools. Schools impacts from the “High Density Residential Development” alternative would be similar to those of the proposed project.

Transportation and Circulation

The “High Density Residential Development” alternative would have a peak afternoon trip generation of 0.52 trips per unit, which is approximately equal to a daily rate of 5.2 trips per unit. Approximately 43 PM peak trips and 426 daily trips would be generated. Although the unit count would be higher, trip generation would be similar because the trip generation rate for high

density housing is lower than that of lower density detached housing. The “High Density Residential Development” alternative would have a less than significant impact on traffic. Traffic impacts of the “High Density Residential Development” alternative would be similar to those of the proposed project.

Utilities and Service Systems

The “High Density Residential Development” alternative would require about 31.2 acre-feet of water per year, based on projected future delivery of 0.38 acre-feet per unit (San Jose Water Company 2011, page 6). Wastewater and storm water facilities and capacity would be adequate for the “High Density Residential Development” alternative, and similar to that of the proposed project. The “High Density Residential Development” would require almost twice as much water as the proposed project, but adequate supplies and delivery systems are available or planned, and the impact would be less than significant. Utilities and service systems impacts would be similar to those of the proposed project because adequate supplies and delivery systems are available.

Alternative 3: Office Development

Alternative Description

The “Office Development” alternative would include 70,000 square feet of office space in a one to two-story building, the Town’s estimate for office build-out of the project site at a floor area ratio of about 0.5. The “Office Development” alternative would have an estimated building coverage of about 45,000 square feet, and parking area of about 70,000 square feet. Landscaping and walkways would cover approximately 30,500 square feet. Half of the office space is assumed to be medical office and half is assumed to be general office. The General Plan land use designation would be amended to Office Professional.

Aesthetics

The “Office Development” alternative’s one to two story building and parking lots with landscaping would be similar in size to the adjoining medical offices to the west of the project site. The “Office Development” alternative would fit within the aesthetic context of the existing Knowles Drive area. Depending on the site design, a significant number of trees could be removed; therefore, the “Office Development” alternative would have a potentially significant impact on aesthetics due to tree removal. The “Office Development” alternative would have aesthetics impacts similar to those of the proposed project.

Air Quality

The “Office Development” alternative would result in air emissions primarily from automobile trips associated with the 70,000 square feet of office space. The 2011 CEQA Air Quality Guidelines provide a threshold of 346,000 square feet of space for this type of use before significant operational air emissions occur. The 2011 CEQA Air Quality Guidelines provide a threshold of 277,000 square feet of space for this type of use before significant construction air emissions occur. The “Office Development” alternative is below these thresholds and would have a less than significant impact on air quality.

Biological Resources

The “Office Development” alternative would result in potential impacts to nesting birds. The biological resources impacts of the “Office Development” alternative would be similar those of the proposed project.

Greenhouse Gas Emissions

The “Office Development” alternative would result in greenhouse gas emissions primarily from automobile trips and energy use associated with the 70,000 square feet of office space. The 2011 CEQA Air Quality Guidelines provide a threshold of 53,000 square feet for this type of use before significant greenhouse gas emissions occur. The “Office Development” alternative would exceed the threshold for greenhouse gas emissions screening, and have a significant effect on greenhouse gas emissions. Greenhouse gas emission impacts of the “Office Development” alternative would be greater than those of the proposed project.

Cultural Resources

The “Office Development” alternative would result in potential impacts to buried cultural resources during construction. Cultural resources impacts of the “Office Development” alternative would be similar to those of the proposed project.

Hazards and Hazardous Materials

The “Office Development” alternative would result in less than significant impacts from disturbance of contaminated soil. No hazardous materials would be used or transported for the “Office Development” alternative. Hazards and hazardous materials impacts of the “Office Development” alternative would be similar to those of the proposed project.

Hydrology and Water Quality

The “Office Development” alternative would result in similar impervious area and off-site runoff compared to the proposed project, and would not result in a significant impact. The hydrology and water quality impacts of the “Office Development” alternative would be similar to those of the proposed project. The “Office Development” alternative would have about half the annual water demand of the proposed project, and would not result in a significant impact on groundwater. Hydrology and water quality impacts of the “Office Development” alternative would be similar to those of the proposed project.

Noise

The “Office Development” alternative would have a higher acceptable ambient noise level standard. The state noise guidelines allow noise levels up to 70 dBA as normally acceptable for office uses, and the Town’s desired commercial noise standard is 70 dBA. The highest noise level on the project site would be 69 dBA along the building façade at Knowles Drive. Therefore, the entire project site would be within the Town’s noise threshold for commercial uses, and the “Office Development” alternative would have a less than significant impact. Noise impacts of the “Office Development” alternative would be less than those of the proposed project.

Schools

The “Office Development” alternative would not include residential uses and would have no impact on schools. The school impacts of the “Office Development” alternative would be less than those of the proposed project.

Transportation and Circulation

The “Office Development” alternative would generate about 1.49 trips per 1,000 square feet for the general office and 4.7 trips per 1,000 square feet for the medical office in the PM peak period. This rate equates to an approximate average daily rate of 21.7 trips per 1,000 square feet. The “Office Development” alternative would generate approximately 217 PM peak hour trips and 2,170 daily trips, about five times as many trips as the proposed project. Level of service calculations were not performed for the alternatives, but the additional peak hour traffic would result in longer average delays at all intersections, and would likely reduce level of service at one or more intersections. The “Office Development” alternative would potentially have significant traffic effects. Traffic effects of the “Office Development” alternative would be greater than those of the proposed project.

Utilities and Service Systems

The “Office Development” alternative would require about 8.6 acre-feet of water per year, based on per square-foot use of the prior office use. Wastewater and storm water facilities and capacity would be adequate for the “Office Development” alternative, and similar to that of the proposed project. The “Office Development” alternative would require about half as much water as the proposed project and the impact would be less than significant. However, utilities and service systems impacts would be similar to those of the proposed project because adequate supplies and delivery systems are available.

5.3 COMPARISON OF ALTERNATIVES

The alternatives are summarized and compared in a matrix format in [Table 19, Project Alternatives Summary](#).

Table 19 Project Alternatives Summary

Environmental Topic	Proposed Project	No Project	High Density Residential	Office Development
Aesthetics	LSM	NO Better	LSM Similar	LSM Similar
Air Quality	LS	LS Better	LS Worse	LS Worse
Biological	LSM	NO Better	LSM Similar	LSM Similar
Greenhouse	LS	LS Better	LS Worse	LS Worse
Cultural	LSM	NO Better	LSM Similar	PS Similar
Hazards	LS	LS Worse	LS Similar	LS Similar
Hydrology	LS	NO Better	LS Similar	LS Similar
Noise	LSM	NO Better	LSM Better	NO Better
Schools	LS	NO Better	LS Similar	NO Better
Transportation	LS	LS Better	LS Similar	LSM Worse
Utilities	LS	LS Better	LS Similar	LS Similar

Source: EMC Planning Group 2013

Note: NO = No impact; LS = Less than significant; LSM = Less than Significant with Mitigation; SU = Significant and Unavoidable. Comparisons are to the unmitigated project.

The “no project” alternative is superior in all but one environmental topic area, compared to the proposed project.

The two remaining alternatives both have multiple topic areas in which they are worse than the proposed project, and at least one topic area in which they are better than the proposed project. Most notably, both the “High Density Residential Development” alternative and the “Office Development” alternative would eliminate the proposed project’s noise impact.

In comparing the two remaining alternatives, the “Office Development” alternative is superior in terms of using less water, having no significant noise impact, and not generating students for schools that are at capacity. The “Office Development” alternative is inferior to the “High Density Residential Development” alternative in that it would result in significant traffic impacts. The “Office Development” alternative meets the Town’s objective to re-develop the project site, but does not meet the applicant’s objectives of developing housing on the project site. The “High Density Residential Development” alternative meets both Town and applicant objectives. In balance, the “Office Development” alternative is the second best alternative after the “no project” alternative.

6.0 OTHER ISSUES

6.1 GROWTH INDUCING IMPACTS

CEQA Guidelines section 15126.2(d) requires a discussion of the growth-inducing impacts of a proposed project. Growth inducement refers to the likelihood that a proposed project will foster growth in the surrounding area, either directly or indirectly. The most common factor in fostering growth is the removal of obstacles to population or economic growth. Potential growth-inducing impacts must be discussed in relation to both the potential impacts on existing community service facilities and the way a project may encourage and facilitate other activities that could significantly affect the environment. It must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

The project site is partially vacant land within an area that is almost completely developed with urban uses. The proposed project would remove the existing building and parking lot and develop/re-develop the project site with residential uses. The proposed project would not induce growth in the area, because the area is already developed.

6.2 SIGNIFICANT UNAVOIDABLE IMPACTS

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less than significant level through the implementation of mitigation measures. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

The proposed project would not result in significant and unavoidable impacts.

6.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines section 15126.2(c) requires a discussion of significant and irreversible changes that would be caused by the project if implemented. The use of non-renewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse in the future unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The proposed project would develop residences within an urbanized area on a 3.34-acre parcel. The proposed project would not cause irreversible changes to the area or commit extraordinary levels of non-renewable resources.

7.0 DOCUMENTATION

7.1 PERSONS CONTACTED

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